



City Council Regular Meeting Agenda

Puyallup City Council Chambers

333 S Meridian, Puyallup 98371

Tuesday, April 17, 2018

6:30 PM

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

1. CONSIDERATION OF MINUTES

1.a Consideration of minutes

[March 6, 2018 Minutes](#)

[April 3, 2018 Minutes](#)

CITIZEN COMMENTS

2. CONSENT AGENDA

2.a Approve accounts payable, payroll and electronic fund transfers of \$10,214,352.82; ratify and confirm payments as previously approved by the finance director

[Warrant Register](#)

2.b Approve and Award a contract to Robert W. Droll, Landscape Architect for the Puyallup Valley Sports Complex Field Conversion Design

3. ORDINANCES

3.a First Reading of an ordinance updating the Puyallup Municipal Code relating to small cell wireless facilities

[City Council- Small Cell Wireless staff report-04-17-18](#)

[Small Cell Wireless Draft ordinance](#)

[Planning Commission Public Hearing Minutes-FINAL-02-28-18](#)

3.b Second Reading of an ordinance amending the 2018 Budget

[Ordinance - First 2018 Budget Adjustment](#)

[Exhibit A - Summary Report](#)

[Exhibit B - Detail Report](#)

3.c Second reading of an ordinance to dedicate a portion of Veterans Park to Milwaukee Ave NE Right-of-Way

[Ordinance](#)

[Exhibits A & B](#)

4. RESOLUTIONS

4.a Authorizing Resolution for Youth Athletic Facilities Grant Application
[RCO Grant Resolution--YAF-Sports Complex Fields](#)

4.b RCO Grant Application - WWRP Authorizing Resolution - Puyallup Valley Sports Complex Field Turf Conversion Project
[RCO Grant resolution - WWRP - Sports Complex Field Conversion](#)

4.c RCO Grant Application - WWRP Trails Category Authorizing Resolution
[RCO Grant Resolution - RW Trail Phase V Property Acquisition](#)
[RW Trail Phase V - 30% design Alignment](#)

5. CONSIDERATIONS AND REQUESTS

5.a Policy direction concerning business regulations for homeless serving facilities or operations.

6. OTHER BUSINESS

CITY MANAGER'S REPORT

COUNCIL REPORTS

MAYOR'S REPORT

EXECUTIVE SESSION

ADJOURNMENT

The City Council Chambers is wheelchair accessible. Those needing assistance with hearing devices should contact the City Clerk's Office (253-841-5480) the Friday preceding the meeting.



City Council Agenda Item Report

Submitted by: Mary Winter

Submitting Department: City Clerk's Office

Meeting Date: 4/17/2018

Subject:

Consideration of minutes

Presenter:

Mary Winter

Recommendation:

Consider the draft minutes from the City Council meetings held on March 6 and April 3, 2018.

Background:

Council Direction:

Fiscal Impacts:

ATTACHMENTS

- [March 6, 2018 Minutes](#)
- [April 3, 2018 Minutes](#)

**City of Puyallup
Regular City Council Meeting
March 6, 2018**

(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 Palmer, Deputy Mayor Swanson, Councilmember Door, Councilmember Farris, Councilmember Jacobsen, Councilmember Kastama, and Councilmember Johnson

APPROVAL OF THE AGENDA

Council Action: A motion was made by Councilmember Door, second by Councilmember Farris, to approve the agenda, as amended. The motion passed 4-3 (Johnson, Kastama, Jacobson)

CONSIDERATION OF MINUTES

Council Action: A motion was made by Councilmember Door, second by Deputy Mayor Swanson, to approve the minutes of February 6, 2018. The motion passed 7-0.

PRESENTATIONS AND PROCLAMATIONS

Acceptance of Donation from the Arts Downtown Outdoor Sculpture “Siblings”

Becky Condra, President of Arts Downtown announced the donation of a bronze sculpture “Siblings” to the City of Puyallup and introduced the artist Olinka Broadfoot.

Mayor Palmer accepted the donation and thanked Arts Downtown for their artistic contributions to the city.

EXECUTIVE SESSION

At 6:45 p.m., Mayor Palmer announced an executive session anticipated to last until 8:00 p.m., to discuss litigation and collective bargaining. City Manager Kevin Yamamoto, Assistant City Manager Steve Kirkelie, City Attorney Joe Beck, Human Resources Director Katie Ortega, Public Works Director Rob Andreotti, Finance Director Cliff Craig, City Engineer Hans Hunger, Senior Assistant City Attorney Shawn Arthur, City Clerk Mary Winter, Executive Assistant Jessica Johnson, Mayor Palmer, councilmembers, and outside counsel Mr. Bill Linton moved into executive session.

The council reconvened at 8:11 p.m.

City Attorney Joe Beck made a statement regarding Pierce County Superior Court’s ruling in the 39th Avenue SW project lawsuit against Conway Construction.

CITIZEN COMMENTS

Mr. Robin Ordonez expressed his disagreement with the city's decision to pursue the Vermillion and Conway lawsuits. He believed that the council should be transparent with regard to how it votes on matters of litigation.

Mr. Joe Strauss, attorney for Conway Construction, stated his opinion of the lawsuit against his client and of Pierce County Superior Court's judgement in the matter.

Mr. Bud Metzger extolled the performance of the city's public works employees and urged the council to accept their contract related demands.

Mr. Arthur West advised the council not to waste taxpayer dollars on lawsuits.

Mr. Dave Churchman spoke about a variety of issues including the public works employees contract, Pierce County Ethics Commission hearing, and public records law.

Mr. Chris Taylor echoed previous comments about the public works employees contract. He also commented on the negative impacts of residential construction at Silver Brook, and on neighboring communities.

Mr. Chris Chisholm presented statistics to support his assertion that homeless services have helped to reduce crime in downtown Puyallup.

Ms. Patti Carter spoke expansively on the importance of elodea removal and management in Clarks Creek.

Mr. Jeff Daschofsky appealed the council for acceptance of the public works employees contract.

CONSENT AGENDA

2017 City Wide Asphalt Overlay Project Award

Authorize the purchase of three patrol vehicles

Accept a grant from the Washington Association of Sheriffs and Police Chiefs (WASPC)

Council Action: A motion was made by Deputy Mayor Swanson, second by Councilmember Johnson, to approve the consent agenda. The motion passed 7-0.

Authorize and Award a contract to Bruce Dees & Associates for the Puyallup Valley Sports Complex Field Conversion Design

Deputy Mayor Swanson pointed out his past objection to the use of LTAC funds for the sports complex. He urged staff to ascertain and measure the project's contribution to improving tourism in the city.

Council discussed the expanded uses of the sports center and identification of criteria for allocation of LTAC funds.

Council Action: A motion was made by Councilmember Door, second by Deputy Mayor Swanson, to authorize and award a contract to Bruce Dees & Associates for the Puyallup Valley Sports Complex Field Conversion Design. The motion passed 7-0.

ORDINANCES

Second reading of an ordinance amending the City’s Zoning Map relating to a parcel at 703 5th Street SW

Council Action: A motion was made by Councilmember Door, second by Councilmember Jacobsen, to approve second reading of the ordinance. With a roll call vote, the motion passed 7-0.

ORDINANCE NO. 3163

AN ORDINANCE OF THE CITY OF PUYALLUP WASHINGTON approving a rezone of tax parcel number 5745300680 (703 5th Street SW) from the “High density multiple-family residential zone” (RM-20) to the “Regional growth center-oriented high density multiple-family residential zone” (RM-Core)

Second reading of an ordinance revising sections of the Puyallup Municipal Code relating to Business License provisions

City Attorney Joe Beck provided clarification regarding the amendments to remove the license fee exemption for pawn shops and to establish a minimum threshold for payment of fees, as directed by the council during the first reading.

Council Action: A motion was made by Councilmember Kastama, second by Councilmember Jacobsen, to approve second reading of the ordinance with Alternatives A & B combined. With a roll call vote, the motion passed 5-2 (Door/Farris).

ORDINANCE NO. 3164

AN ORDINANCE OF THE CITY OF PUYALLUP amending Title 5 and Chapter 9.01 of the Puyallup Municipal Code thereby providing for administration of the city’s business licensing program by the Washington State Department of Revenue Business Licensing Service and making other minor adjustments to code to eliminate redundancies, clarify intent and streamline administration of business licenses.

RESOLUTIONS

Final Plat Approval – The Reserve at Silver Brook (formerly Malone Addition, Phase II)

City Engineer Hans Hunger responded to council questions about stormwater impacts to neighboring communities and options to mitigate those impacts.

Council Action: A motion was made by Councilmember Johnson, second by Councilmember Farris, to approve the resolution. The motion passed 7-0.

RESOLUTION NO. 2347

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PUYALLUP, WASHINGTON, approving the final plat of The Reserve at Silver Brook (formerly Malone Addition, Phase II), subject to the conditions contained herein

Approve a resolution confirming Board and Commission Appointments

Councilmember Door identified the names of the applicants selected to serve on the Civil Service Commission, Planning Commission, and the Senior Advisory Board.

Council Action: A motion was made by Councilmember Door, second by Deputy Mayor Swanson, to approve the resolution. The motion passed 7-0.

RESOLUTION NO. 2348

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PUYALLUP, WASHINGTON, confirming appointments to the Civil Service Commission, Planning Commission, and the Senior Advisory Board

CONSIDERATIONS AND REQUESTS

Accept an additional grant award in the amount of \$500,000 for the Shaw Road Widening, 23rd to Manorwood Project

Council Action: A motion was made by Councilmember Jacobsen, second by Councilmember Farris, to accept the grant award. The motion passed 7-0.

Award a construction contract to Goodfellow Brothers, Inc. for the Shaw Road Widening, 23rd to Manorwood Project

Staff and council discussed criteria and process for choosing a responsible contractor for a city construction process.

Council Action: A motion was made by Councilmember Door, second by Councilmember Farris, to award the construction contract. The motion passed 7-0.

Council Action: At 9:30 p.m., a motion was made by Councilmember Door, second by Deputy Mayor Swanson, to extend the meeting until 10:30 p.m. The motion passed 7-0.

Collective Bargaining Agreement – Teamsters Maintenance

Director of Personnel Katie Ortega presented summarized information regarding historical and current negotiations with the Teamsters Maintenance union. She elaborated on the union's demands, reasons for failure of the negotiations, and the city's last offer to the union.

Council Action: A motion was made by Councilmember Jacobsen, second by Deputy Mayor Swanson, to accept the Collective Bargaining Agreement as presented by Ms. Ortega, with a \$250 contract implementation bonus. The motion passed 5-2 (Door/Palmer).

City Attorney Statement

Mr. Beck made a statement regarding the city's attempts to settle with Conway Construction and Mr. Strauss's attempts to discuss the case directly with the city council and the city manager.

EXECUTIVE SESSION

At 10:01 p.m., City Manager Kevin Yamamoto, Assistant City Manager Steve Kirkelie, City Attorney Joe Beck, Senior Assistant City Attorney Shawn Arthur, City Clerk Mary Winter, Mayor Palmer and the councilmembers moved into executive session to discuss litigation issues. At 10:30 p.m., Mayor Palmer extended the meeting until 11:00 p.m.

The executive session ended at 11:00 p.m., with no action taken and the meeting was adjourned.

ADJOURNMENT – 11:00 p.m.

**City of Puyallup
Regular City Council Meeting
April 3, 2018**

(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 Palmer, Deputy Mayor Swanson (arrived at 6:54 p.m.), Councilmember Door, Councilmember Farris, Councilmember Jacobsen, Councilmember Kastama, and Councilmember Johnson

APPROVAL OF THE AGENDA

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

CONSIDERATION OF MINUTES

Council Action: A motion was made by Councilmember Door, second by Councilmember Johnson, to approve the minutes of January 18, January 23, and February 13, 2018. The motion passed 6-0.

PRESENTATIONS AND PROCLAMATIONS

Service Award Presentation: Retired Communications Dispatcher Carrie McCulloch

City Manager Kevin Yamamoto, Mayor Palmer, and Police Chief Engle individually recognized Carrie McCulloch's tenure as a dispatcher and presented her with a city certificate of appreciation. Ms. McCulloch appreciated the recognition and included other dispatchers in the audience she felt worthy of recognition.

Proclamation: Older Americans Month

Mayor Palmer read and presented a proclamation to Puyallup Area Aging in Community Committee Representative Linda Henry, recognizing May 2018 as "Older Americans Month" in the City of Puyallup.

CITIZEN COMMENTS

Mr. Gene Landry questioned the absence of district meetings, thanked Mr. Kastama for his efforts to remove portable toilets and spoke against the negative comments made about Steve Vermillion.

Mr. Gale Robinette provided updates relating to several upcoming events/activities regarding the Puyallup Historical Society and Meeker Mansion.

Ms. Jee Hamburg thanked the City Manager and Assistant City Manager for their support of the library, along with their open communication and leadership.

Ms. Evynea Rocco spoke regarding the excessive trash throughout the community and encouraged the city to try, take pride in the community and show other cities that Puyallup cares.

Mr. John Berg offered the Puyallup Police Association's (PPA) support to the city administration and Chief Engle for the support provided to the police department during their recent transition.

Mr. Chris Chisholm spoke of the need to provide accurate information about homeless-related crime and of the need to not disparage the social service agencies.

Ms. Patty Gratz felt that crime has not lessened, but that people are just getting used to it and not reporting it. She responded publicly to a negative email she received regarding her efforts to voice her concerns to the Council.

Mr. Bud Metzger thanked the 911 Dispatchers for their efforts and discussed reasons why he disagreed with the council's recent decision on the public works maintenance contract.

Mr. Mason Fletcher submitted his proposal to change the name of the Conference Room in the Puyallup Public Library to the Gwenyth Fletcher Memorial Conference Room, in honor of his grandmother.

Mr. Dave Churchman voiced a need to update the *City Council Rules of Procedure* regarding the selection of Mayor and he discussed some behaviors he considered unethical.

Mr. Paul Mahoney discussed the need for a City Code of Ethics or an Ethics Commission that applies to all councilmembers and staff.

Mr. Dallas Marcella agreed with one councilmember's view of the opioid epidemic being a failure of congress. He encouraged some traffic enforcement at the intersection of 23rd and 7th.

CONSENT AGENDA

Professional services contract award: design services for 5th Street NW/SW Adaptive Traffic Control Project

Acceptance of a donation from Arts Downtown for the Outdoor Gallery

Professional services consultant contract for design of the North Levee Road Overlay Project

Approve accounts payable, payroll and electronic fund transfers of \$9,475,409.46; ratify and confirm payments as previously approved by the finance director

Authorization to execute the 2017-2019 Collective Bargaining Agreement of the International Brotherhood of Teamsters – Custodians - Local 313

Council Action: A motion was made by Councilmember Johnson, second by Councilmember Door, to approve the consent agenda. The motion passed 7-0.

ORDINANCES

First reading of an ordinance to dedicate a portion of Veterans Park to Milwaukee Ave NE Right-of-Way

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

First reading of an ordinance amending the 2018 Budget

Finance Director Cliff Craig and Development Services Director Tom Utterback clarified the rationale and provided history relating to the \$50,000 TDR/LCLIP Feasibility Study allocation.

Councilmembers expressed their understanding of, thoughts and opinions regarding the Transfer of Development Rights (TDR's) and the Landscape Conservation and Local Infrastructure Program (LCLIP).

Council Action: A motion was made by Councilmember Jacobsen, second by Councilmember Johnson, approve first reading of the ordinance, with the removal of the TDR/LCLIP Feasibility Study for \$50,000 for a separate vote. The motion passed 6-1 (Palmer).

Council Action: A motion was made by Deputy Mayor Swanson, second by Councilmember Door, to approve the TDR/LCLIP Feasibility Study amount of \$50,000. The motion passed 6-1 (Jacobsen).

Mr. Craig further requested the City Council to accept or deny Options A and B, representing two community funding grant allocations where the recipient experienced a change after their approval in the 2018 Budget.

Council Action: A motion was made by Councilmember Door, second by Councilmember Farris, to approve Community Funding Grants Options A and B as described. The motion passed 7-0.

RESOLUTIONS

Approve a resolution authorizing the relocation and removal of two existing Pierce Transit bus stops

Council Action: A motion was made by Councilmember Door, second by Councilmember Johnson, to approve the resolution. The motion passed 7-0.

RESOLUTION NO. 2349

A **RESOLUTION** of the City Council of the City of Puyallup, Washington, to allow Pierce Transit to relocate a stop along 29th Street NE and remove a stop along East Main Avenue

Approve a resolution adoption a property acquisition Relocation Appeal Process for transportation projects

CIP Projects Engineer Ted Hill outlined the reason for the request and responded to questions clarifying the need for the process and identifying its similarity to what other cities are doing.

Council Action: A motion was made by Councilmember Jacobsen, second by Councilmember Door, to approve the resolution. The motion passed 7-0.

RESOLUTION NO. 2350

A **RESOLUTION** of the City Council of the City of Puyallup, Washington, adopting a Relocation Compensation Appeal Process

CONSIDERATIONS AND REQUESTS

Consideration of a contract with Comprehensive Life Resources

Assistant City Manager Steve Kirkelie outlined the background that culminated with staff seeking approval of the proposed contract for mental health professional services. He introduced Comprehensive Life Resources Chief Executive Officer Kim Zacher and Director of Outreach Services James Pogue.

Ms. Zacher and Mr. Pogue presented a brief PowerPoint presentation describing who Comprehensive Life Resources are, what services they provide, and outlined some situational examples. Also discussed was how the “Positive Interactions Outreach Program” will address Puyallup’s homeless needs.

Council Action: A motion was made by Councilmember Door, second by Councilmember Farris, to approve the contract. The motion passed 7-0.

COUNCIL REPORTS

Deputy Mayor Swanson reminded the council of the policy guidance requested by the Pierce County Regional Council (PCRC) and asked that council provide their input to him via the city manager by April 19.

Councilmember Door encouraged participation in the upcoming Clean Sweep event on April 21st and recognized the many individuals and organizations who sponsored the Daffodil float this year.

Councilmember Farris responded to Mr. Landry's concerns, noting some ongoing efforts to organize a District 1 meeting and touching on her lack of "doorbelling." She apologized for any unintentional sarcasm, spoke of the New Hope Resource Center's efforts to assist her in placing a homeless individual, and invited interested volunteers to join her in cleaning up downtown.

Councilmember Kastama spoke of his hosting of several upcoming localized, neighborhood meetings that will touch on issues such as parks and recreation; neighborhood traffic; the SR167 Project; downtown development; and ending with a discussion on reducing the crime rate. The first meeting is scheduled for April 24th at Meeker Elementary School.

MAYOR'S REPORT

Mayor Palmer discussed the following: the city's receipt of an award by the Pierce County Regional Council (PCRC) for its Transportation Plan; the Five-Mile Loop Trail; the closing of Shaw Road mid-April and the recent open house; staff's efforts towards the SR167 Project; and the upcoming Daffodil Parade.

EXECUTIVE SESSION

Council Action: A motion was made by Councilmember Jacobsen, second by Deputy Mayor Swanson, to extend the meeting to 10:00 p.m., with the council returning to the Council Chambers to adjourn the meeting. The motion passed 7-0.

At 8:39 p.m., Mayor Palmer announced that the council would recess into executive session to discuss litigation issues and to review the performance of a public employee. City Manager Kevin Yamamoto, Assistant City Manager Steve Kirelie, Executive Assistant Jessica Johnson, City Attorney Joe Beck, City Clerk Mary Winter, City Engineer Hans Hunger, Public Works Director Rob Andreotti, Mayor Palmer, Councilmembers and special counsel Bill Linton recessed into executive session.

At 10:00 p.m., Mayor Palmer extended the meeting to 11:00 p.m.

At 11:00 p.m., Mayor Palmer extended the meeting to 11:30 p.m.

At 11:31 p.m., Mayor Palmer extended the meeting to 12:00 a.m.

At 12:01 a.m., Mayor Palmer extended the meeting to 12:30 a.m.

The meeting adjourned at 12:34 a.m., with no action taken.

ADJOURNMENT – 12:34 a.m.



City Council Agenda Item Report

Submitted by: Cindy Huff

Submitting Department: City Clerk's Office

Meeting Date: 4/17/2018

Subject:

Approve accounts payable, payroll and electronic fund transfers of \$10,214,352.82; ratify and confirm payments as previously approved by the finance director

Presenter:

Recommendation:

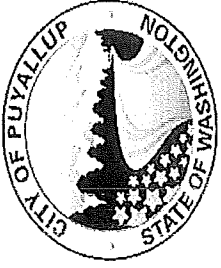
Background:

Council Direction:

Fiscal Impacts:


ATTACHMENTS

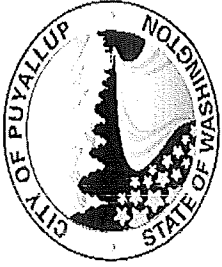
- [Warrant Register](#)



I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation against the City of Puyallup, and that I am authorized to authenticate and certify to said claim.

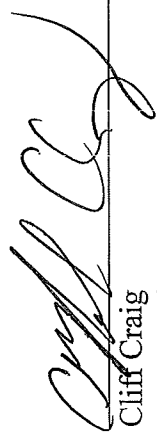
Accounts Payable warrant numbers: AP 238499 through AP 238947 + GN 113109 \$ 1,922,238.92
Accounts Payable (ACH) warrant numbers: 700013 through 700069 \$ 134,790.35
Payroll warrant numbers: PY 104320 through PY 104405 \$ 128,512.96
Payroll direct deposit numbers: EF 90121948 through EF 90122535 \$ 1,263,759.35
Electronic payments / Wire transfers dates: 2/16/2018 through 3/15/2018 \$ 6,765,051.24
Total All Funds \$ 10,214,352.82


Cliff Craig
Finance Director
City of Puyallup
4/6/2018
Date

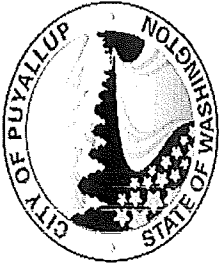


I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation against the City of Puyallup, and that I am authorized to authenticate and certify to said claim.

Accounts Payable warrant numbers:	AP 238499	through	AP 238947 + GN 113109	\$	1,922,238.92
Accounts Payable (ACH) warrant numbers:	700013	through	700069	\$	134,790.35
Payroll warrant numbers:		through		\$	
Payroll direct deposit numbers:		through		\$	
Electronic payments / Wire transfers dates:		through		\$	
Total All Funds				\$	<u>2,057,029.27</u>


 Cliff Craig
 Finance Director
 City of Puyallup

4/6/2018
 Date



I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation against the City of Puyallup, and that I am authorized to authenticate and certify to said claim.

Accounts Payable warrant numbers: _____ through _____ \$ _____

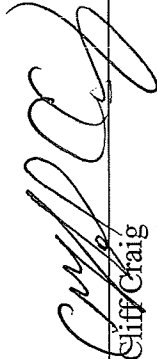
Accounts Payable (ACH) warrant numbers: _____ through _____ \$ _____

Payroll warrant numbers: PY 104320 through PY 104405 \$ 128,512.96

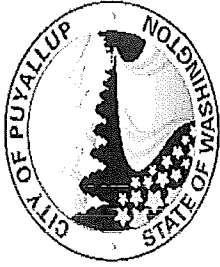
Payroll direct deposit numbers: EF 90121948 through EF 90122535 \$ 1,263,759.35

Electronic payments / Wire transfers dates: _____ through _____ \$ _____

Total All Funds \$ 1,392,272.31



 Cliff Craig
 Finance Director
 City of Puyallup

4/8/2018
 Date



I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation against the City of Puyallup, and that I am authorized to authenticate and certify to said claim.

Accounts Payable warrant numbers: _____ through _____ \$ _____
Accounts Payable (ACH) warrant numbers: _____ through _____ \$ _____
Payroll warrant numbers: _____ through _____ \$ _____
Payroll direct deposit numbers: _____ through _____ \$ _____
Electronic payments / Wire transfers dates: 2/16/2018 through 3/15/2018 \$ 6,765,051.24
Total All Funds \$ 6,765,051.24


Cliff Craig
Finance Director
City of Puyallup
4/6/2018
Date



City Council Agenda Item Report

Submitted by: Sarah Harris

Submitting Department: Parks, Recreation and Facilities

Meeting Date: 4/17/2018

Subject:

Approve and Award a contract to Robert W. Droll, Landscape Architect for the Puyallup Valley Sports Complex Field Conversion Design

Presenter:

Sarah Harris

Recommendation:

Approve and award a professional services contract to Robert W. Droll in an amount not to exceed \$216,628.00 for the design of Puyallup Valley Sports Complex Field Conversion and authorize the City Manager to execute the contract substantially in a form as approved by the City Attorney.

Background:

On March 6th, Council approved a contract with Bruce Dees and Associates for this project, however, we were unable to reach an agreement on the contract and scope of work. Therefore, staff recommend moving forward with Robert W. Droll, Landscape Architect, for the feasibility analysis and DESIGN portion of this contract. Any future construction activity will be brought to Council for separate approval.

The City's Puyallup Valley Sports Complex currently includes three baseball/softball fields that accommodate various leagues and age groups. Original design and construction of the complex was completed in 1993 and included dirt infields with grass outfields. Sports programming at the complex is weather-dependent due to the natural surfacing and becomes unplayable during the rainy season. The fields currently shut down in early fall to prevent extensive damage to the fields and to ensure that they will be playable in the Spring for Baseball/Softball programs. The 2014 Parks Recreation and Open Space Comprehensive Plan Update provided an analysis of existing sports fields in Puyallup and determined a deficit of 5 soccer/multipurpose fields needed to meet the current level of service. This project develops an overall phasing plan, driven by available funding, to convert the infields and outfields of the Sports Complex fields to artificial turf. This conversion will allow for extended programming at the site and will allow for year-round use.

Initial design work for this project will include development of a feasibility memorandum to determine the maximum size and number of multi-purpose fields that can be fit within the existing fields. Consideration will be given to location of existing lighting structures and fencing for the current field layouts. Prior to commencing with full design of the project, Council will be presented with the alternatives for converting the fields and adding the multipurpose field overlays along with a phasing proposal to accommodate varying funding levels. For design of this project, staff conducted interviews of the qualified, interested firms and selected Robert W. Droll, Landscape Architect, to complete the design. Their background

and experience includes design and retrofits of many sport complexes throughout the region. They were also the firm who designed the baseball fields at Wildwood Park and Bradley Lake Park.

Council Direction:

Approve and award a professional services contract to Robert W. Droll, Landscape Architect, to complete plan development and design services for the Puyallup Valley Sports Complex Field Conversion project. This agenda item and approval pertains ONLY to the feasibility analysis and DESIGN portion of this contract. Any future construction activity will be brought to Council for separate approval.

Fiscal Impacts:

The 2018 Parks Capital Budget included allocation of \$2,000,000 of LTAC funds for the design and construction of this project. This agenda item and approval pertains ONLY to the feasibility analysis and DESIGN portion of this contract.

ATTACHMENTS



City Council Agenda Item Report

Submitted by: Tom Utterback

Submitting Department: Development Services

Meeting Date: 4/17/2018

Subject:

First Reading of an ordinance updating the Puyallup Municipal Code relating to small cell wireless facilities

Presenter:

Tom Utterback & Elana Zana (Outside legal counsel)

Recommendation:

First reading of an ordinance adopting text amendments to Puyallup Municipal Code Sec. 20.59 (Wireless Communications) relating to small cell wireless facilities.

Background:

In May of 2017, City Council heard a study session briefing on the topic of "small cell" wireless facilities. Small cell wireless refers to smaller-scale antennas/support equipment which are increasingly being used by wireless providers. As opposed to "macro" facilities, which are larger antenna arrays mounted on tall towers or buildings, small cell devices can be placed on lower platforms such as utility poles and light standards. Puyallup joined a multi-city consortium to help us craft new code standards for the pending deployment of this technology in our City rights-of-way, while still protecting our infrastructure priorities. Our consortium lead attorney, Elana Zana of Ogden Murphy Wallace, took part in the Council study session last year.

In late 2017, City staff (Development Services, Engineering, Public Works and Legal) and Ms. Zana began working with the Planning Commission on draft code amendments, which involve revisions to the City's existing "Wireless Communications" zoning standards (PMC Section 20.59). Ms. Zana has also solicited input from private wireless providers during this process. While formulating these amendments, staff and the Planning Commission received comments from private carriers, as well input from PSE staff. The draft code amendments reviewed by the Planning Commission include:

- Updates to existing wireless code definitions to address unique small-cell features;
- Procedures for a new City "small cell permit" under which staff would administratively review these proposals, in concert with required franchise agreements;
- Standards for the placement of small cell antennas and support equipment on both utility poles (i.e. wooden poles owned by PSE, some of which have street lights) and light poles (i.e. metal standards owned by the City). This includes regulations on the size, number and design of antenna equipment. It also addresses small cell placement outside of rights-of-way.

The Planning Commission held multiple work sessions on this topic, culminating in a 2/28/18 public hearing, at which time they forwarded a recommendation that City Council approve the draft amendments contained within the attached ordinance. On April 17, City staff – along

with Ms. Zana – will give Council a presentation on those recommended amendments. Please see the attached staff report for more background on this topic.

Council Direction:

Fiscal Impacts:

ATTACHMENTS

- [City Council- Small Cell Wireless staff report-04-17-18](#)
- [Small Cell Wireless Draft ordinance](#)
- [Planning Commission Public Hearing Minutes-FINAL-02-28-18](#)



CITY OF PUYALLUP

Development Services

333 South Meridian
Puyallup WA 98371

To: City Council
From: Tom Utterback & Rachael Brown, Development Services Dept.
Re: **Small Cell Wireless Code Amendments**
Date: *City Council meeting of April 17, 2018*

INTRODUCTION

On April 17, 2018, City Council is being asked to consider first ordinance reading of code amendments to Puyallup Municipal Code (PMC) Sec. 20.59 (Wireless Communications) which will provide procedural and design standards for the placement of “small cell wireless” facilities in the City, including in public rights-of-way. This staff report briefly outlines this issue, including the Planning Commission review process.

City staff regularly interacts with telecommunication carriers regarding the placement of antennas and related equipment on property throughout the City. These antenna locations principally involve private properties. Such wireless facilities are regulated under PMC Sec. 20.59 of the zoning code. Separately, the City uses franchise agreements to coordinate the placement of telecommunication equipment within City rights-of-way, generally involving sub-surface conduits or above-ground lines.

Given changes in wireless technology and new Federal laws, we expect a surge in the usage of "small cell" wireless facilities by private carriers. Under Federal and expected new State laws, local jurisdictions must make rights-of-way available for small cell antenna placement. This involves the placement of small antennas and associated support equipment (e.g. electric meters, battery backups) on utility poles and/or light standards within Puyallup's public rights-of-way, which is not anticipated in our current franchise agreements or our code standards. To address this, Puyallup joined a multi-city regional consortium which has been doing advance work on this issue, including coordinating with wireless providers, in order to set-up local code standards to accommodate the pending deployment of this new cell technology while also safeguarding public priorities.

PROCESS TO DATE/PROPOSED AMENDMENTS

In 2017, City staff – including representatives of Development Services, Public Works, Engineering and Legal - began working actively with the Consortium, which is represented by attorneys with Ogden Murphy Wallace (OMW) in Seattle. OMW attorney Elana Zana has served as Puyallup's lead outside counsel on this topic. On 5/9/17, Ms. Zana led a study session presentation to City Council outlining the small cell issue and previewing our intent to draft local zoning standards to address the pending increase in usage. In late 2017, staff and Ms. Zana began working with the Planning Commission to familiarize them with small cell wireless and to

formulate draft code amendments; that Commission work extended into early 2018. During this process, input was also solicited from wireless providers and from other stakeholders (e.g. Puget Sound Energy, which owns most wooden utility poles in our rights-of-way) on potential code standards. Consortium members were also monitoring potential new State small cell legislation, as that may have resulted in pre-emptive measures for local jurisdictions.

After multiple work sessions and considering several iterations of possible code text, the Planning Commission held a noticed public hearing on 2/28/18, at which time they reviewed “final” draft amendments to PMC Sec. 20.59. Those proposed amendments consisted of the following:

- additions to the existing Definitions section of the City’s Wireless code (PMC Sec. 20.59.005) and a few minor revisions to other existing code sections;
- a new code section (PMC 20.59.050, “Small Cell Facilities”) that regulates the placement and external features of small cell facilities both in and outside of the right-of-way. This code section creates a new City “small cell permit” process which would authorize placement of small cell facilities in “batches”. If a small cell request involves City right of way, permits will not be issued until an applicant has a valid franchise agreement from the City.

The proposed standards differentiate the two main pole types within local rights-of-way: PSE-owned wooden utility poles (some of which also have light standards) and City-owned metal light poles. In both cases, the proposed standards would reduce the visual impact of clusters of wires, large equipment boxes, and antennas either by encouraging equipment to be internalized within metal poles or limiting the size/location of equipment externally attached to wooden poles. To enable flexibility in the camouflage intent for these facilities, applicants can deviate from strict design requirements if they can demonstrate that the proposal will have less or equal visual impact than a conforming design.

The proposed draft restricted small cell facilities from being placed on traffic signal poles, green ornamental light poles or on single-family structures (in single-family residential zones). The draft code encourages sites on existing utility poles or buildings to be considered before proposing the installation of a new pole in the right-of-way, as well as containing other measures to mitigate possible impacts.

During the code formulation process, the City received formal input from several wireless carrier reps, including T-Mobile, AT&T and Verizon, as well as other parties. On April 17th, staff will briefly highlight for City Council some of the key policy matters which were raised by private carriers during that Commission process.

ANALYSIS/RECOMMENDATION

ANALYSIS

PMC 20.91.010 sets forth the decision criteria that governs City-initiated zoning code amendments:

Any action amending this title shall be principally based upon the consistency of such amendment with the goals, objectives and policies of the Comprehensive Plan (NOTE: Staff comments follow each policy).

U-11.3 Where no feasible alternative exist, private utilities facilities may be located in environmentally critical areas and critical area buffers with minimum disturbance.

Proposed text PMC 20.59.050 (9aiv) addresses siting of new utility poles and small cell facilities in critical areas or associated buffers and is consistent with this Comp. Plan policy.

U-13.1 Private utility facilities shall be located where they generally correspond with the type of surrounding land uses with regard to the size of exposed apparatuses and the production of audible noise.

The proposed code seeks to accommodate the city's current and future telecommunications demand while still mitigating the visual impact of any exposed small cell apparatuses attached to structures in and outside of the right of way. The code also restricts small cells from being attached to single-family residential structures in the RS-zones, in order to address any potential land use incompatibility.

U-14.1 Coordinate joint usage of street rights-of-way for public and private utilities.

The proposed code section provides a streamlined process for coordinating the deployment of small cell telecommunications facilities in rights-of-way. It ensures that wireless equipment can be sited while also safeguarding the safety and aesthetics of the public infrastructure.

LU-33.2 Establish siting criteria to encourage location of services near transit hubs, protect surrounding uses and mitigate impacts of any specific facility to the neighborhood and the City.

The proposed criteria for siting and design of small cell facilities ensures that the location and external characteristics of facilities will be compatible with the neighborhoods and right-of-way by reducing the visual impacts of the facilities.

SEPA

SEPA review of the proposed code amendments was provided via issuance of a non-project Determination of Non-Significance (DNS).

RECOMMENDATION

On 2/28/18, the Planning Commission held a duly-noticed public hearing on the aforementioned draft Small Cell Wireless code amendments. ***After consideration of staff's report and public testimony, the Commission found that the proposed amendments did meet the above-cited adoption criteria and voted (4-0) to forward a recommendation of approval to City Council on the draft amendments.*** That recommendation did include two minor further code text changes, which are incorporated into the proposed City Council ordinance.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PUYALLUP
amending Chapter 20.59 (Wireless Communications) of the
Puyallup Municipal Code relating to Small Cell Wireless
Facilities.

Whereas, Chapter 20.59 of the Puyallup Municipal Code contains various zoning procedures and standards for regulating Wireless Communication facilities; and,

Whereas, technology associated with wireless communication is constantly evolving. Communication providers are beginning to utilize “small cell” wireless facilities to help implement pending 4G and 5G bandwidths and to address their customer’s cumulative data demand. This usage of small cell technology is expected to increase sharply in the future. Small cell wireless facilities have unique siting requirements which do not align with existing City zoning standards for larger “macro” wireless facilities; and

Whereas, the City, working with outside legal counsel and private wireless providers, have identified specific amendments to Chapter 20.59 of the Puyallup Municipal Code which can accommodate the pending deployment of small cell devices, particularly within public rights-of-way, while still protecting associated public infrastructure interests; and,

Whereas, the City Planning Commission held multiple meetings in late 2017 and early 2018, in which they familiarized themselves with small cell technology and reviewed draft code standards. This culminated in a duly-noticed public hearing being held on February 28, 2018, at which time the Planning Commission forwarded specific code amendment recommendations to the City Council; and,

Whereas, pursuant to the State Environmental Policy Act (“SEPA”), the City has issued a Determination of Nonsignificance (“DNS”) for this text amendment, pursuant to WAC 197-11 and Puyallup’s SEPA procedures; and,

Whereas, enacting these proposed code amendments is deemed to be in the public interest and will benefit the City as a whole, is not anticipated to adversely affect the City’s public facilities and services, and advances and supports the general health, safety, and welfare of the citizens of this City;

NOW THEREFORE, the City Council of the City of Puyallup ordains as follows:

Section 1. The recitals set forth in the preamble of this ordinance are hereby adopted as

findings of fact supporting the action taken herein.

Section 2. Chapter 20.59 of the Puyallup Municipal Code is hereby amended as contained in Exhibit A to this Ordinance:

Section 3. *Corrections.* The City Clerk is authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener’s/clerical errors, references, numbering, section/subsection numbers and any references thereto.

Section 4. *Publication.* A summary of this ordinance shall be published as required by law.

Section 5. *Severability - Construction.* If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance unless the invalidity destroys the purpose and intent of this ordinance. If the provisions of this ordinance are found to be inconsistent with other provisions of the Puyallup Municipal Code, this ordinance is deemed to control.

Section 6. *Effective Date.* This Ordinance shall take effect and be in force five days after its passage, approval, and publication as provided by law.

Passed and approved by City Council of the City of Puyallup at regularly scheduled open public meeting on the _____ of May, 2018.

John Palmer
Mayor

Approved as to form:

Attest:

Joseph N. Beck
City Attorney

Mary Winter
City Clerk

Published: _____

Effective: _____

EXHIBIT A

Chapter 20.59 WIRELESS COMMUNICATIONS

Sections:

- 20.59.001 Scope and purpose.
- 20.59.005 Words and phrases defined.
- 20.59.010 Wireless communication facilities in RS, ~~RM~~ and ~~RMCMX~~ zones.
- 20.59.020 Wireless communication facilities in OP, C, ~~MX~~, M, FAIR, ~~MED~~ and PF zones.
- 20.59.040 Performance standards.
- 20.59.050 Small Cell Facilities.

20.59.001 Scope and purpose.

In addition to the general purposes of the comprehensive plan and the zoning ordinance, this chapter is included to provide for a wide range of locations and options for wireless communication providers and users while minimizing the visually obtrusive characteristics associated with wireless communication facilities, and to encourage creative approaches in location, construction and treatment of such facilities in a manner which reduces the associated adverse visual and aesthetic impacts on the community.

20.59.005 Words and phrases defined.

- (1) "Accessory antenna device" means an antenna including, but not limited to, test, mobile and global positioning (GPS) antennas, which are less than 12 inches in height or width, excluding the support structure.
- (2) "Antenna" means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.
 - (a) "Directional antenna" (also known as "panel" antenna) means an antenna which transmits and receives radio frequency signals in a specific directional pattern of less than 360 degrees.
 - (b) "Omni-directional antenna" (also known as a "whip" antenna) means an antenna which transmits and receives radio frequency signals in a 360-degree radial pattern.
 - (c) "Parabolic antenna" (also known as a "dish" antenna) means an antenna which is a bowl-shaped device for the reception and/or transmission of radio frequency communication signals in a specific directional pattern.

(d) "Stealth antenna" means an antenna installed inside a nonantenna structure, or camouflaged to appear as a nonantenna structure.

(e) "Cannister antenna" means an antenna installed inside a canister.

(3) "Applicant" shall mean and refer to the person, and such person's successor in interest, owning and/or operating the facility proposed in an application.

(4) "Director" is the Development Services Director.

(5)(3) "Equipment shelter or cabinet" means a room, cabinet or building used to house equipment for utility or service providers.

(6)(4) "Facility" means an unstaffed site containing structural improvements for the transmission and reception of low-power radio signals consisting of antennas, support structure, equipment shelter or cabinet, or related equipment.

(7)(5) "Facility location" may include placement of facilities in one or more of the following manners:

(a) "Attached facility" means a facility that is affixed to an existing structure such as a building or water tower, and is not considered a component of the attached wireless communication facility.

(b) "Co-location facility" means a single-support structure such as a building, monopole or lattice tower to which more than one wireless communications provider mounts equipment.

(c) "Freestanding facility" means a facility which includes a separate support structure, including but not limited to monopoles, lattice towers, wood poles or guyed towers.

(8) "Light Pole" means a pole used primarily for lighting streets, parking areas, parks or pedestrian paths.

(9) "Ornamental Pole" means a City-owned decorative pole, which may provide lighting and which are described in the City Standards for Public Works Engineering and Construction Manual.

(10) "Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

(11)(6) "Related equipment" means all equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, radio, cable, conduit and connectors.

(12) "Small cell facility" shall mean and refer to a personal wireless services facility that meets both of the following qualifications:

- a) Each antenna is located inside an antenna enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and
- b) Primary equipment enclosures are no larger than 17 cubic feet in volume. The following associated equipment may be located outside the primary equipment enclosure and, if so located, are not included in the calculation of equipment volume: electric meter, concealment, telecomm demarcation box, ground-based enclosures, battery backup power systems, grounding equipment, power transfer switch, and cutoff switch.

(13) "Small cell network" shall mean and refer to a collection of interrelated small cell facilities designed to deliver personal wireless services.

(14) "Traffic Signal Poles" means a pole that supports equipment used for controlling traffic, including but not limited to traffic lights, rapid flashing beacons, speed radar, and school zone flashers.

(15)(7) "Transmission tower (support structure)" means a freestanding structure, other than a building, on which communication devices are mounted. Support structure types include, but are not limited to, monopoles, lattice towers, wood poles or guyed towers.

(a) "Guyed tower" means a support structure, consisting of metal cross strips or bars, which is steadied by wire guys in a radial pattern around the tower.

(b) "Lattice tower" means a support structure consisting of metal cross strips or bars to support antennas and related equipment.

(c) "Monopole" means a facility consisting of a single, pole support structure.

(16) "Unified Enclosure" shall mean a small cell facility providing concealment of antennas and equipment within a single enclosure.

(17) "Utility Poles" shall mean wooden pole designated and used primarily for the support of electrical wires, telephone wires or television cable.

(18) "Wireless Communication Facilities" means facilities used for personal wireless services.

20.59.010 Wireless communication facilities in RS, and RM ~~and CMX~~ zones.

Wireless communication facilities, not including small cell facilities, permitted as principal or accessory uses are subject to the provisions of this chapter and the following requirements:

(1) Accessory antenna devices, parabolic antennas two feet in diameter or less, omni-directional antennas less than six feet in length, directional antennas five feet or less in height with a combined surface area of not more

than 580 square inches as viewed from any one point, and stealth antennas are permitted subject to the performance standards set forth in PMC 20.59.040 and subject to meeting the following criteria:

(a) The antenna is attached to an existing structure; ~~and~~

(b) The antenna does not extend more than 10 feet above the top of the structure; ~~and~~

(c) The related equipment is not located in the right-of-way.

(2) Freestanding parabolic antennas greater than two feet in diameter and associated support structure are subject to the performance standards set forth in PMC 20.59.040 and subject to meeting the following criteria:

(a) The antenna and associated support structure are not located within any required landscaped setbacks, front or side yard setback, or in the area located between the front setback line and the front of the building; and

(b) The antenna and associated support structure does not extend more than 10 feet above the adjoining grade.

(3) Attached or freestanding antennas and associated support structures which are not specifically permitted under subsection (1) or (2) of this section or which exceed the associated criteria shall comply with the following requirements:

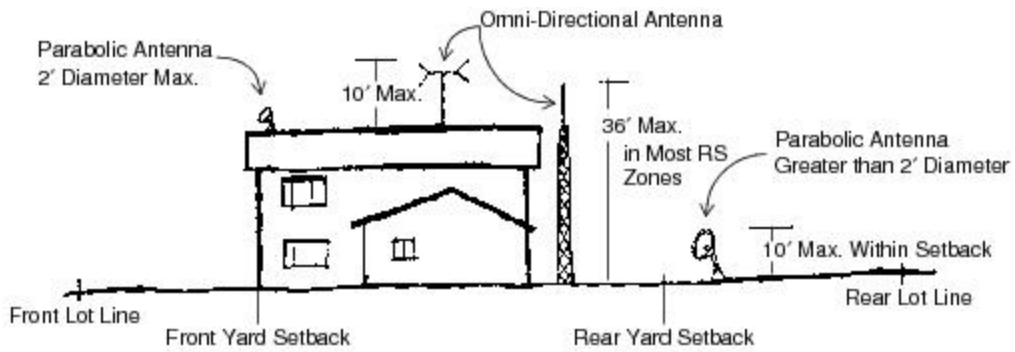
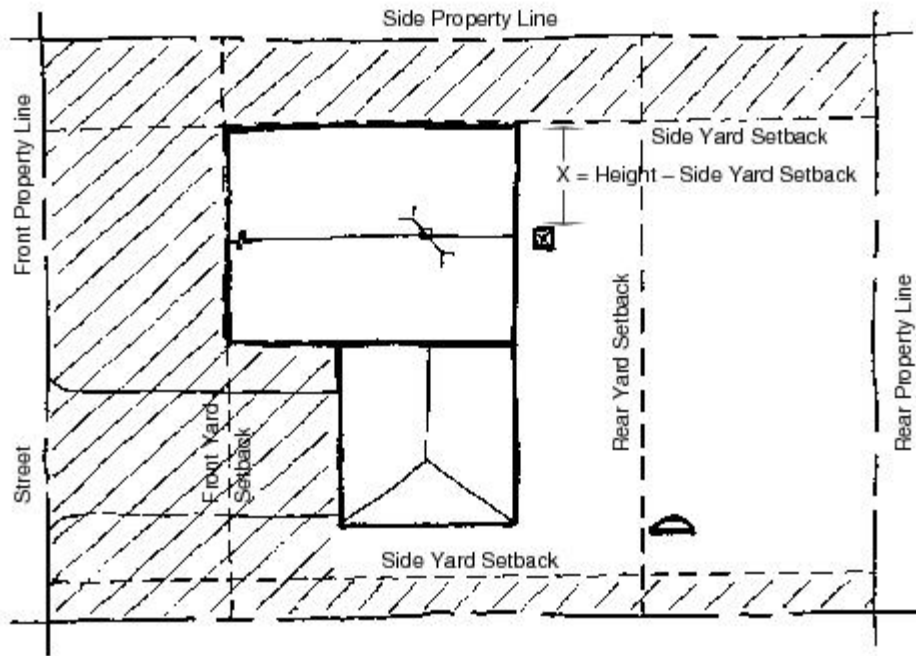
(a) The antenna and support structure shall be subject to the maximum building height for the corresponding zone in which it is located as set forth in PMC 20.20.020(9) for RS-zoned property, PMC 20.25.020(8) for RM-zoned property; ~~and Chapter 20.31 PMC (building form standards, maximum specified height) for CMX-zoned property;~~ said height restriction shall not be subject to granting of a variance;

(b) The antenna and associated support structure shall not be located within any required landscaped setback, front or side yard setback, or in the area located between the front setback line and the front of the building;

(c) The antenna and associated structure shall comply with required building setbacks and shall be set back from the required side yard setback an additional one foot for each foot of height over 10 feet;

(d) The antenna and associated structure shall comply with the performance standards set forth in PMC 20.59.040; and

(e) No more than one freestanding support structure shall be permitted per lot.



Note: Only one freestanding antenna structure permitted per lot.

Example of Wireless Communication Facilities Located in RS, ~~RM~~ and ~~RMCMX~~ Zones

20.59.020 Wireless communication facilities in OP, C, ~~MX~~, M, FAIR, ~~MED~~ and PF zones.

Wireless communication facilities, not including small cell facilities, permitted as principal or accessory uses, or by conditional use permit, are subject to the provisions of this chapter and the following requirements:

- (1) Facilities as an Accessory Use in OP, C, ~~MX~~, M, FAIR, ~~MED~~ and PF Zones. The following facilities are permitted as accessory uses in OP, C, ~~MX~~, M, FAIR, ~~MED~~ or PF zones subject to compliance with the performance standards set forth in PMC 20.59.040 and the following requirements:

(a) Attached accessory antenna devices, parabolic antennas two feet or less in diameter, omni-directional antennas six feet or less in length, directional antennas five feet or less in height with a combined surface area of not more than 580 square inches as viewed from any one point, and stealth antennas, and not extending more than 15 feet above the roof surface of the structure; provided that the related equipment is not located in the right-of-way.

(b) Attached parabolic antennas greater than two feet in diameter, omni-directional antennas greater than six feet in length, and directional antennas greater than five feet in height with a combined surface area of more than 580 square inches as viewed from any one point shall also comply with the following requirements:

(i) The antenna and associated support structure shall be set back two feet from any exterior building wall for every one foot of height measured from the surface of the roof, except when incorporated as an architectural feature of the building or screened from view from any public right-of-way or residential zone;

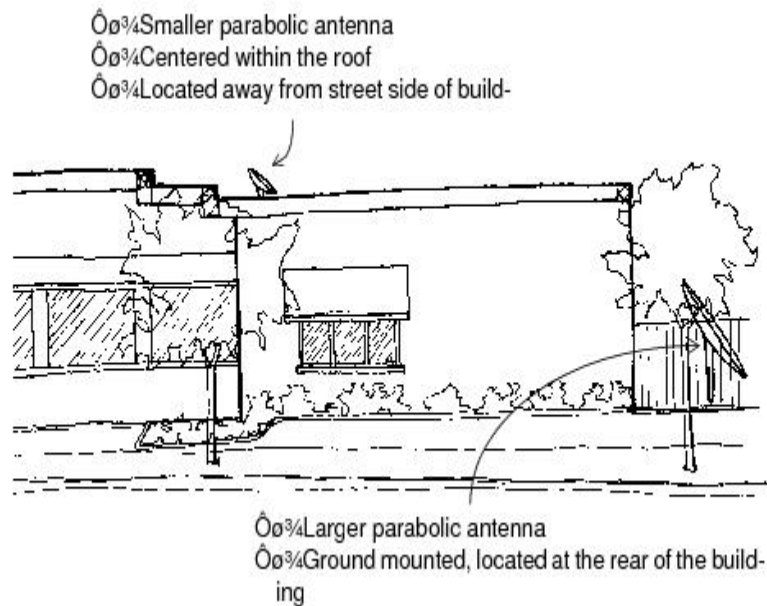
(c) Freestanding parabolic antennas and associated support structures shall be subject to the following criteria:

(i) The antenna and associated support structure are not located within any required landscaping, front or side yard setback, or in the area located between the front setback line and the front of the building;

(ii) The antenna and associated support structure does not extend more than 10 feet above the adjoining grade; and

(iii) The antenna and associated support structure is screened from view from any public right-of-way or residential zone in accordance with the screening requirements for exterior mechanical devices set forth in PMC 20.28.045(1) in OP zones, PMC 20.30.045(1) in C zones, PMC 20.31.040(1) in MX zones, PMC 20.35.035(1) in M zones, PMC 20.37.020(2) in FAIR zones, PMC

20.43.045(1) in MED zones and PMC 20.44.045 (1) in PF zones.



Example of Parabolic Antenna Size, Placement, and Screening in OP, C, MX, M, FAIR, MED and PF Zones

(2) Facilities as a Permitted Use in OP, C, MX, M, FAIR, MED and PF Zones. The following facilities are permitted as a primary use in an OP, C, MX, M, FAIR, MED and PF zone subject to compliance with the performance standards set forth in PMC 20.59.040 and the following requirements:

(a) Attached accessory antenna devices, parabolic antennas two feet or less in diameter, omnidirectional antennas six feet or less in length, and directional antennas five feet or less in height with a combined surface area of not more than 580 square inches as viewed from any one point, and stealth antennas, and not extending more than 15 feet above the roof surface of the structure, provided that the related equipment is not located in the right-of-way;

(b) Attached parabolic antennas greater than two feet in diameter, omnidirectional antennas greater than six feet in length, directional antennas greater than five feet in height with a combined surface area of more than 580 square inches as viewed from any one point, and stealth antennas shall also comply with the following requirements:

(i) The antenna and associated support structure shall be set back two feet from any exterior building wall for every one foot of height measured from the surface of the roof, except when incorporated as an architectural feature of the building or screened from view from any public right-of-way or residential zone;

(c) Freestanding antennas and associated support structures shall be subject to the following criteria:

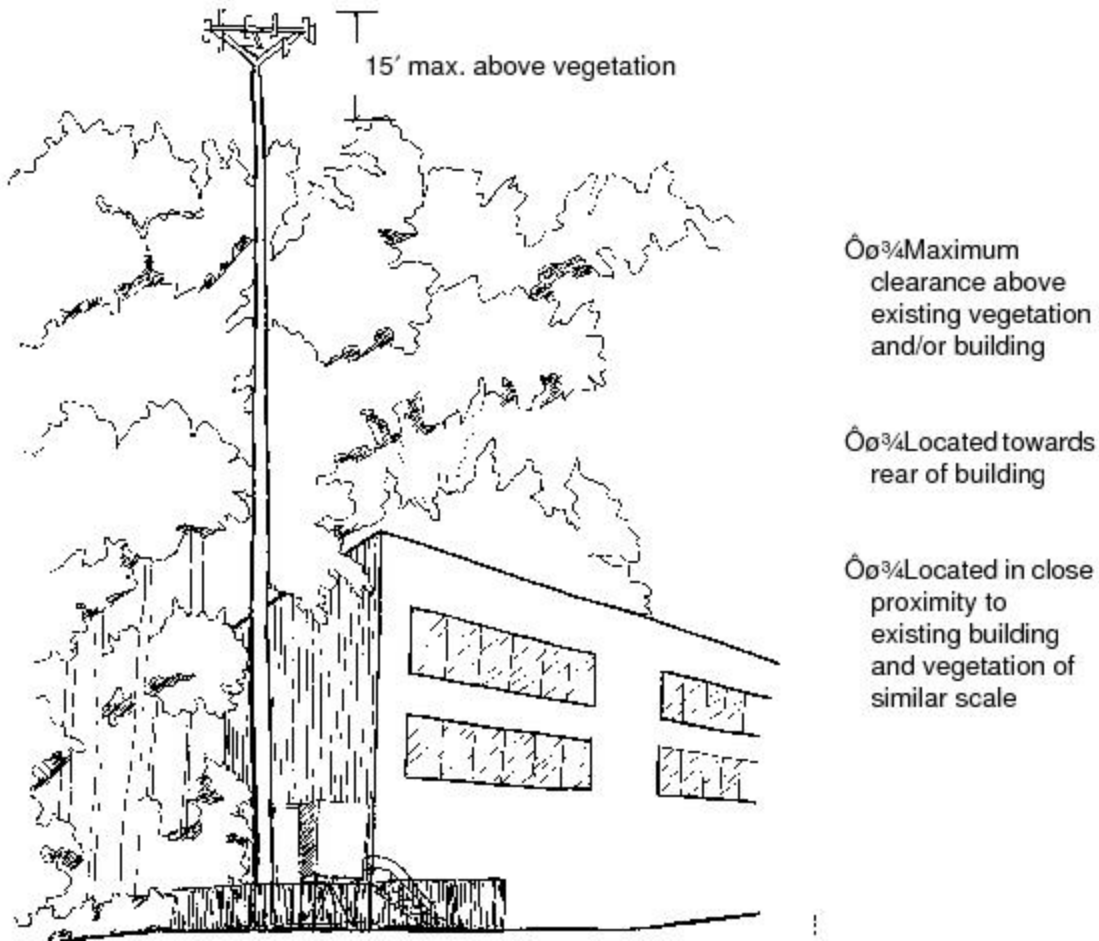
(i) The antenna and associated support structure are not located within any required landscaping, front or side yard setback, or in the area located between the front setback line and the front of the building;

(ii) The antenna and associated support structure complies with the maximum building height provisions and corresponding setbacks for buildings in the zone in which the antenna and structure are located, except as follows:

(A) If the associated support structure can be screened from view from public rights-of-way and residential zones by existing buildings or vegetation as determined by the ~~community development director~~Director or designee, the corresponding setback may be reduced; and

(iii) The equipment shelter or cabinet is screened from view from any public right-of-way or residential zone in accordance with the screening requirements for exterior mechanical devices set forth in PMC 20.35.035.

(3) Facilities as a Conditional Use in OP, C, MX, M, FAIR, MED and PF Zones. Freestanding antennas and associated support structures which exceed the maximum permitted building height, or encroach within required setbacks for the zone in which the antenna and structure are located except as permitted in subsection (2)(c)(ii)(A) of this section, or are not able to comply with one or more of the performance standards set forth in PMC 20.59.040 are only allowed upon issuance of a valid conditional use permit pursuant to Chapter 20.80 PMC.



Example of Freestanding Monopoles/Towers in OP, C, M, MX, FAIR, MED and PF Zones

20.59.040 Performance standards.

The following special requirements and performance standards shall apply to any wireless communication structure or facility, except small cell facilities:

(1) Facility Preference. Proposed antennas, associated structures and placement shall be evaluated, based on available technologies, for approval and use in the following order of preference:

- (a) Stealth antennas;
- (b) Attached facilities, only when subsection (1)(a) cannot be reasonably accomplished;
- (c) Co-location facilities, only when subsection (1)(a) or (1)(b) cannot be reasonably accomplished;
- (d) Freestanding facilities which extend no more than 15 feet above adjacent existing vegetation or structures, only when subsections (1)(a), (1)(b) or (1)(c) cannot be reasonably accomplished; or

(e) Freestanding facilities which extend more than 15 feet above adjacent existing vegetation or structures, only when subsections (1)(a) through (1)(d) cannot be reasonably accomplished.

If the applicant chooses to construct new freestanding facilities, the burden of proof shall be on the applicant to show a facility of a higher order of preference cannot reasonably be accommodated on the same or other properties. The city reserves the right to retain a qualified consultant at the applicant's expense, to review the supporting documentation for accuracy;

(2) Co-Location. Shared use of support structures and other associated facilities by multiple parties is encouraged. Prior to city approval of any new freestanding transmission tower:

(a) The applicant shall provide proof of inability to locate on existing tower facilities in the immediate vicinity due to the following:

(i) Refusal of the tower owner to provide space at a fair rate of compensation; or,

(ii) The existing tower location or configuration is incompatible with the applicant's system.

(b) The applicant shall provide proof of notification and an offer of co-location opportunities to other service providers. As a condition of city approval of any new freestanding transmission towers, the applicant shall comply with the following requirements:

(i) The applicant shall agree to sign and record with the Pierce County auditor's office, a legally binding agreement limiting any co-location costs assessed to other carriers to a pro rata share of the ground lease, site acquisition cost, design, capital costs for construction of the tower including associated permitting costs, and reasonable maintenance, repair and replacement costs; and

(ii) The applicant shall size, design and construct the transmission tower and related equipment to accommodate future co-location, and shall ensure the availability of adequate space to accommodate associated equipment shelters/cabinets;

(3) Critical Areas. ~~Applicants shall avoid locating new~~ ~~No antennas shall be located~~ in a critical area or associated buffer required by the city's environmentally critical areas management ordinance.

(Chapter 21.06 PMC), except when determined to be exempt pursuant to Article IV of said ordinance. Where no feasible alternatives exist, private wireless facilities may be located in environmentally critical areas or critical area buffers upon a finding of minimum disturbance to the critical area;

(4) State and Federal Preemption. Federal law prohibits consideration of environmental effects of radio frequency emissions to the extent that the proposed facilities comply with the Federal Communications

Commission regulations concerning emissions. All other city regulations shall apply unless specifically preempted by state or federal authority;

(5) Visual Impacts. Wireless communication facilities shall be located and installed in such a manner so as to minimize the visual impact on the skyline and surrounding area in the following manner:

(a) Antennas may not extend more than 10 feet in RS, ~~RM~~ and ~~CMXRM~~ zones and 15 feet in all other zones, above their supporting structure, monopole, lattice tower, building or other structure, or surrounding vegetation;

(b) Site location and development shall preserve the pre-existing character of the surrounding buildings, land use and the zone district to the extent possible, while maintaining the function of the communications equipment. Wireless communication facilities shall be integrated through location, siting and design to blend in with the existing characteristics of the site through application of the following measures:

(i) Existing on-site vegetation shall be preserved insofar as possible or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area;

(ii) Location of facilities close to structures or vegetation of a similar height;

(iii) Location of facilities toward the center of the site, and location of roof-mounted facilities toward the interior area of the roof, in order to minimize view from adjacent properties and rights-of-way;

(iv) Location of facilities within interior side and rear yards; and

(v) Incorporation of the antenna, associated support structure and equipment shelter as a building element or architectural feature;

(c) Related equipment facilities used to house wireless communications equipment shall be located within buildings or placed underground when possible. When they cannot be located in buildings or placed underground, equipment shelters or cabinets shall be screened. Alternate methods for screening may include the use of building or parapet walls, sight-obscuring fencing and/or landscaping, screen walls or equipment enclosures; and

(d) Wireless communication facilities and related equipment facilities shall be of neutral colors such as white, gray, blue, black or green, or similar in building color in the case of facilities incorporated as part of

the features of a building, unless specifically required to be painted another color by a federal or state authority. Wooden poles are not required to be painted;

(6) Signage. No signage, message or identification other than the manufacturer's identification ~~is and FCC~~ required notices are allowed to be portrayed on any antenna, and permitted identification shall not exceed 10 percent of the surface area, and no signage or advertising shall be allowed above the height of the perimeter fencing except for the manufacturer's identification described above;

(7) Lighting and Security. Wireless communication facilities shall not be illuminated except for security reasons or unless required by a federal or state authority. Building-mounted lighting and aerial-mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source. Ground-mounted floodlighting or light projecting above the horizontal plane is prohibited between midnight and sunrise. All lighting, unless required by the Federal Aviation Authority (FAA) or other federal or state authority, shall be shielded so that the direct illumination is confined to the property boundaries of the light source;

(8) Noise. No equipment shall be operated so as to produce noise in violation of Chapter 6.16 PMC (Noise Control);

(9) Minor Modifications. Minor modifications to existing wireless communication facilities, including the installation of additional antenna(s), for which a valid conditional use permit exists (if one was required previously), may be approved by the ~~community development director~~ Director or designee, provided it is determined there is minimal or no change in the visual appearance and said modifications comply with the performance standards set forth in this chapter.

(a) Co-location on Existing Wireless Communication Facilities. In all zones except RS, ~~RM, MED~~ and ~~MXRM~~, an increase in height related to an existing, lawfully permitted wireless communication facility may be permitted administratively if such addition of height would not increase the existing height of such facility by more than 10 percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater. All other performance standards set forth in this chapter shall apply to such co-location height extension proposals, including the facility preference requirements of subsection (1) of this section and the visual impacts standards of subsection (5)(a) of this section;

(10) Abandonment or Obsolescence. Any wireless communication facility shall be removed by the facility owner or authorized agent within six months of the date it ceases to be operational or if the facility falls into disrepair. "Disrepair," as used in this section, refers to a facility or structure which has become so damaged or

deteriorated on account of age, the elements, wear and tear, or other cause, that it has become a threat to public safety or would constitute a public nuisance as defined in the Puyallup Municipal Code.

20.59.050 Small Cell Facilities.

In order to manage its right-of-way and the proliferation of small cell technology within the City in a thoughtful manner which balances the need to accommodate new and evolving technologies with the preservation of the natural and aesthetic environment of the city while complying with the requirements of state and federal law, the city has adopted this process for the deployment of small cell technology. Small cell facilities are permitted in all zoning districts in the City, subject to the following special requirements and performance standards. PMC 20.59.040 shall not apply to small cell facilities. The application and records process described in Chapter 20.11 PMC shall not apply to the processing of small cell permit applications.

(1) **Franchise.** An applicant is responsible for obtaining a franchise if the proposed small cell network is located within the rights-of-way. Administrative review of a small cell permit may occur in parallel with the franchise process; provided, however, that the small cell permit will not be issued until the applicant is granted a franchise by the city council.

(2) **Application.** Applicants shall apply using the small cell permit application form and submit a fee deposit commensurate with the estimated administrative costs of processing the small cell permit application. The fee deposit level shall be set by the Director.

(a) The applicant shall provide a map identifying the geographic boundaries for the small cell deployment.

(b) The application shall provide specific locational information including GIS coordinates of all facilities, and specify whether and where small cell facilities are to be located on existing poles, or will utilize replacement poles, new poles, towers, existing buildings and/or other structures. Conduit and/or ground-mounted equipment necessary for and intended for use in the deployment shall also be specified regardless of whether the additional facilities are to be constructed by the applicant or leased from a third party. Detailed schematics and visual renderings, including photo simulations, of the small cell facilities shall be provided by the applicant.

(c) The applicant must show that it has an underlying lease right or other authorization from the owner of the pole or structure for the installation of its small cell facilities on such pole or structure. For city-owned poles or structures, the applicant must obtain a lease agreement from the city.

(d) Up to twenty (20) sites may be specified in one small cell permit application for processing. The Director may allow up to five (5) additional sites in one application in order to consider small cell facility sites within one contiguous service area in one application.

- (e) If more than one application for a small cell permit is submitted by an applicant, they shall be considered in the order received. If multiple applications are submitted on the same date, the applicant shall indicate which application should be considered first.
- (i) Any element of a deployment which qualifies as an eligible facilities request shall be specifically designated by the applicant and may be addressed separately by the Director in order to comply with the requirements in Chapter 20.59A PMC.
- (f) The Director may approve, deny or conditionally approve all or any portion of the sites proposed in the small cell permit application. The denial of one or more small cell facility locations within a submission described in subsection (d) above shall not be the sole basis for a denial of other locations or the entire application for small cell facilities.
- (g) Any application for a small cell permit which contains an element which is not exempt from SEPA review shall simultaneously apply under Chapter 43.21C RCW and Chapter 21.04 PMC.
- (h) The applicant shall submit a sworn affidavit signed by an RF engineer with knowledge of the proposed project affirming that the small cell deployment will be compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which the small cell facility will operate. If additional transmission facilities necessary to the small cell facility, such as microwave backhaul, are to be provided by a third party, then the small cell permit shall be conditioned on an RF certification showing the cumulative impact of the RF emissions of the entire installation. The applicant may provide one emissions report for the entire small cell deployment if the applicant is using the same small cell facility configuration for all installations within that batch, or may submit one emissions report for each subgroup installation identified in the batch.
- (i) The applicant shall provide proof of FCC and other regulatory approvals required to provide the service(s) or utilize the technologies sought to be installed.
- (j) Applications filed under this title shall be numbered consecutively in the order of their filing, and shall become a part of the official records of the city. Copies of all notices, application materials, staff reports, and actions shall state the file number and be filed with the application.
- (k) Applicants shall submit a traffic control plan and information for right of way obstruction permit.

(3) Application Review.

- (a) Within 30 calendar days after receiving a small cell permit application, the Director shall mail, email, or provide in person a written determination to the applicant stating either:

 - (i) The application is complete; or
 - (ii) The application is incomplete and stating what is necessary to make the application complete, referencing the code provision, ordinance, application instruction or otherwise stated public procedure.

The Director shall notify the applicant within ten (10) days whether the supplemental information did not provide the information identified in the original notice delineating the missing information.

(b) The written determination shall also identify other agencies of local, state or federal governments that may have jurisdiction over some aspect of the application.

(c) An application shall be deemed complete if the Director does not provide a written determination to the applicant that the application is incomplete as provided in subsection (3)(a)(ii) of this section.

(d) The notice of final decision on a small cell permit application shall be issued consistent with any time period requirements established by state or federal law.

(e) Any applicant may withdraw an application at any time, provided the withdrawal is in writing and signed by all persons who signed the original application or their successors in interest. When a proper withdrawal is received, the application shall be deemed null and void. If such withdrawal occurs prior to the Director's decision then reimbursement of fees submitted in association with said application shall be prorated to withhold the amount of city costs incurred in processing the application prior to time of withdrawal. These city costs shall be based upon a determination by the Director of the total hours expended in project review from the time of project application to time of withdrawal, utilizing an hourly dollar amount for staff time as established by resolution. If such withdrawal is not accomplished prior to the Director's decision, there shall be no refund of all or any portion of such fee.

(f) Any applicant may revise an application. Such revision shall be deemed to supersede the prior application documents. If such revision is significant enough to require a revised administrative review, the Director may assess another application fee equal to the amount required to review that application

(g) Failure of an applicant to provide additional information as requested pursuant to subsection (3)(a)(ii) within sixty (60) days of notice by the Director shall be deemed a withdrawal of that application, unless an extension period has been approved by the Director.

(h) If the applicant includes small cell facility locations within a residential or mixed-use zone, the Director shall provide notice of a complete application for a small cell permit on the city's website with a link to the small cell permit application. The notice shall include an email contact and telephone number for the applicant to answer citizen inquiries.

(i) The Director, at his/her option, may allow an applicant to opt for expedited review. Absent such a request, the city will process applications on a first-come, first-served basis. An applicant requesting expedited review may select a third-party consultant from a list established by the city through requests for qualifications or may propose an independent reviewing entity for review by the city. Such entity shall be engaged pursuant to a third-party contract. The applicant shall be responsible for paying all costs incurred in the expedited review process. Nothing herein shall be deemed to require an applicant to utilize expedited review.

(4) Administrative Review Process.

- (a) A pre-application meeting is required prior to submitting an application for a small cell permit. The purpose of a pre-application meeting is to discuss the nature of the proposed deployment of the small cell network, review process and schedule, and applicable plans, policies and regulations. Upon written request from the applicant, the Director may waive the pre-application meeting.
- (b) The Director shall use the criteria listed in this Section when deciding upon the application. In addition, the Director may approve the application only if:

 - (i) It is consistent with PMC 20.59.050 and the Comprehensive Plan; and
 - (ii) It is consistent with the purpose and intent of the zone in which the site is located; and
 - (iii) It is consistent with the public health, safety and welfare.
- (c) The Director shall approve, approve with conditions or modifications, or deny an application. The Director shall include any conditions to ensure consistency with City zoning and utility regulations, and may include mitigation measures proposed under SEPA, if applicable. The applicant carries the burden of proof that a preponderance of the evidence supports approval of the application or approval with conditions or modifications.
- (d) The Director shall distribute a written report supporting the decision and if approved shall issue the small cell permit. The report shall contain all of the following:

 - (i) The Director's decision;
 - (ii) Any conditions included as part of the decision; and
 - (iii) Information regarding how the applicant can request a reconsideration of the Director's decision.
- (e) Administrative review decisions (and any reconsideration of that decision) and SEPA threshold determinations are final decisions, effective on the day issued. The Director's decision is the city's final decision on the application.
- (f) Appeal to Superior Court. A final decision by the Director may be appealed to Superior Court.
- (5) Utility Pole Design Standards.** Small cell facilities located on wooden utility poles shall conform to the following design criteria:

 - (a) The utility pole at the proposed location may be replaced with a taller pole for the purpose of accommodating a small cell facility; provided, that the replacement pole shall not exceed a height that is a maximum of ten (10) feet taller than the existing pole, unless a further height increase is required and confirmed in writing by the pole owner and that such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities. Replacement wooden utility poles may either match the approximate color and materials of the replaced pole or shall be the standard new wooden utility pole used by the pole owner in the city.
 - (b) A pole extender may be used instead of replacing an existing pole, but may not increase the height of the existing pole by more than ten (10) feet, unless a further height increase is required and confirmed in writing by the pole owner and that such height increase is the minimum extension possible to

provide sufficient separation and/or clearance from electrical and wireline facilities. The pole extender shall be painted to approximately match the color of the pole and shall substantially match the diameter of the pole measured at the top of the pole. A "pole extender" as used herein is an object affixed between the utility pole and the antenna for the purpose of increasing the height of the antenna above the pole.

(c) Antennas, equipment enclosures, and all ancillary equipment, boxes and conduit shall be colored or painted to match the approximate color of the surface of the utility pole on which they are attached.

(d) Multiple antennas are permitted on a utility pole provided that each antenna enclosure shall not be more than three (3) cubic feet in volume, with a cumulative total antenna volume not to exceed nine (9) cubic feet, unless additional volume is technically necessary which in such cases the total volume may not exceed twelve (12) cubic feet. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness.

(e) Panel antennas shall not be mounted more than twelve (12) inches from the surface of the utility pole.

(f) A canister antenna may be mounted on top of a utility pole, which may not exceed the height requirements described in subsection 5(a) above. A canister antenna mounted on the top of a utility pole shall not exceed the diameter of the pole by more than twelve (12) inches, measured at the top of the pole, and shall be colored or painted to match the pole. The canister antenna must be placed to look as if it is an extension of the pole. In the alternative, the applicant may propose a side mounted canister antenna, so long as the inside edge of the antenna is no more than twelve (12) inches from the surface of the utility pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the utility pole.

(g) An omni-directional antenna may be mounted on the top of an existing utility pole, provided such antenna is no more than four (4) feet in height and is mounted directly on the top of a pole or attached to a sleeve made to look like the exterior of the pole as close to the top of the pole as technically feasible. All cables shall be concealed within the sleeve between the bottom of the antenna and the mounting bracket.

(h) All related equipment, including but not limited to ancillary equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on utility poles shall not be mounted more than six (6) inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner.

(i) Equipment for small cell facilities must be attached to the utility pole, unless otherwise permitted to be ground mounted pursuant to subsection. (8)(a) The equipment must be placed in the smallest enclosure possible for the intended purpose. The equipment enclosure may not exceed seventeen (17) cubic feet. Multiple equipment enclosures may be acceptable if designed to more closely integrate with the pole design and does not cumulatively exceed seventeen (17) cubic feet. The applicant is

encouraged to place the equipment enclosure behind any banners or road signs that may be on the pole, if such banners or road signs are allowed by the pole owner.

(j) An applicant who desires to enclose its antennas and equipment within a Unified Enclosure may do so, provided that such Unified Enclosure does not exceed four (4) cubic feet. To the extent possible the Unified Enclosure shall be placed so as to appear as an integrated part of the pole or behind banners or signs. The Unified Enclosure may not be placed more than six (6) inches from the surface of the pole, unless a further distance is technically required and confirmed in writing by the pole owner.

(k) The visual effect of the small cell facility on all other aspects of the appearance of the utility pole shall be minimized to the greatest extent possible.

(l) The use of the utility pole for the siting of a small cell facility shall be considered secondary to the primary function of the utility pole. If the primary function of a utility pole serving as the host site for a small cell facility becomes unnecessary, the utility pole shall not be retained for the sole purpose of accommodating the small cell facility and the small cell facility and all associated equipment shall be removed.

(m) All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored or painted to match the pole. The number of conduit shall be minimized to the number technically necessary to accommodate the small cell.

(n) Glulam poles are specifically prohibited.

(o) There is no collocation requirement for small cell facilities located on utility poles.

(6) Small Cell Facilities Attached to Light Poles and Other Non-Wooden Poles. Small cell facilities attached to existing or replacement non-wooden light poles and other non-wooden poles in the right of way or poles outside of the right of way shall conform to the following design criteria:

(a) Antennas and the associated equipment enclosures shall be fully concealed within the pole, unless such concealment is otherwise technically infeasible or is incompatible with the pole design, then the antennas and associated equipment enclosures must be camouflaged to appear as an integral part of the pole or flush mounted to the pole in a manner that integrates the equipment enclosure into the design of the pole and minimizes clutter and visual impact. If the equipment enclosure is permitted on the exterior of the pole, the applicant is encouraged to place the equipment enclosure behind any banners or road signs that may be on the pole. For purposes of this section, "incompatible with the pole design" may include a demonstration by the applicant that the visual impact to the pole or the streetscape would be reduced by placing the antennas and equipment exterior to the pole.

(b) All conduit, cables, wires and fiber must be routed internally in the light pole. Full concealment of all conduit, cables, wires and fiber is required within mounting brackets, shrouds, canisters or sleeves if attaching to exterior antennas or equipment.

- (c) Any replacement pole shall substantially conform to the design of the pole it is replacing or the neighboring pole design standards utilized within the contiguous right-of-way.
- (d) The height of any replacement pole may not extend more than ten (10) feet above the height of the existing pole.
- (e) The diameter of a replacement pole shall comply with the City's setback and sidewalk clearance requirements, shall not be more than a 25% increase in the diameter of the existing pole measured at the base of the pole, and shall comply with the requirements in subsection (8)(e) below. If additional diameter is needed in order to conceal equipment within the base of the pole, then the applicant shall propose a concealment element design consistent with subsection (9)(c) below.
- (f) An antenna on top of an existing pole may not extend more than six (6) feet above the height of the existing pole and the diameter may not exceed the diameter of the pole by more than twelve (12) inches, measured at the top of the pole, unless the applicant can demonstrate that more space is needed. The antennas shall be integrated into the pole design so that it appears as a continuation of the original pole, including colored or painted to match the pole, and shall be shrouded or screened to blend with the pole except for canister antennas which shall not require screening. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole.
- (g) The use of the light pole for the siting of a small cell facility shall be considered secondary to the primary function of the light pole. If the primary function of a light pole serving as the host site for a small cell facility becomes unnecessary, the light pole shall not be retained for the sole purpose of accommodating the small cell facility and the small cell facility and all associated equipment shall be removed.

(7) Small Cell Facilities Attached to Existing Buildings. Small cell facilities attached to existing buildings, shall conform to the following design criteria:

- (a) Small cell facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.
- (b) The interruption of architectural lines or horizontal or vertical reveals is discouraged.
- (c) New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if it complements the architecture of the existing building.
- (d) Small cells shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building.
- (e) Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Exposed cabling/wiring is prohibited.
- (f) Small cell facilities shall be painted and textured to match the adjacent building surfaces.

(8) General Requirements.

- (a) Ground mounted equipment in the rights of way is prohibited, unless such facilities are placed underground or the applicant can demonstrate that pole mounted or underground equipment is technically infeasible. If the applicant builds an underground vault it should design such vault to allow for co-location of additional equipment. If ground mounted equipment is necessary, then the applicant shall submit a concealment element design, as described in subsection. (9)(c) Generators located in the rights of way are prohibited.
- (b) No equipment shall be operated so as to produce noise in violation of Chapter 6.16 PMC (Noise Control)
- (c) Small cell facilities are not permitted on traffic signal poles.
- (d) Small cell facilities are not permitted on ornamental poles, which are described in the City Standards for Public Works Engineering and Construction Manual.
- (e) Replacement poles and new poles shall comply with the American with Disabilities Act (ADA), city construction and sidewalk clearance standards, and state and federal regulations in order to provide a clear and safe passage within the rights-of-way.
- (f) Replacement poles shall be located as near as possible to the existing pole with the requirement to remove the abandoned pole.
- (g) A small cell permit shall not be required for routine maintenance and repair of a small cell facility within the rights-of-way, or the replacement of an antenna or equipment of similar size, weight and height, provided that such replacement does not defeat the concealment elements used in the original deployment of the small cell facility and does not impact the structural integrity of the pole. Right-of-way use permits may be required for such routine maintenance, repair or replacement.
- (h) The design criteria as applicable to small cell facilities described herein shall be considered concealment elements and such small cell facilities may only be expanded upon an eligible facilities request described in Chapter 20.59A PMC, when the modification does not defeat the concealment elements of the facility.
- (i) No signage, message or identification other than the manufacturer's identification or identification required by governing law is allowed to be portrayed on any antenna, and any such signage on equipment enclosures shall be of the minimum amount possible to achieve the intended purpose; provided that, signs are permitted as concealment element techniques where appropriate.
- (j) Antennas and related equipment shall not be illuminated except for security reasons, required by a federal or state authority, or unless approved as part of a concealment element design, as described in subsection. (9)(c)
- (k) Side arm mounts for antennas or equipment are prohibited.

- (l) Any small cell facility shall be removed by the facility owner or authorized agent within six months of the date it ceases to be operational or if the facility falls into disrepair. "Disrepair," as used in this section, refers to a facility or structure which has become so damaged or deteriorated on account of age, the elements, wear and tear, or other cause, that it has become a threat to public safety or would constitute a public nuisance as defined in the Puyallup Municipal Code.
- (m) The preferred location of a small cell facility on a pole is the location with the least visible impact.
- (n) Antennas, equipment enclosures, and ancillary equipment, conduit and cable, shall not dominate the building or pole upon which they are attached.
- (o) The City may consider the cumulative visual effects of small cells mounted on poles within the rights-of-way when assessing proposed siting locations so as to not adversely affect the visual character of the City.
- (p) Small cell facilities are not permitted on any residential structures, principal or accessory, in the RS zone.
- (q) The design standards in this Section 20.59.050 are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology, nor prohibits or has the effect of prohibiting the provision of personal wireless services.

(9) New Poles in the Rights-of-Way for Small Cell Facilities.

- (a) New poles within the rights-of-way are only permitted if the applicant can establish that:
 - (i) The proposed small cell facility cannot be located on an existing utility pole or light pole, electrical transmission tower or on a site outside of the public rights of way such as a public park, public property, building, transmission tower or in or on a non-residential use in a residential zone whether by roof or panel-mount or separate structure;
 - (ii) The proposed wireless communications facility receives approval for a concealment element design, as described in subsection(c);
 - (iii) The proposed wireless communications facility also complies with shoreline and SEPA, if applicable; and
 - (iv) No new poles shall be located in a critical area or associated buffer required by the City's environmentally critical areas management ordinance (Chapter 21.06 PMC), except when determined to be exempt pursuant to Article IV of said ordinance. Where no feasible alternatives exist, private wireless facilities may be located in environmentally critical areas or critical area buffers upon a finding of minimum disturbance to the critical area.

- (b) An application for a new pole in the right-of-way is subject to administrative conditional use permit review pursuant to Chapter 20.81 PMC.
- (c) The concealment element design shall include the design of the screening, fencing or other concealment technology for a tower, pole, or equipment structure, and all related transmission equipment or facilities associated with the proposed wireless communications facility, including but not limited to fiber and power connections.
- (i) The concealment element design should seek to minimize the visual obtrusiveness of wireless communications facility installations. The proposed pole or structure should have similar designs to existing neighboring poles in the rights of way, including to the extent technically feasible similar height. Other concealment methods include, but are not limited to, integrating the installation with architectural features or building design components, utilization of coverings or concealment devices of similar material, color and texture — or the appearance thereof — as the surface against which the installation will be seen or on which it will be installed, landscape design, or other camouflage strategies appropriate for the type of installation. Applicants are required to utilize designs in which all conduit and wirelines are installed internally in the structure or otherwise integrated into the design of the structure.
- (ii) If the Director has already approved a concealment element design either for the applicant or another wireless communications facility along the same public right-of-way or for the same pole type, then the applicant shall utilize a substantially similar concealment element design, unless it can show that such concealment element design is not physically or technologically feasible, or that such deployment would overwhelm the pole design.
- (d) Even if an alternative location is established pursuant to subsection, (9)(a)(i) the Director may determine, pursuant to an administrative conditional use permit, that a new pole in the right-of-way is in fact a superior alternative based on the impact to the City, the concealment element design, the City's Comprehensive Plan and the added benefits to the community.
- (e) Prior to the issuance of a permit to construct a new pole or ground mounted equipment in the right-of-way, the applicant must obtain a site-specific agreement from the city to locate such new pole or ground mounted equipment. This requirement also applies to replacement poles that are higher than the replaced pole, and the overall height of the replacement pole and the proposed wireless communications facility is more than sixty (60) feet.

**City of Puyallup
Planning Commission
Puyallup City Hall – Council Chambers
February 28, 2018
6:30 PM**

(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.)

PLANNING COMMISSIONERS PRESENT: Vice Chair Chris Larson, Donnie Juntunen, April Sanders, Art Seeley

PLANNING COMMISSIONERS ABSENT: Chair Pat McGregor, Laurie Larson

STAFF PRESENT: Director of Development Services - Tom Utterback; Senior Planner – Katie Baker; Assistant Planner – Rachael Brown; Administrative Assistant – Michelle Ochs

The meeting was called to order at 6:30 p.m. A quorum was established.

APPROVAL OF THE AGENDA

Ms. Sanders moved to approve the agenda, with a second by Mr. Seeley. The Commissioners unanimously approved the agenda.

CONSIDERATION OF THE MINUTES

November 15, 2017 & December 13, 2017

Ms. Sanders moved to approve the minutes as submitted, with a second by Mr. Juntunen. The Commissioners unanimously approved both sets of minutes.

AGENDA ITEMS

Public Hearing – Small Cell Wireless Facilities, Draft Code Amendments, PMC Sec. 20.59

(Recording start time 01:25)

Mr. Utterback gave a PowerPoint presentation on this item, and talked about current zoning standards, the current status of small cell wireless facilities in Puyallup, and the process of the draft code amendments to date. Mr. Utterback explained that the Planning Commission will hold a public hearing to consider potential code amendments to a section of the municipal code which deals with wireless communications. Mr. Utterback did a page-by-page review of proposed changes to existing sections of Puyallup Municipal Code (PMC) Sec. 20.59, as well as

the new, proposed code section. He noted that staff supported deleting one word (“existing”) from the first sentence of Sec. 20.59.050 (5-f). He also briefly went through the 2/27/18 comment letter from AT&T with the Commission, noting that it was the only written comments directed to the Commission for this hearing. Mr. Utterback explained the code amendment criteria to be met for Planning Commission’s recommendation.

- Mr. Seeley referenced proposed Sec. 20.59.050 (7), asking about any possible concerns by staff on “overloading” a building outside of right-of-way with too many antennas, Mr. Utterback explained that the proposed cumulative visual effects section for small cells mounted on poles would also apply to small cells attached to buildings, so that it allows staff to be comprehensive in or out of the right-of-way. Mr. Seeley asked if new Puget Sound Energy (PSE) utility poles will be wooden or metal, Mr. Utterback responded that staff’s understanding is that they will be wooden.

The public hearing for Small Cell Wireless Facilities opened at 7:06 p.m.

Linda Atkins – (Attorney for T-Mobile) - Ms. Atkins acknowledged the revisions made by staff in the draft code in response to her earlier comments, then made further comments regarding different proposed code sections.

Lelah Vaga – (Network Engineer for Verizon Wireless) - Ms. Vaga thanked staff for their work on the draft code and their consideration of the input given by the wireless providers during this process. Ms. Vaga explained why small cell wireless moving into Puyallup is so important because of the rapidly evolving technology.

Carol Tagayan – (Representative with AT&T)

Ms. Tagayan thanked the Commission for their work on the draft code, and echoed Ms. Vaga’s comments regarding the importance of this technology in Puyallup.

David DeGroot – 3021 26th Ave SE – Mr. DeGroot thanked staff for the code revisions made regarding earlier comments he had submitted, and made further comments regarding concerns about residential areas.

The Public Hearing for Small Cell Wireless Facilities closed at 7:21 p.m.

In response to Mr. DeGroot’s comments, Mr. Utterback stated that the Commission could consider the RM(multi-family) zone along with the RS (single-family) zone stated in Section 20.59.050 (8), subsection p. In response to a Commissioner question, Ms. Vaga commented that sometimes it is appropriate to place a macro site on a large apartment building, as it doesn’t affect the residents and doesn’t visually impact the neighborhood.

Scott Snyder, an attorney with Ogden Murphy Wallace and consortium counsel for the City, addressed comments made during the public hearing. Mr. Snyder suggested that the Commission add one further minor change to the end of proposed Sec. 20.59.050 (8-q).

The Commission made comments to the effect that the draft code strikes a good balance between the wireless providers needs and the public interests.

Mr. Juntunen made a motion to approve the draft code as written, with a second by Ms. Sanders.

After some discussion, Mr. Juntunen included these two text revisions in his motion:

- deleting the word “existing” in the opening sentence of Sec. 20.59.050, sub-section 5-f., as had been proposed by City Staff.
- adding additional verbiage to the end of Sec. 20.59.050, sub-section 8-o regarding that these standards not “prohibit” the provision of personal wireless service, as suggested by Mr. Snyder.

The Planning Commission voted, and the motion passed 4 – 0.

Public Hearing – Planned Development Rezones (Recording start time 01:02:51)

Ms. Brown gave a PowerPoint presentation, explaining what Planned Developments are, and why staff is proposing to replace them. Ms. Brown explained that they are proposing changes to the following Planned Developments: Peach Park, Crystal Ridge, La Grande, Leone Heights, and Stewart Crossing. Ms. Brown explained the criteria for approving the rezone, and the timeline towards completion.

The Public Hearing for Planned Development Rezones opened at 7:57 p.m.

Leonid Polischuk – 1501 5th St SE – Mr. Polischuk stated that he lives near the hospital and talked about concerns regarding heavy traffic, a question of an increase in property taxes, and why his area wouldn’t just be zoned commercial.

Glenn Markovits – 3306 24th Ave SE – Mr. Markovits stated he lives in Rodesco, adjacent to Crystal Ridge, and voiced concerns regarding high density and heavy traffic in the area with the Shaw Road project scheduled to start soon only contributing to the issues. Mr. Markovits also stated that he is concerned about possible future development in Crystal Ridge that would also contribute to the issues.

Helen Vajgert – 3920 15th Ave SE – Ms. Vajgert lives in Crystal Ridge and voiced concerns regarding density, possible future development, high crime rates, and heavy traffic.

Julie Buell – 1712 Amber Blvd SE – Ms. Buell asked what the benefit is of the rezoning to the City, and voiced concerns regarding heavy traffic.

Allen Zulauf – 2515 43rd St SE – Mr. Zulauf voiced concerns regarding increased density and traffic issues.

Mark McCoy – 3718 15th Ave SE – Mr. McCoy inquired as to why this proposed rezone is happening, that it appears to be for development reasons. Mr. McCoy asked if an exception could be made for the Crystal Ridge development.

The Public Hearing for Planned Development Rezone closed at 8:09 p.m.

Mr. Larson summarized the citizen comments and asked staff to respond. Ms. Brown stated that some of the green belts in Crystal Ridge are wetlands and it is against city, state and federal regulations to develop on it. Ms. Brown explained that staff is proposing these rezones to make it easier for residents of these Planned Developments to come in and get a permit for their existing parcels, that would otherwise have to get an approved Planned Development.

Mr. Utterback stated also that the PDR (Planned Residential Development) zone standards are very tailored to each of these Planned Developments, therefore making it more difficult for someone to look up in the City Code what they can do with their property.

Ms. Vajgert inquired as to whether someone could come in and purchase the houses abutting the houses in the Highlands, tear them down, and build townhomes in their place. Mr. Utterback responded that row townhouse development is not permitted by right in the proposed RS zone, plus the lots in that area would not be easily re-subdividable because of the RS-zone minimum lot size requirements.

Mr. Markovits commented again and asked if there could be an additional dwelling unit on properties. Mr. Utterback explained that accessory dwelling units are allowed in all residential zones with strict standards.

Several of the Commissioners stated that the greenbelt is protected and no development can happen whether it is zoned PDR or zoned RS.

Mr. Juntunen inquired as to what would happen if the Commission left Crystal Ridge out of the rezone, Mr. Utterback responded that if the Planning Commission and the City Council were to not act on Crystal Ridge, it would just remain zoned PDR.

Mr. Seeley made a motion to approve the rezones from PDR to RS as specified in Ms. Brown's presentation, with a second by Ms. Sanders.

Mr. Seeley explained that the protections from development of the wetlands exist whether these Planned Developments are zoned PDR or RS, and that rezoning these Planned Developments would also not affect traffic in these areas. Mr. Seeley also noted that the Crystal Ridge Homeowner's Association (HOA) would control the green belts regardless of the zoning proposal.

The Planning Commission voted, and the motion passed 4 -0.

OTHER COMMISSION BUSINESS

Mr. Utterback commented on the exiting Planning Commissioner that is leaving, Pat McGregor; and explained the status of possible incoming Commissioners.

Ms. Baker stated that the March 14, 2018 Planning Commission meeting is cancelled.

Mr. Larson informed the Commissioners of an upcoming Planning Short Course in Fife on March 21st, stating that it is free to sign up and is a very informative course.

ADJOURNMENT

The meeting was adjourned at 8:30 p.m.



City Council Agenda Item Report

Submitted by: Peggy Watson
Submitting Department: Finance
Meeting Date: 4/17/2018

Subject:

Second Reading of an ordinance amending the 2018 Budget

Presenter:

Cliff Craig

Recommendation:

Approve second reading of an ordinance amending the 2018 Budget.

Background:

This ordinance provides adjustments to the 2018 Budget as authorized by RCW 35A.33.120. The amendments reflect changes that have occurred since City Council adoption of the 2018 Budget via Ordinance No. 3155.

Previous Actions (Discussions/Presentations):

The 2018 Budget was adopted by ordinance 3155 on November 28, 2017. This is the first ordinance amending the 2018 Budget this year. Council passed first reading of this ordinance April 3, 2018 after removing the technical budget change related to the consultant services for the TDR/LCLIP study. Council then approved the budget change for the TDR/LCLIP study in a separate action.

This ordinance is unchanged from the ordinance originally presented to Council. That is, it does include the budget change for the study since it has now been approved by the Council. Only the Exhibit B report, detailing the specific adjustments in each fund and by category is changed. The adjustment for the TDR/LCLIP study has been reclassified as an approved item, with an approval date of 4/3/2018. It was previously classified as a technical adjustment with approval pending Council approval of the adjustment ordinance.

Council Direction:

Staff recommends Council approve second reading of the budget adjustment ordinance.

Fiscal Impacts:

New technical adjustments add \$106,000 to the budget.

ATTACHMENTS

- [Ordinance - First 2018 Budget Adjustment](#)
- [Exhibit A - Summary Report](#)
- [Exhibit B - Detail Report](#)

ORDINANCE NO. _____

AN ORDINANCE of the City of Puyallup, Washington, relating to municipal finance, amending the 2018 budget adopted by Ordinance No. 3155 and authorizing certain expenditures in the amounts specified in this ordinance to conform with previous direction provided by the City Council

Whereas, the City Council is authorized to amend the City’s budget within the limitations set forth in RCW 35A.33.120; and

Whereas, the City Council finds that current revenue and expenditure reports for the City differ from forecasts used to create the 2018 Budget enacted by Ordinance No. 3155; and

Whereas, the City Council finds that such differences justify certain adjustments regarding obligations incurred and expenditures of revenues for the 2018 budget; and

Whereas, the City Council finds that any increases, decreases, revocations or recalls set forth herein are in the best interests of the City;

NOW THEREFORE, THE CITY COUNCIL FOR THE CITY OF PUYALLUP ORDAINS AS FOLLOWS:

Section 1. Findings. Each and every of the findings expressed in the recitals to this ordinance are hereby adopted and incorporated herein.

Section 2. Amendments to 2018 Budget. The 2018 Budget, originally approved by Ordinance No.3155, passed on November 28, 2017, is amended as summarized in Exhibit A reflecting detailed changes itemized in Exhibit B:

a. Authorized FTE Adjustment

1.0 FTE Engineering Technician IV added in Engineering to increase capacity in Development Engineering.

Section 3. Ratification and Confirmation. All acts taken by City officers and staff prior to the enactment of this ordinance that are consistent with and in furtherance of the purpose or intent of this ordinance are hereby ratified and confirmed by the City Council.

Section 4. Severability – Construction. If a section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. If the provisions of this ordinance are found to be inconsistent with other provisions of the Puyallup Municipal Code, this ordinance deems control.

Section 5. Effective Date. This ordinance shall take effect and be in full force, five (5) days after its passage, approval and publication according to law.

PASSED at an open public meeting by the City Council for the City of Puyallup on the _____ day of _____, 2018.

John Palmer
Mayor

Approved as to form:

Attest:

Joseph N. Beck
City Attorney

Mary Winter
City Clerk

Published: _____

Effective: _____

Exhibit A - Budget Adjustment Summary for 2018 First Budget Adjustment

Fund Description	Begin	Revenues	Trfs In	Expenses	Trfs Out	End
General Fund	6,269	21,000	5,000	82,269	0	-50,000
LIFT Grant Fund	1,455,198	0	0	0	1,455,198	0
Street Fund Operations	3,241,479	0	0	0	0	0
Street Projects	0	17,415,663	925,198	21,582,340	0	0
Capital Improvement Fund	1,096,604	0	0	0	0	0
Capital Improvement Projects	0	548,202	530,000	2,174,806	0	0
Facility/Civic Ctr Projs	0	0	0	0	0	-160,500
Facility Projects	0	0	0	160,500	0	0
Water Operations	1,095,210	0	0	0	0	0
Water Projects	0	0	0	1,095,210	0	0
Sewer Operations	7,050,813	0	0	30,000	0	0
Sewer Projects	0	2,712,792	0	9,733,605	0	0
Storm Operations	7,470,974	0	0	-5,000	35,000	0
Storm Projects	0	2,483,153	0	9,924,127	0	0
Equipment Rental	0	0	35,000	35,000	0	0
Insurance Fund	5,000	0	0	0	5,000	0
Info Tech & Communication	286,483	0	0	0	0	0
IT Projects	0	0	0	286,483	0	0
Grand Total	21,708,030	23,180,810	1,495,198	45,099,340	1,495,198	-210,500

Exhibit B - Budget Adjustment Details for 2018 1st Budget Adjustment - 2nd Reading

Fund Description	Approval Date	Begin	Revenues	Trfs In	Expenses	Trfs Out	End
General Funds							
General Fund							
Approved							
Increase Long Range Planning-Forterra Project	20180403	0	0	0	50,000	0	-50,000
Continuing Projects							
Insurance Tsf for Escape Hood Respirators	2017	0	0	5,000	5,000	0	0
Plans Review Contract	2017	0	0	0	6,269	0	0
Unspent Balance Carried Forward	2017	6,269	0	0	0	0	0
Technical Adjustment							
DUI Emergency Response	Pending	0	21,000	0	21,000	0	0
Total General Fund		6,269	21,000	5,000	82,269	0	-50,000
Total General Funds		6,269	21,000	5,000	82,269	0	-50,000

Special Revenue Funds

LIFT Grant Fund

Continuing Projects

Parks (2) and Streets (2) Projects	2017	0	0	0	0	1,455,198	0
Unspent Balance Carried Forward	2017	1,455,198	0	0	0	0	0

Total LIFT Grant Fund

		1,455,198	0	0	0	1,455,198	0
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Total Special Revenue Funds

		1,455,198	0	0	0	1,455,198	0
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Capital Project Funds

Street Fund Operations

Continuing Projects

Unspent Balance Carried Forward	2017	3,241,479	0	0	0	0	0
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Total Street Fund Operations

		3,241,479	0	0	0	0	0
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Street Projects

Fund Description	Approval Date	Begin	Revenues	Trfs In	Expenses	Trfs Out	End
Continuing Projects							
9th St SW; River Road Safety Imp-Safety Grant	2017	0	1,531,080	0	1,531,080	0	0
ADA Transition Plan	2017	0	0	0	13,046	0	0
Transportation Impact Fee Update	2017	0	0	0	30,000	0	0
Traffic Calming Program	2017	0	0	0	78,426	0	0
Street Repair and Replacement	2017	0	0	0	855,733	0	0
Sidewalk Link & Repair Program	2017	0	0	0	767,862	0	0
Shaw Road; 23rd to Manorwood-TIB Grant	2017	0	4,050,686	0	4,050,686	0	0
Safe Routes	2017	0	0	0	100,000	0	0
WSU Frontage Improvements Phase 3	2017	0	0	0	447,789	0	0
31st Ave SE - 5th St SE Signal-LIFT	2017	0	0	839,100	839,100	0	0
14th Street Improvements	2017	0	0	0	50,000	0	0
Milwaukee Bridge Replacement-FHWA Grant	2017	0	11,023,897	0	11,023,897	0	0
23rd Ave SE; Meridian to 9th	2017	0	0	0	242,559	0	0
39th Ave SW; Const Transition	2017	0	0	0	184,200	0	0
39th Ave SW;11th-17th Const	2017	0	0	0	94,031	0	0
5th Ave SE - E Main Signal	2017	0	0	0	1,482	0	0
5th St SW/NW Adapt Signal Control	2017	0	810,000	86,098	896,098	0	0
9th Ave SW; Meridian 5th St SW-LIFT	2017	0	0	0	376,351	0	0
Total Street Projects		0	17,415,663	925,198	21,582,340	0	0
Capital Improvement Fund							
Continuing Projects							
Unspent Balance Carried Forward	2017	1,096,604	0	0	0	0	0
Total Capital Improvement Fund		1,096,604	0	0	0	0	0
Capital Improvement Projects							
Continuing Projects							
CC Tennis Court Improvements	2017	0	0	0	110,010	0	0
Van Lierop Park Phase I	2017	0	0	0	189,487	0	0
Trail Loop Improvements	2017	0	0	0	54,989	0	0
Riverwalk Trail VI-Commerce Grant	2017	0	483,598	0	483,598	0	0
Riverwalk Trail V-Commerce Grant	2017	0	64,604	0	64,604	0	0
Rec Ctr Building Exterior	2017	0	0	0	547,413	0	0
Rec Open Space Bond Con Survey	2017	0	0	0	18,000	0	0
PRC/PAC Equipment Replacement	2017	0	0	0	6,280	0	0
Pioneer Park Restrooms-LIFT	2017	0	0	250,000	250,000	0	0
Green City-Tree City USA	2017	0	0	0	12,214	0	0

Fund Description	Approval Date	Begin	Revenues	Trfs In	Expenses	Trfs Out	End
CC Park Restrooms	2017	0	0	0	6,525	0	0
Bradley Lake Trail Connections-LIFT	2017	0	0	280,000	280,000	0	0
Rainier Woods Park Restrooms	2017	0	0	0	129,024	0	0
Parks Equipment/Minor Projects	2017	0	0	0	22,662	0	0
Total Capital Improvement Projects		0	548,202	530,000	2,174,806	0	0
Facility/Civic Ctr Projs							
Approved							
Public Safety Building Consult	20171128	0	0	0	0	0	-160,500
Total Facility/Civic Ctr Projs		0	0	0	0	0	-160,500
Facility Projects							
Approved							
Public Safety Building Consult	20171128	0	0	0	160,500	0	0
Total Facility Projects		0	0	0	160,500	0	0
Total Capital Project Funds		4,338,083	17,963,865	1,455,198	23,917,646	0	-160,500

Enterprise Funds

Water Operations

Continuing Projects

Unspent Balances Carried Forward	2017	1,095,210	0	0	0	0	0
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Total Water Operations		1,095,210	0	0	0	0	0
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Water Projects

Continuing Projects

Replace Pump Chlorinator Vents	2017	0	0	0	35,378	0	0
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Water System Improvements	2017	0	0	0	377,064	0	0
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Water Comprehensive Plan	2017	0	0	0	50,360	0	0
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Shaw Road; 23rd to Manorwood	2017	0	0	0	84,000	0	0
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Sand Shed Pole Barn	2017	0	0	0	115,350	0	0
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Salmon Springs Main Replacement	2017	0	0	0	22,012	0	0
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Forest Green Phase 3 Main Replacement	2017	0	0	0	54,698	0	0
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Bridge Street Water Main Replacement	2017	0	0	0	290,000	0	0
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Salmon Springs Phase 2 Main Replacement	2017	0	0	0	66,348	0	0
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Fund Description	Approval Date	Begin	Revenues	Trfs In	Expenses	Trfs Out	End
Total Water Projects		0	0	0	1,095,210	0	0
Sewer Operations							
Continuing Projects							
CCTV Van Upgrade	2017	0	0	0	30,000	0	0
Unspent Balance Carried Forward	2017	30,000	0	0	0	0	0
Unspent Balances Carried Forward	2017	7,020,813	0	0	0	0	0
Total Sewer Operations		7,050,813	0	0	30,000	0	0
Sewer Projects							
Continuing Projects							
7th Ave NW Alley N	2017	0	0	0	214,475	0	0
12th Ave SE Line Replacement	2017	0	0	0	327,017	0	0
20 Year Facilities Plan	2017	0	0	0	225,000	0	0
39th Ave SW; 11th-17th	2017	0	0	0	39,117	0	0
E Main; 23rd-Riv LS-Main Replacement	2017	0	0	0	660,000	0	0
6th Ave NW Alley N	2017	0	0	0	214,567	0	0
W Pioneer Line Replacement; 18th-19th	2017	0	0	0	565,376	0	0
UV Disinfectant System	2017	0	0	0	200,000	0	0
Treatment Plant Upgrades	2017	0	0	0	16,632	0	0
Sewer System Improvements	2017	0	0	0	224,190	0	0
Sand Shed Pole Barn	2017	0	0	0	115,350	0	0
S Hill Mall LS Grav Conversion	2017	0	0	0	111,072	0	0
N Levee Lift Station Upgrade	2017	0	0	0	100,000	0	0
WPCP Flood Protection	2017	0	2,712,792	0	2,928,966	0	0
E Main; 18th to 23rd Main Replacement	2017	0	0	0	840,000	0	0
Corrosion Prevention Projections	2017	0	0	0	21,183	0	0
Corporate Yards Decant Facility	2017	0	0	0	238,051	0	0
Biosolids Premise Isolation	2017	0	0	0	94,366	0	0
Aging Equipment Replacement	2017	0	0	0	520,586	0	0
Aeration Basin #4	2017	0	0	0	400,000	0	0
9th Ave NE Main Replacement	2017	0	0	0	200,000	0	0
4th-River Rd LS Improvements	2017	0	0	0	1,277,657	0	0
New Headworks Odor System	2017	0	0	0	200,000	0	0
Total Sewer Projects		0	2,712,792	0	9,733,605	0	0
Storm Operations							
Continuing Projects							

Fund Description	Approval Date	Begin	Revenues	Trfs In	Expenses	Trfs Out	End
Unspent Balance Carried Forward	2017	30,000	0	0	0	0	0
Unspent Balances Carried Forward	2017	7,440,974	0	0	0	0	0
CCTV Van Upgrade	2017	0	0	0	30,000	0	0
Technical Adjustment							
Stormwater Vehicle - From Stormwater to ER	Pending	0	0	0	-35,000	35,000	0
Total Storm Operations		7,470,974	0	0	-5,000	35,000	0

Storm Projects

Continuing Projects

Storm System Improvements	2017	0	0	0	36,365	0	0
Meeker Cr S Pump Sta Upgrades	2017	0	0	0	67,277	0	0
Monitoring Sites (Four)	2017	0	0	0	109,261	0	0
Puy Contrib/USACE/GI Study	2017	0	0	0	60,000	0	0
Sand Shed Pole Barn	2017	0	0	0	115,350	0	0
Shaw Rd; 12th to 23rd	2017	0	0	0	42,756	0	0
WSU Frontage Impvmts Phase 4B	2017	0	181,108	0	181,108	0	0
Address Failing Private System	2017	0	0	0	52,000	0	0
Meeker Cr N Pump Sta Upgrades	2017	0	0	0	80,000	0	0
Toscanos Storm Repair	2017	0	0	0	15,828	0	0
Upper CC Channel Stabilization	2017	0	0	0	3,044,080	0	0
Wapato Creek Diversion Repair	2017	0	0	0	96,882	0	0
WSU Frontage Impvmts Phase 1	2017	0	771,845	0	992,249	0	0
WSU Frontage Impvmts Phase 4A	2017	0	1,530,200	0	1,459,749	0	0
Shaw Rd; 23rd to Manorwood	2017	0	0	0	731,999	0	0
15th St NW/SW;4th SW-Stewart	2017	0	0	0	70,826	0	0
E. Main - Deer Creek	2017	0	0	0	1,434,964	0	0
12th Ave SE-Prop Adj Flaherty	2017	0	0	0	104,721	0	0
Meeker Cr Channel Restoration	2017	0	0	0	48,093	0	0
39th Ave SW; Const Transition	2017	0	0	0	170,000	0	0
39th Ave SW;11th to 17th Const	2017	0	0	0	543,508	0	0
9th Ave SW; Meridian 5th St SW	2017	0	0	0	106,330	0	0
Impl Puy River Fecal Tmdl	2017	0	0	0	47,974	0	0
Impl Req Disslv Oxygen Tmdl	2017	0	0	0	175,532	0	0
Impl Req Fecal Tmdl	2017	0	0	0	40,656	0	0
LID Incentive Program	2017	0	0	0	36,322	0	0
LID Retrofit Program	2017	0	0	0	46,609	0	0
12th Ave SE Reg SW Facility	2017	0	0	0	5,499	0	0
Clarks Creek Elodea Mgmt	2017	0	0	0	8,189	0	0

Fund Description	Approval Date	Begin	Revenues	Trfs In	Expenses	Trfs Out	End
Total Storm Projects		0	2,483,153	0	9,924,127	0	0
Total Enterprise Funds		15,616,997	5,195,945	0	20,777,942	35,000	0

Internal Service Funds

Equipment Rental

Technical Adjustment

Stormwater Vehicle - From Stormwater to ER	Pending	0	0	35,000	35,000	0	0
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Total Equipment Rental		0	0	35,000	35,000	0	0
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Insurance Fund

Continuing Projects

Insurance Tsf for Escape Hood Respirators	2017	0	0	0	0	5,000	0
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Unspent Balance Carried Forward	2017	5,000	0	0	0	0	0
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Total Insurance Fund		5,000	0	0	0	5,000	0
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Info Tech & Communication

Continuing Projects

Unspent Balance Carried Forward	2017	286,483	0	0	0	0	0
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Total Info Tech & Communication		286,483	0	0	0	0	0
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IT Projects

Continuing Projects

Video Arraignment System	2017	0	0	0	51,470	0	0
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Cloud Migration	2017	0	0	0	35,929	0	0
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Fiber Optic Network	2017	0	0	0	72,560	0	0
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IFAS Upgrade	2017	0	0	0	84,545	0	0
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Security Strategic Plan	2017	0	0	0	41,979	0	0
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Total IT Projects		0	0	0	286,483	0	0
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Total Internal Service Funds		291,483	0	35,000	321,483	5,000	0
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Grand Total		21,708,030	23,180,810	1,495,198	45,099,340	1,495,198	-210,500
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City Council Agenda Item Report

Submitted by: Mary Winter

Submitting Department: Capital Improvement Engineering

Meeting Date: 4/17/2018

Subject:

Second reading of an ordinance to dedicate a portion of Veterans Park to Milwaukee Ave NE Right-of-Way

Presenter:

Hans P. Hunger, City Engineer or Joseph N. Beck, City Attorney

Recommendation:

Conduct second reading of an ordinance dedicating a 165 square foot portion of the Veteran's Park parcel to the Milwaukee Ave NE Right-of-Way.

Background:

The Milwaukee Bridge was built in the 1950s and is scheduled to be rehabilitated to extend its usable life. The major financial contributor to the bridge rehabilitation is Washington State Department of Transportation (WSDOT) via their bridge program in the amount of \$10 million dollars.

While working with the designers to identify the Right-of-Way (ROW) needed to construct, maintain and operate the bridge structure, we discovered that one of the City's parcels that makes up Veterans Park has a sliver of land that protrudes into the ROW. To move forward and not jeopardize grant funding, the city needs to dedicate the sliver of land (165 square feet) to the ROW of Milwaukee Avenue to meet WSDOT requirements.

Council Direction:

Fiscal Impacts:

ATTACHMENTS

- [Ordinance](#)
- [Exhibits A & B](#)

ORDINANCE No. XXXX

**AN ORDINANCE OF THE CITY OF PUYALLUP,
WASHINGTON**, dedicating a portion of Veteran’s Park (parcel
0420276012) as right-of-way.

WHEREAS, Milwaukee Ave NE is a Right-of-Way in the City of Puyallup; and

WHEREAS, the Milwaukee Ave NE Bridge as it exists today was constructed in 1962;
and

WHEREAS, in order to rehabilitate the Milwaukee Ave NE Bridge to the City must
obtain all needed rights to construct, operate and maintain the structure as mandated by the
Washington State Department of Transportation (Grant Funder); and

WHEREAS, the property underlying a portion of the Bridge is a small part of Veteran’s
Park; and

WHEREAS, the Washington State Department of Transportation is requiring the City to
formally dedicate the property underlying the Bridge as right-of-way;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PUYALLUP,
WASHINGTON, hereby ordains as follows:

Section 1. Dedication. The portion of Veteran’s Park (parcel 0420276012) as described
in Exhibit A and depicted in the attached diagram titled Exhibit B and both incorporated
herein by reference is hereby dedicated subject to the provisions of Section 2, below.

Section 2. Reservation of Easements and Rights. The City of Puyallup reserves to the
City the easement(s) and right to exercise and grant easements in respect to the dedicated
land for the construction, repair and maintenance of public utilities and services as they
currently exist as the date of this Ordinance and to use the described property in any
manner not inconsistent with this dedication.

Section 3. Corrections. The City Clerk is authorized to make necessary corrections to
this ordinance including, but not limited to, the correction of scrivener’s/clerical errors,
references, numbering, section/subsection numbers and any references thereto

Section 4. Publication. A summary of this ordinance shall be published as required by
law.

Section 5. Severability- Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is
declared unconstitutional or invalid for any reason by any court of competent
jurisdiction, such decision shall not affect the validity of the remaining portions of
this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with the other provisions of the Puyallup Municipal Code, the ordinance is deemed to control.

Section 6. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval, and publication as provided by law.

Adopted by the City Council of the City of Puyallup, Washington, this ____ day of _____ 2018.

John Palmer, Mayor

ATTEST:

Mary Winter, City Clerk

APPROVED AS TO FORM:

Joseph N. Beck, City Attorney

Published: _____

Effective: _____

EXHIBIT A

**LEGAL DESCRIPTION
RIGHT-OF-WAY ACQUISITION
CITY OF PUYALLUP**

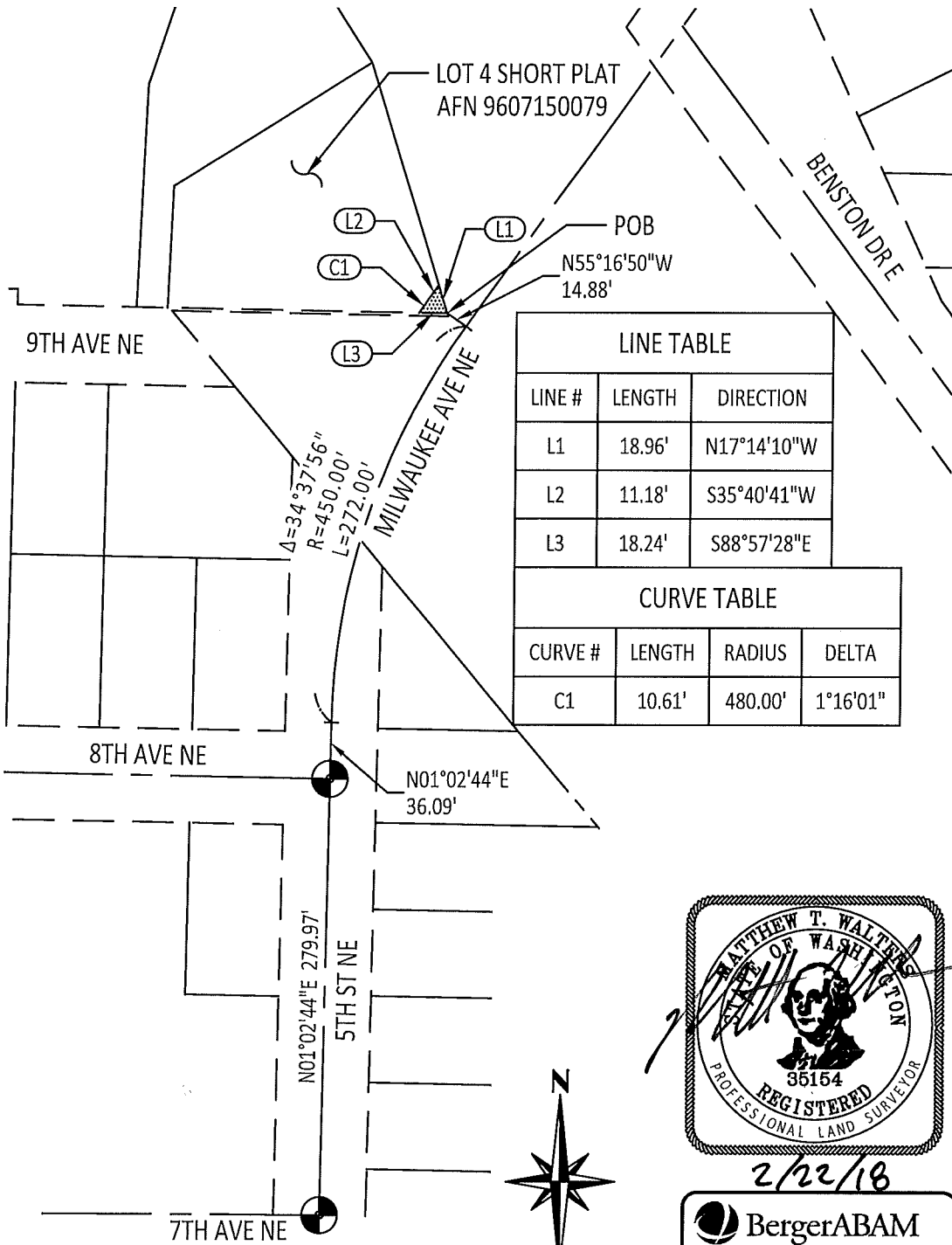
COMMENCING AT THE INTERSECTION OF THE CENTERLINES OF 5TH STREET NE AND 7TH AVENUE NE, IN THE CITY OF PUYALLUP, WASHINGTON; THENCE NORTH 01°02'44" EAST, ALONG THE CENTERLINE OF SAID 5TH STREET NE, A DISTANCE OF 279.97 FEET TO ITS INTERSECTION WITH THE CENTERLINE OF 8TH AVENUE NE; THENCE CONTINUING NORTH 01°02'44" EAST, A DISTANCE OF 36.09 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 450.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 34°37'56", A DISTANCE OF 272.00 FEET; THENCE NORTH 55°16'50" WEST, A DISTANCE OF 14.88 FEET TO THE SOUTHEAST CORNER OF LOT 4 OF THAT SHORT PLAT RECORDED UNDER PIERCE COUNTY AUDITOR'S FEE NUMBER 9607150079, RECORDS OF PIERCE COUNTY, WASHINGTON, BEING THE **POINT OF BEGINNING**; THENCE NORTH 17°14'10" WEST ALONG THE EASTERLY LINE OF SAID LOT 4, A DISTANCE OF 18.96 FEET; THENCE SOUTH 35°40'41" WEST, A DISTANCE OF 11.18 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 480.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 1°16'01", A DISTANCE OF 10.61 FEET TO THE SOUTH LINE OF SAID LOT 4; THENCE SOUTH 88°57'28" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 18.24 FEET TO THE **POINT OF BEGINNING**.

SAID RIGHT-OF-WAY ACQUISITION CONTAINING 165 SQUARE FEET, MORE OR LESS.



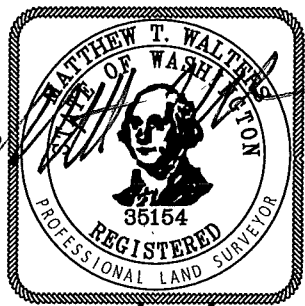
2/22/18

EXHIBIT B



LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	18.96'	N17°14'10"W
L2	11.18'	S35°40'41"W
L3	18.24'	S88°57'28"E

CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C1	10.61'	480.00'	1°16'01"



2/22/18



SCALE 1" = 100'

BergerABAM
 33301 9th Avenue South, Suite 300
 Federal Way, Washington 98003-2600
 (206) 431-2300 Fax: (206) 431-2250
 JOB NO. 14.0184



City Council Agenda Item Report

Submitted by: Sarah Harris

Submitting Department: Parks, Recreation and Facilities

Meeting Date: 4/17/2018

Subject:

Authorizing Resolution for Youth Athletic Facilities Grant Application

Presenter:

Sarah Harris

Recommendation:

Approve a resolution allowing the City to submit a Youth Athletic Facilities (YAF) grant application for the purpose of resurfacing the Puyallup Valley Sports Complex Baseball/Softball Fields from natural grass to synthetic turf.

Background:

The State of Washington Recreation and Conservation Office (RCO) has presented grant opportunities to State municipalities for the development of local parks projects through the Youth Athletic Facilities Program. Grant applications are due by May 1, 2018 and must include an adopted Council Resolution supporting the Grant application. The City's proposed grant would be in the amount of \$350,000. Approving this resolution DOES NOT OBLIGATE the City to accept the grant if or when it is offered -- the resolution is the first required step in the grant process.

In the 2018 budget, Council approved \$2,000,000 in LTAC funds to convert the fields at the Puyallup Valley Sports Complex from the existing natural turf (dirt infields/grass outfields) to synthetic turf. The conversion to synthetic turf will allow the fields to be utilized year round for a multitude of sports to include: baseball, softball, soccer, lacrosse and football. Currently the fields are used for baseball and softball beginning in March and concluding in early October. The fields are normally shut down for the season beginning in October - February.

On March 6, 2018, Council approved a contract with Bruce Dees and Associates for the design phase of the field conversion. Their initial estimates indicate that our current \$2,000,000 budget will allow us to complete the conversion of the infields of Fields #1 and #3 and a full conversion of Field #2. This would allow us to create one regulation size multi-purpose field in the outfield of Field #2. The turfing of the infields on Fields #1 and #3 will cut down on the number of baseball/softball rainouts and make the Puyallup Valley Sports Complex a more desirable location for Baseball/Softball tournaments. It would not however create additional opportunities for soccer/lacrosse or football games.

Therefore, staff recommend seeking additional funding through the State RCO grant program to install turf on the outfields of Fields #1 and #3. Depending on design and size of the multi-purpose fields, this would enable us to increase the number of multi-purpose field overlays from 1 to up to 3 fields. By installing synthetic turf on all three fields, we could achieve maximum use of an existing facility and provide opportunities for the youth in our community

to utilize the fields year round. In addition, it would allow the fields to be utilized for tournaments for baseball/softball, soccer and lacrosse and bring tourism opportunities to the community.

Council Direction:

Recommend that Council approve the Resolution allowing staff to move forward with the grant application.

Fiscal Impacts:

ATTACHMENTS

- [RCO Grant Resolution--YAF-Sports Complex Fields](#)

RESOLUTION NO. ____

Project Number: 18-1684

Project Name: Puyallup Valley Sports Complex Field Conversion Project

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PUYALLUP, WASHINGTON. This resolution/authorization authorizes the person identified below (in section 2) to act as the authorized representative/agent on behalf of our organization and to legally bind our organization with respect to the above Project(s) for which we seek grant funding assistance managed through the Recreation and Conservation Office.

WHEREAS, state grant assistance is requested by our organization to aid in financing the cost of the “Puyallup Valley Sports Complex Field Conversion Project” referenced above;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. Our organization has applied for or intends to apply for funding assistance managed by the Office for the above “Puyallup Valley Sports Complex Field Conversion Project.”

Section 2. The Parks & Recreation Director is authorized to act as a representative/agent for our organization with full authority to bind the organization regarding all matters related to the Project(s), including but not limited to, full authority to: (1) approve submittal of a grant application to the Office, (2) enter into a project agreement(s) on behalf of our organization, (3) sign any amendments thereto on behalf of our organization, (4) make any decisions and submissions required with respect to the Project(s), and (5) designate a project contact(s) to implement the day-to-day management of the grant(s).

Section 3. Our organization has reviewed the sample project agreement on the Recreation and Conservation Office’s Website at : <https://rco.wa.gov/documents/manuals&forms/SampleProjAgreement.pdf>. We understand and acknowledge that if offered a project agreement to sign in the future, it will contain an indemnification and legal venue stipulation (applicable to any sponsor) and a waiver of sovereign immunity (applicable to Tribes) and other terms and conditions substantially in the form contained in the sample project agreement and that such terms and conditions of any signed project agreement shall be legally binding on the sponsor if our representative/agent enters into a project agreement on our behalf. The Office reserves the right to revise the project agreement prior to execution and shall communicate any such revisions with the above authorized representative/agent before execution.

Section 4. Our organization acknowledges and warrants, after conferring with its legal counsel, that its authorized representative/agent has full legal authority to enter into a project agreement(s) on its behalf, that includes indemnification, waiver of sovereign immunity (as may apply to Tribes), and stipulated legal venue for lawsuits and other terms substantially in the form contained in the sample project agreement or as may be revised prior to execution.

Section 5. Grant assistance is contingent on a signed project agreement. Entering into any project agreement with the Office is purely voluntary on our part.

Section 6. Our organization understands that grant policies and requirements vary depending on the grant program applied to, the grant program and source of funding in the project agreement, the characteristics of the project, and the characteristics of our organization.

Section 7. Our organization further understands that *prior to* our authorized representative/agent executing the project agreement(s), the RCO may make revisions to its sample project agreement and that such revisions could include the indemnification, the waiver of sovereign immunity, and the legal venue stipulation. Our organization accepts the legal obligation that we shall, prior to execution of the project agreement(s), confer with our authorized representative/agent as to any revisions to the project agreement from that of the sample project agreement. We also acknowledge and accept that if our authorized representative/agent executes the project agreement(s) with any such revisions, all terms and conditions of the executed project agreement (including but not limited to the indemnification, the waiver of sovereign immunity, and the legal venue stipulation) shall be conclusively deemed to be executed with our authorization.

Section 8. Any grant assistance received will be used for only direct eligible and allowable costs that are reasonable and necessary to implement the project(s) referenced above.

Section 9. Our organization acknowledges and warrants, after conferring with its legal counsel, that no additional legal authorization beyond this authorization is required to make the indemnification, the waiver of sovereign immunity (as may apply to Tribes), and the legal venue stipulation substantially in form shown on the sample project agreement or as may be revised prior to execution legally binding on our organization upon execution by our representative/agent.

Section 10. Our organization acknowledges that if it receives grant funds managed by the Office, the Office will pay us on only a reimbursement basis. We understand reimbursement basis means that we will only request payment from the Office after we incur grant eligible and allowable costs and pay them. The Office may also determine an amount of retainage and hold that amount until the Project is complete.

Section 11. Our organization acknowledges that any property owned by our organization that is developed, renovated, enhanced, or restored with grant assistance must be dedicated for the purpose of the grant in perpetuity unless otherwise allowed by grant program policy, or Office in writing and per the project agreement or an amendment thereto.

Section 12. This resolution/authorization is deemed to be part of the formal grant application to the Office.

Section 13. Our organization warrants and certifies, after conferring with its legal counsel, that this resolution/authorization was properly and lawfully adopted following the requirements of our organization and applicable laws and policies and that our organization has full legal authority to commit our organization to the warranties, certifications, promises and obligations set forth herein.

This application authorization was adopted by our organization during the meeting held:

Location: Puyallup City Hall, 333 South Meridian, Puyallup, WA 98371

Effective Date. This resolution shall take effect and be in force immediately upon its passage.

Signed and approved on behalf of the resolving body of the organization by the following authorized member(s):

Approved by the City Council of the City of Puyallup on the 17th day of April, 2018.

John Palmer, Mayor

APPROVED AS TO FORM:

ATTEST:

Joseph N. Beck, City Attorney

Mary Winter, City Clerk

Washington State Attorney General's Office

Approved as to form *Brian Tallen* **1/19/18**
Assistant Attorney General *Date*



City Council Agenda Item Report

Submitted by: Sarah Harris

Submitting Department: Parks, Recreation and Facilities

Meeting Date: 4/17/2018

Subject:

RCO Grant Application - WWRP Authorizing Resolution - Puyallup Valley Sports Complex Field Turf Conversion Project

Presenter:

Sarah Harris

Recommendation:

Approve a resolution authorizing City staff to submit a Washington Wildlife and Recreation Program (WWRP) grant application for State RCO grant funding for the purpose of resurfacing the Puyallup Valley Sports Complex Baseball/Softball Fields from natural grass to synthetic turf.

Background:

Every two years, the State of Washington Recreation and Conservation Office (RCO) provides grant opportunities to municipalities for the development of local parks projects through the Washington Wildlife and Recreation Program (WWRP). The grant applications are due by May 1, 2018 and must include an adopted Council Resolution supporting the Grant application. The City's grant application would be for approximately \$500,000 in grant funding. Approving this resolution DOES NOT OBLIGATE the City to accept the grant if or when it is offered -- the resolution is the first required step in the grant process.

In the 2018 budget, Council approved \$2,000,000 in LTAC funds to convert the fields at the Puyallup Valley Sports Complex from the existing natural turf (dirt infields/grass outfields) to synthetic turf. The conversion to synthetic turf will allow the fields to be utilized year round for a multitude of sports to include: baseball, softball, soccer, lacrosse and football. Currently the fields are used for baseball and softball beginning in March and concluding in early October. The fields are normally shut down for the season beginning in October - February.

On March 6, 2018, Council approved a contract with Bruce Dees and Associates for the design phase of the field conversion. Their initial estimates indicate that our current \$2,000,000 budget will allow us to complete the conversion of the infields of Fields #1 and #3 and a full conversion of Field #2. This would allow us to create one regulation size multi-purpose field in the outfield of Field #2. The turfing of the infields on Fields #1 and #3 will cut down on the number of baseball/softball rainouts and make the Puyallup Valley Sports Complex a more desirable location for Baseball/Softball tournaments. It would not however create additional opportunities for soccer/lacrosse or football games.

Therefore, staff recommend seeking additional funding through the State RCO grant program to install turf on the outfields of Fields #1 and #3. Depending on design and size of the multi-purpose fields, this would enable us to increase the number of multi-purpose field overlays

from 1 to up to 3 fields. By installing synthetic turf on all three fields, we could achieve maximum use of an existing facility and provide opportunities for the youth in our community to utilize the fields year round. In addition, it would allow the fields to be utilized for tournaments for baseball/softball, soccer and lacrosse and bring tourism opportunities to the community.

Council Direction:

Staff recommend that Council approve the Resolution allowing staff to move forward with the grant application.

Fiscal Impacts:

ATTACHMENTS

- [RCO Grant resolution - WWRP - Sports Complex Field Conversion](#)

RESOLUTION NO. ____

Project Number: 18-1668

Project Name: Puyallup Valley Sports Complex Field Conversion Project

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PUYALLUP, WASHINGTON. This resolution/authorization authorizes the person identified below (in section 2) to act as the authorized representative/agent on behalf of our organization and to legally bind our organization with respect to the above Project(s) for which we seek grant funding assistance managed through the Recreation and Conservation Office.

WHEREAS, state grant assistance is requested by our organization to aid in financing the cost of the “Puyallup Valley Sports Complex Field Conversion Project” referenced above;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. Our organization has applied for or intends to apply for funding assistance managed by the Office for the above “Puyallup Valley Sports Complex Field Conversion Project.”

Section 2. Sarah Harris, Parks & Recreation Director is authorized to act as a representative/agent for our organization with full authority to bind the organization regarding all matters related to the Project(s), including but not limited to, full authority to: (1) approve submittal of a grant application to the Office, (2) enter into a project agreement(s) on behalf of our organization, (3) sign any amendments thereto on behalf of our organization, (4) make any decisions and submissions required with respect to the Project(s), and (5) designate a project contact(s) to implement the day-to-day management of the grant(s).

Section 3. Our organization has reviewed the sample project agreement on the Recreation and Conservation Office’s Website at: <https://rco.wa.gov/documents/manuals&forms/SampleProjAgreement.pdf>. We understand and acknowledge that if offered a project agreement to sign in the future, it will contain an indemnification and legal venue stipulation (applicable to any sponsor) and a waiver of sovereign immunity (applicable to Tribes) and other terms and conditions substantially in the form contained in the sample project agreement and that such terms and conditions of any signed project agreement shall be legally binding on the sponsor if our representative/agent enters into a project agreement on our behalf. The Office reserves the right to revise the project agreement prior to execution and shall communicate any such revisions with the above authorized representative/agent before execution.

Section 4. Our organization acknowledges and warrants, after conferring with its legal counsel, that its authorized representative/agent has full legal authority to enter into a project agreement(s) on its behalf, that includes indemnification, waiver of sovereign immunity (as may apply to Tribes), and stipulated legal venue for lawsuits and other terms substantially in the form contained in the sample project agreement or as may be revised prior to execution.

Section 5. Grant assistance is contingent on a signed project agreement. Entering into any project agreement with the Office is purely voluntary on our part.

Section 6. Our organization understands that grant policies and requirements vary depending on the grant program applied to, the grant program and source of funding in the project agreement, the characteristics of the project, and the characteristics of our organization.

Section 7. Our organization further understands that *prior to* our authorized representative/agent executing the project agreement(s), the RCO may make revisions to its sample project agreement and that such revisions could include the indemnification, the waiver of sovereign immunity, and the legal venue stipulation. Our organization accepts the legal obligation that we shall, prior to execution of the project agreement(s), confer with our authorized representative/agent as to any revisions to the project agreement from that of the sample project agreement. We also acknowledge and accept that if our authorized representative/agent executes the project agreement(s) with any such revisions, all terms and conditions of the executed project agreement (including but not limited to the indemnification, the waiver of sovereign immunity, and the legal venue stipulation) shall be conclusively deemed to be executed with our authorization.

Section 8. Any grant assistance received will be used for only direct eligible and allowable costs that are reasonable and necessary to implement the project(s) referenced above.

Section 9. Our organization acknowledges and warrants, after conferring with its legal counsel, that no additional legal authorization beyond this authorization is required to make the indemnification, the waiver of sovereign immunity (as may apply to Tribes), and the legal venue stipulation substantially in form shown on the sample project agreement or as may be revised prior to execution legally binding on our organization upon execution by our representative/agent.

Section 10. Our organization acknowledges that if it receives grant funds managed by the Office, the Office will pay us on only a reimbursement basis. We understand reimbursement basis means that we will only request payment from the Office after we incur grant eligible and allowable costs and pay them. The Office may also determine an amount of retainage and hold that amount until the Project is complete.

Section 11. Our organization acknowledges that any property owned by our organization that is developed, renovated, enhanced, or restored with grant assistance must be dedicated for the purpose of the grant in perpetuity unless otherwise allowed by grant program policy, or Office in writing and per the project agreement or an amendment thereto.

Section 12. This resolution/authorization is deemed to be part of the formal grant application to the Office.

Section 13. Our organization warrants and certifies, after conferring with its legal counsel, that this resolution/authorization was properly and lawfully adopted following the requirements of our organization and applicable laws and policies and that our organization has full legal authority to commit our organization to the warranties, certifications, promises and obligations set forth herein.

This application authorization was adopted by our organization during the meeting held:

Location: Puyallup City Hall, 333 South Meridian, Puyallup, WA 98371

Effective Date. This resolution shall take effect and be in force immediately upon its passage.

Signed and approved on behalf of the resolving body of the organization by the following authorized member(s):

Approved by the City Council of the City of Puyallup on the 17th day of April, 2018.

John Palmer, Mayor

APPROVED AS TO FORM:

ATTEST:

Joseph N. Beck, City Attorney

Mary Winter, City Clerk

Washington State Attorney General's Office

Approved as to form

Brian Talleu
Assistant Attorney General

1/19/18
Date



City Council Agenda Item Report

Submitted by: Sarah Harris

Submitting Department: Parks, Recreation and Facilities

Meeting Date: 4/17/2018

Subject:

RCO Grant Application - WWRP Trails Category Authorizing Resolution

Presenter:

Sarah Harris

Recommendation:

Approve a resolution authorizing City staff to submit a grant application in the Washington Wildlife and Recreation Program, Trail Category, for State RCO grant funding for the purpose of acquisition of properties necessary for the completion of the "Missing Link" of the Puyallup Riverwalk Trail.

Background:

The State of Washington Recreation and Conservation Office (RCO) has presented grant opportunities to State municipalities for the development of local parks projects through the Washington Wildlife and Recreation Program. Grant applications are due by May 1, 2018 and must include an adopted Council Resolution supporting the Grant application. The City's grant application would be in the amount of \$165,000. Approving this resolution DOES NOT OBLIGATE the City to accept the grant if or when it is offered.

In the 2018 budget, Council approved \$500,000 to acquire properties necessary for the completion of the Riverwalk Trail "Missing Link" section located between Veteran's Park and the SR 512 Overpass. There are four parcels (3 property owners) that are needed, either through outright purchase of the entire parcel, or purchasing only a portion of the property needed for the construction of the trail. The City recently had the properties appraised and will begin negotiations with the homeowners in the near future. WWRP rules only allow grant funding to be used for the purchase of perpetual interest in real property or non-perpetual interests such as leases and easements. Acquisition of non-perpetual interests must be for at least 50 years and may not be revocable at will.

The City would also be applying for a Waiver of Retroactivity associated with this grant application. If the waiver of retroactivity is granted then the City would be able to move forward with the purchase of the property in 2018 and still qualify for grant funding allocated in 2019. The grant also allows for associated costs such as demolition of related structures which would be necessary on one parcel for construction of the trail.

Council Direction:

Recommend that Council approve the Resolution allowing staff to move forward with the grant application.

Fiscal Impacts:

The \$500,000 currently allocated in the Parks CIP budget could be utilized as the Match funds.

ATTACHMENTS

- [RCO Grant Resolution - RW Trail Phase V Property Acquisition](#)
- [RW Trail Phase V - 30% design Alignment](#)

RESOLUTION NO. ____

Project Number: 18-1699

Project Name: Riverwalk Trail Phase V Property Acquisition

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PUYALLUP, WASHINGTON. This resolution/authorization authorizes the person identified below (in section 2) to act as the authorized representative/agent on behalf of our organization and to legally bind our organization with respect to the above Project(s) for which we seek grant funding assistance managed through the Recreation and Conservation Office.

WHEREAS, state grant assistance is requested by our organization to aid in financing the cost of the “Riverwalk Trail Phase V Property Acquisition Project” referenced above;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. Our organization has applied for or intends to apply for funding assistance managed by the Office for the above “Riverwalk Trail Phase V Property Acquisition Project.”

Section 2. The Parks & Recreation Director is authorized to act as a representative/agent for our organization with full authority to bind the organization regarding all matters related to the Project(s), including but not limited to, full authority to: (1) approve submittal of a grant application to the Office, (2) enter into a project agreement(s) on behalf of our organization, (3) sign any amendments thereto on behalf of our organization, (4) make any decisions and submissions required with respect to the Project(s), and (5) designate a project contact(s) to implement the day-to-day management of the grant(s).

Section 3. Our organization has reviewed the sample project agreement on the Recreation and Conservation Office’s Website at: <https://rco.wa.gov/documents/manuals&forms/SampleProjAgreement.pdf>. We understand and acknowledge that if offered a project agreement to sign in the future, it will contain an indemnification and legal venue stipulation (applicable to any sponsor) and a waiver of sovereign immunity (applicable to Tribes) and other terms and conditions substantially in the form contained in the sample project agreement and that such terms and conditions of any signed project agreement shall be legally binding on the sponsor if our representative/agent enters into a project agreement on our behalf. The Office reserves the right to revise the project agreement prior to execution and shall communicate any such revisions with the above authorized representative/agent before execution.

Section 4. Our organization acknowledges and warrants, after conferring with its legal counsel, that its authorized representative/agent has full legal authority to enter into a project agreement(s) on its behalf, that includes indemnification, waiver of sovereign immunity (as may apply to Tribes), and stipulated legal venue for lawsuits and other terms substantially in the form contained in the sample project agreement or as may be revised prior to execution.

Section 5. Grant assistance is contingent on a signed project agreement. Entering into any project agreement with the Office is purely voluntary on our part.

Section 6. Our organization understands that grant policies and requirements vary depending on the grant program applied to, the grant program and source of funding in the project agreement, the characteristics of the project, and the characteristics of our organization.

Section 7. Our organization further understands that *prior to* our authorized representative/agent executing the project agreement(s), the RCO may make revisions to its sample project agreement and that such revisions could include the indemnification, the waiver of sovereign immunity, and the legal venue stipulation. Our organization accepts the legal obligation that we shall, prior to execution of the project agreement(s), confer with our authorized representative/agent as to any revisions to the project agreement from that of the sample project agreement. We also acknowledge and accept that if our authorized representative/agent executes the project agreement(s) with any such revisions, all terms and conditions of the executed project agreement (including but not limited to the indemnification, the waiver of sovereign immunity, and the legal venue stipulation) shall be conclusively deemed to be executed with our authorization.

Section 8. Any grant assistance received will be used for only direct eligible and allowable costs that are reasonable and necessary to implement the project(s) referenced above.

Section 9. Our organization acknowledges and warrants, after conferring with its legal counsel, that no additional legal authorization beyond this authorization is required to make the indemnification, the waiver of sovereign immunity (as may apply to Tribes), and the legal venue stipulation substantially in form shown on the sample project agreement or as may be revised prior to execution legally binding on our organization upon execution by our representative/agent.

Section 10. Our organization acknowledges that if it receives grant funds managed by the Office, the Office will pay us on only a reimbursement basis. We understand reimbursement basis means that we will only request payment from the Office after we incur grant eligible and allowable costs and pay them. The Office may also determine an amount of retainage and hold that amount until the Project is complete.

Section 11. Our organization acknowledges that any property acquired with grant assistance must be dedicated for the purposes of the grant in perpetuity unless otherwise agreed to in writing by our organization and the Office. We agree to dedicate the property in a signed “Deed of Right” for fee acquisitions, or an “Assignment of Rights” for other than fee acquisitions (which documents will be based upon the Office’s standard versions of those documents), to be recorded on the title of the property with the county auditor.

Section 12. Our organization acknowledges that any property acquired in fee title must be immediately made available to the public unless otherwise provided for in policy, the project agreement, or authorized in writing by the Office Director.

Section 13. This resolution/authorization is deemed to be part of the formal grant application to the Office.

Section 14. Our organization warrants and certifies, after conferring with its legal counsel, that this resolution/authorization was properly and lawfully adopted following the requirements of our organization and applicable laws and policies and that our organization has full legal authority to commit our organization to the warranties, certifications, promises and obligations set forth herein.

This application authorization was adopted by our organization during the meeting held:

Location: Puyallup City Hall, 333 South Meridian, Puyallup, WA 98371

Effective Date. This resolution shall take effect and be in force immediately upon its passage.

Signed and approved on behalf of the resolving body of the organization by the following authorized member(s):

Approved by the City Council of the City of Puyallup on the 17th day of April, 2018.

John Palmer, Mayor

APPROVED AS TO FORM:

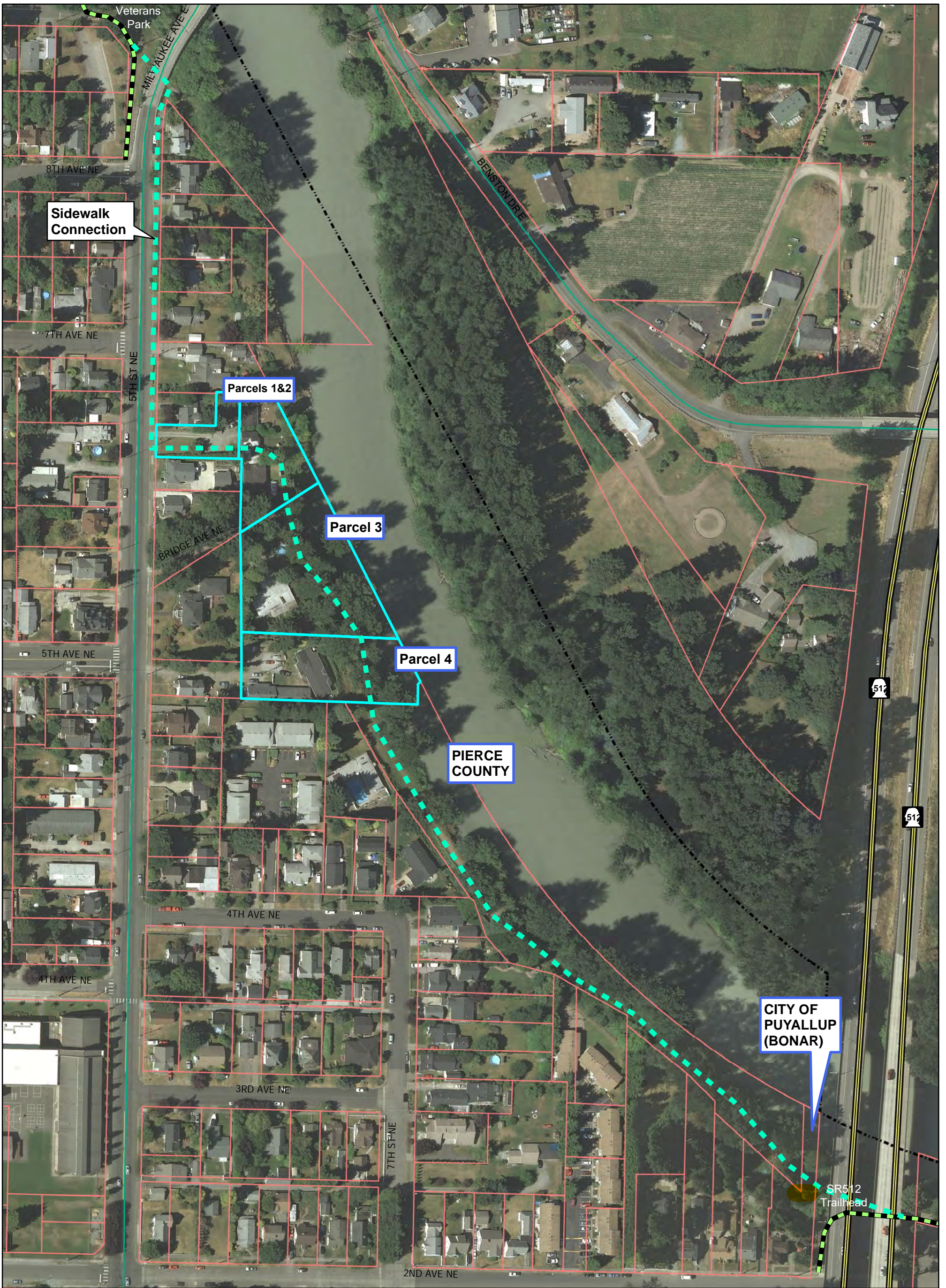
ATTEST:

Joseph N. Beck, City Attorney

Mary Winter, City Clerk






Washington State Attorney General's Office

Approved as to form *Brian Tallen* **1/19/18**
Assistant Attorney General *Date*



Public Works Engineering

Legend

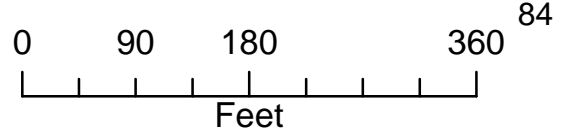
-  Riverwalk Trail
-  Base Parcel
-  Condominium
-  Other
-  Missing Trail Link



Date Saved: 10/10/2016 12:37:50 PM

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**Riverwalk Trail Phase 5
30% Design Alignment**





City Council Agenda Item Report

Submitted by: Mary Winter

Submitting Department: City Manager's Office

Meeting Date: 4/17/2018

Subject:

Policy direction concerning business regulations for homeless serving facilities or operations.

Presenter:

Kevin Yamamoto, City Manager

Recommendation:

Provide policy direction concerning business regulations for operations or facilities that provide services to the homeless, as defined in 24 CFR Parts 91, 582 and 583, including drop-in centers, meal service centers, day shelters, overnight shelters and housing facilities.

Background:

Councilmembers have request that business regulations be developed before implementation of zoning for homeless serving facilities. Accordingly, the purpose of this exercise is to obtain initial policy direction from the Council at the conceptual level. Subsequently, City staff will draft an ordinance, at which time the Council will be able to provide additional policy direction.

Business regulations are one component of a broader regulatory system. To illustrate their role in relationship to other regulatory components, please consider the following:

1. Business regulations: Becomes applicable at the time that an organization applies to the City for approval or a permit to commence operations of a homeless serving facility.

Event: Homeless facility becomes operational

2. Significant impact business licensing: Generally becomes applicable if significant impacts arise from the operation of a homeless facility. Primarily remedial and complaint driven. A typical scenario could be that a homeless facility at commencement of operations is well run. After a period of time, the quality of operations decline. SIBL then becomes the responsive mechanism to compel the facility to address its operational impacts.

Homeless Encampments. Business regulations do not and will not govern homeless encampments. Homeless encampments must be regulated as a separate component of a homeless regulatory system. Washington law establishes the legal framework for regulating homeless encampments in RCW 35A.21.360. The City of Puyallup has enacted homeless encampment regulations in PMC 20.73. These regulations will be revisited subsequently.

Business regulations for homeless serving facilities must not violate Washington law. In other words, business regulations should be developed within the legal framework of permissibility under Washington law. The legal framework in Washington is:

Washington State counties and cities have constitutionally granted police powers. Article XI, Section 11 of the Washington State Constitution provides:

Any county, city, town or township may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws.

“Police powers” is a term of art, meaning that the words have a specialized meaning within a particular field or profession. Police power is constitutionally conferred authority to states, which is in turn delegated to local governments. Police powers include, among other things, the authority to adopt laws and regulations that promote order, safety, security, health and general welfare of citizens.

Even though cities have broad police powers, an exercise of such powers must not otherwise violate Washington law. Accordingly, the City cannot, through exercise of its police powers, violate Article I, Section 11 of the Washington Constitution, which provides for religious freedom:

Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state.

The Washington State Supreme Court has ruled, based on Article I, Section 11, that cities cannot outright deny permits; but the Court ruled that cities can require compliance with reasonable police power regulations or conditions, such as those that address safety, noise, crime and peace of a neighborhood. Thus, in order to avoid a violation of Washington law, the Council should develop policy (to be codified as business regulations) that is within the foregoing legal framework, i.e., provisions that address order, safety, security, health and general welfare of citizens.

The following are suggested areas for policy development:

- days and times of operations
- number of clients
- location or site of facility
- parking or traffic impacts
- permanent facilities and temporary structures, including, for example, tables, seating, tents
- utility needs
- security personnel and plan, qualifications and client ratio
- food service
- sanitation
- signage
- emergency services plan
- medical access plan
- solid waste plan
- site plan
- public notice, nature and extent
- personnel, qualifications, client ratio
- noise
- partitions, such as fencing

Council Direction:

Fiscal Impacts:

ATTACHMENTS