



City Council Regular Meeting Agenda

Puyallup City Council Chambers

333 S Meridian, Puyallup 98371

Tuesday, February 11, 2020

6:30 PM

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

1. CONSIDERATION OF MINUTES

- 1.a Minutes of November 19, 2019
[November 19, 2019 Draft Minutes](#)

2. PRESENTATIONS AND PROCLAMATIONS

- 2.a Presentation: Employee Blood Drive - December 2019

CITIZEN COMMENTS

3. PUBLIC HEARINGS

- 3.a Public hearing and approval of a resolution to declare a water utility backhoe as surplus to the needs of the City
[Resolution](#)

4. ORDINANCES

- 4.a First reading of an ordinance updating animal codes (Puyallup Municipal Code Sections 8.04, 8.08, 8.12 and 8.16) relating to the health and safety of animals, service animals, police dogs and violations
[Draft Ordinance](#)
- 4.b Second reading of an ordinance establishing Puyallup Municipal Code Section 3.72, titled "Sales Tax Credit and Use Tax Credit for Affordable and Supportive Housing" as authorized under the provisions of Substitute House Bill 1406
[Updated Draft Ordinance](#)

5. OTHER BUSINESS

- 5.a Public Safety Building Project -- Presentation by consultants on building costs

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: Cindy Huff

Submitting Department: City Clerk's Office

Meeting Date: 2/11/2020

Subject:

Minutes of November 19, 2019

Presenter:

Recommendation:

Approve the minutes of November 19, 2019

Background:

City Council has the option to approve the minutes as presented or make amendments and approve as amended.

Council Direction:

Fiscal Impacts:

ATTACHMENTS

- [November 19, 2019 Draft Minutes](#)

**City of Puyallup
Regular City Council Meeting
November 19, 2019**

COUNCILMEMBERS PRESENT: Mayor Palmer, Deputy Mayor Swanson, Councilmember Jacobsen, Councilmember Kastama, and Councilmember Johnson, with Councilmember Door and Councilmember Farris present via telephone conference call

APPROVAL OF THE AGENDA

Council Action: A motion was made by Deputy Mayor Swanson and seconded by Councilmember Jacobsen to approve the agenda. The motion passed 7-0.

CONSIDERATION OF MINUTES

Council Action: A motion was made by Deputy Mayor Swanson and seconded by Councilmember Jacobsen to approve the minutes of September 17, 2019. The motion passed 7-0.

PRESENTATIONS AND PROCLAMATIONS

Presentation: Recognition of Puyallup Kiwanis Club and Foundation

Former Kiwanis Foundation President Mr. Bristow and President Mr. Bowman presented a large ceremonial check in the amount of \$35,000 for the Puyallup Library and new sports fields at the Puyallup Recreation Center.

Library Director Patty Ross described how the Kiwanis became involved in the new Children's Area and expressed profound appreciation for their involvement with making the Puyallup library a better destination for children. Ms. Ross stated that the ribbon cutting ceremony for the new Children's Area will be on February 1, 2020 and coincides with Take Your Child to the Library Day.

Mr. Bowman stated how well this project meets the vision of the Kiwanis Foundation. He thanked the council for their role in this project.

Mayor Palmer thanked the Kiwanis for their generous donation and recognized the Foundation for their work and positive impact upon the community. Five thousand dollars of this donation went to the Puyallup Valley Sports Center (PVSC) Field Conversion project, which played an integral role in the city's receipt of state and local grant contributions.

Presentation: Strategic Planning efforts in City Clerk's Office

Interim City Manager Steve Kirkelie discussed the components of the "Journey Towards Excellence Strategic Plan" and introduced City Clerk Mary Winter, who updated the council on the work of the City Clerk's office in accordance to the Strategic Plan.

Councilmember Kastama thanked Ms. Winter and praised the team for their authenticity and striving for excellence.

CITIZEN COMMENTS

Mr. David DeGroot: Single family housing and building codes; increased strain on current infrastructure; housing development ordinances; Landscape Conservation and Local Infrastructure Program (LCLIP)

Mr. John Hopkins: Transfer of Development Rights (TDRs); Environmental concerns while balancing development; Growth Management Act; and Accessory Dwelling Units (ADU's)

Ms. Jessie Gamble: commented on several sections of the proposed ADU code changes and the TDR resolution

Ms. Mary Bushnell: appreciation for the city addressing ADU's; the goal of Vadis to help disabled persons become independent

Mr. Jared Heslip: voiced concern with the following: crime/homelessness impacts; employee safety; a need for collaboration between the city and businesses, and council concerns over the Chamber of Commerce's political endorsements

Mr. David Churchman: live-streaming of council meetings; improper behavior by councilmember(s) during a meeting

Mr. Robin Ordonez: the Chamber of Commerce tax funds and political endorsements; guidelines for LTAC fund distribution; and support for the Storm Water System Development Charges ordinance

Ms. Patty Villa: support for the TDR program

Mr. Jim Beaudoin: thanks to the council and the city for their support of the Puyallup Food Bank

CONSENT AGENDA

Authorize the City Manager to finalize and execute the annual contracts pertaining to city employee healthcare plans

Accept a donation of a specialized mountain bike to the Police Department

Acceptance of Change Orders #1 (removal of an unidentified underground storage tank) and Change Order #2 (sampling, testing, and analysis of contaminated soils) at the Horsely House Demolition Project

Approve accounts payable, payroll, and electronic fund transfers of \$7,340,347.05

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

ORDINANCES

Second reading of an ordinance amending Puyallup Municipal Code Section 21.04 (Environmental Policy)

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

ORDINANCE NO. 3197

AN ORDINANCE OF THE CITY OF PUYALLUP, WASHINGTON, pertaining to amendments to Puyallup Municipal Code Section 21.04.210

Second reading of an ordinance amending Puyallup Municipal Code (PMC) 5.04.018 relating to business license requirements

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

ORDINANCE NO. 3198

AN ORDINANCE OF THE CITY OF PUYALLUP, WASHINGTON, amending section 5.04.018 of the Puyallup Municipal Code pertaining to business license requirements

Second reading of an ordinance determining and fixing the amount of funds to be raised by regular property taxes for 2020

Councilmembers expressed their thoughts and opinions and commented favorably on the 2020 budget.

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

ORDINANCE NO. 3199

AN ORDINANCE OF THE CITY OF PUYALLUP, WASHINGTON, determining and fixing the amount of funds to be raised by regular property taxes for the year 2020 for general city expenditures

Second reading of an ordinance on the proposed City of Puyallup 2020 Budget

Councilmember Jacobsen expressed concern with the payment of \$30,000 in membership dues to the Association of Washington Cities (AWC), citing the reason as their legal challenge of Initiative-976 (\$30 car tabs) against the will of the voters.

Councilmembers expressed their opinions of the Association of Washington Cities, their decision to challenge Initiative-976 and the need for the Association to acknowledge the will of the voters. A suggestion was made for the city to send a letter of protest to the AWC.

Council Action: A motion was made by Councilmember Jacobsen and seconded by Deputy Mayor Swanson to add a codicil requiring that payment of the Association of Washington Cities membership fees be brought before the city council prior to payment. The motion passed 4-3 (Door, Palmer, Farris)

Councilmember Jacobsen proposed that the city consider moving to a biennial budget.

Council Action: A motion was made by Deputy Mayor Swanson and seconded by Councilmember Johnson to approve second reading of the ordinance as amended. With a roll call vote, the motion passed 7-0.

ORDINANCE NO. 3200

AN ORDINANCE OF THE CITY OF PUYALLUP, WASHINGTON, adopting the budget of the City of Puyallup in its final form and content for the fiscal year ending December 31, 2020

First reading of an ordinance pertaining to quarterly budget adjustments to the 2019 Budget

In response to questions, City Engineer Hans Hunger clarified that a portion of the Pioneer Crossing Impact Fees contributed to the City's Shaw Road/23rd Avenue Intersection improvements project. Finance Director Barbara Lopez expanded on the Washington State Fair's reimbursement of police overtime.

Council Action: A motion was made by Deputy Mayor Swanson and seconded by Councilmember Johnson to approve the first reading of the ordinance. The motion passed 7-0.

First reading of an ordinance amending Puyallup Municipal Code Section 14.26.080, "Protests to fees and charges" pertaining to Storm or Wastewater System Development Charges (SDC)

City Attorney Joe Beck explained that the proposed language would direct future appeals of Storm and Waste Water System Development Charges from the City Council to the Hearing Examiner, consistent with other sections of City code. Appeals on how SDC's are calculated would remain within the council's authority.

Council Action: A motion was made by Deputy Mayor Swanson and seconded by Councilmember Jacobsen to approve the first reading of the ordinance. The motion passed 7-0.

First reading of an ordinance updating land use codes (Puyallup Municipal Code Titles 14, 19, and 20) relating to Puyallup Housing Choices

Development Services Director Tom Utterback prefaced the presentation and noted that any code amendments to Title 19, “Subdivision” or Title, 20 “Zoning” are recommendations of the Planning Commission. He discussed the complexity of ensuring consistency throughout the Comprehensive Plan elements, municipal codes and state/federal guidelines.

Senior Planner Chris Beale chronicled the history of the proposed land use codes ordinance, noting that the Planning Commission scaled down the code amendments as directed by the city council in March 2019. He reviewed several areas addressed within the ordinance to include, but not limited to, a reduction in System Development Charges SDC’s and other impact fees based upon unit size, and several development standards amendments, including code changes, to simplify the permitting requirements.

Councilmembers voiced their thoughts regarding the proposed amendments during which Mr. Beale clarified several points of concern. Councilmembers expressed overall support for first reading of the ordinance, with the exception of Councilmember Kastama, who was concerned with the impacts of ADU’s upon District 1 and the ability of its infrastructure to support large increases in housing. Councilmember Jacobsen was supported in her request for additional information on critical areas and associated buffer clauses and options for occupancy limitations at second reading.

Council Action: A motion was made by Deputy Mayor Swanson and seconded by Mayor Palmer to approve the first reading of the ordinance. The motion passed 6-1 (Kastama).

RESOLUTIONS

Resolution to develop regulations for a City Transfer of Development Rights Program

Senior Planner Katie Baker explained that the presentation summarizes the consultant’s efforts to create a framework for the development of a Transfer of Development Rights (TDR) and companion Landscape Conservation and Local Infrastructure Program (LCLIP). She pointed out that TDR’s was last before council in February 2019, where the city council provided key policy directions.

Forterra Senior Director of Policy Nick Bratton provided an in-depth overview on the purpose and intent of the TDR’s and complementary LCLIP Programs. He outlined the foundation of the TDR program, its objectives and elaborated on the use of LCLIP as a financing tool.

EcoNorthwest Senior Policy Advisor Morgan Shook acknowledged efforts to define the conservation areas for the TDR’s and how can they be absorbed and paid for as part of a market transaction. He recommended adding both regional growth centers, density bonuses (incentives) in the RM-10 and RM- 20 zones and retaining some capacity for future annexations. He provided several examples of housing options that would meet TDR/LCLIP guidelines. He voiced the

importance of using TDR credits to take advantage of a multi-family property tax exemption available to cities in Washington State.

Mr. Bratton recognized the city's desire for a simple, easily implementable program with the ability to expand over time. He recognized "private market with public support" and "public-private partnership" as the two administration models that would meet this criteria. He explained how each option works and what benefit(s) it would provide to the city.

Mr. Shook reviewed the LCLIP findings, recommended that the city create six Local Improvement Project Areas (LIPA's). He shared a map of the proposed areas and noted that LIPA's cannot exceed 25% of real properties within the city. He projected TDR's added property tax value would provide \$5.2 to \$9.1M in Pierce County contributions over 25-years to the city. The six LIPA's have enough capacity to place all the 364 credits allocated to the city by Puget Sound Regional Council (PSRC) allowing the city to max out the LCLIP contributions from Pierce County.

Ms. Baker explained that the next step will be to draft code regulations to adopt the TDR Program. Approval of the resolution will provide staff guidance with developing the regulations for a TDR Program based upon the consultant's framework. She advised that any modifications would need to be vetted by the Planning Commission before final adoption by the City Council.

Ms. Baker, Mr. Bratton and Mr. Shook responded to several questions about the South Hill Growth Center identified boundaries, other cities who have implemented the program, the background behind TDR's, the involvement of local builders/real estate community and which Pierce County cities qualify and have adopted TDR's.

Council Action: at 9:30 p.m., a motion was made by Deputy Mayor Swanson to extend the meeting for 30 minutes. Noting no objection to the motion, Mayor Palmer recognized the request as approved.

Councilmembers shared their opinions of TDR's, including their support or non-support of the program, with Deputy Mayor Swanson speaking on behalf of Councilmember-Elect Ned Witting. A majority of councilmembers voiced support for a TDR Program and belief that it will ensure some preservation of farmland in the Urban Growth Area important to Puyallup and the community. Councilmembers Jacobsen and Kastama expressed concerns with the program and the yielding of city assets. There was discussion on the ability to modify the TDR Program language to keep the tradeoff of farmland local to Puyallup.

Council Action: A motion was made by Deputy Mayor Swanson and seconded by Mayor Palmer to approve the resolution. The motion 5-2 (Jacobsen, Kastama).

RESOLUTION NO. 2391

A RESOLUTION of the City Council of the City of Puyallup, Washington to develop regulations for a City Transfer of Development Rights Program

CITY MANAGER'S REPORT

Mr. Kirkelie identified December 10 as Deputy Mayor Swanson's final meeting and advised council of a reception planned from 5:30 to 6:15 in the 5th Floor Lobby.

COUNCIL REPORTS

Councilmember Kastama announced the arrival of his new granddaughter.

Deputy Mayor Swanson reported on Pierce County's passage of its first biennial budget, noting that it contained some funding of Puyallup projects i.e. Step by Step, Puyallup Food Bank and Helping Hand House.

MAYOR'S REPORT – None.

ADJOURNMENT – 9:51 p.m.

DRAFT



City Council Agenda Item Report

Submitted by: Mary Winter

Submitting Department: City Manager's Office

Meeting Date: 2/11/2020

Subject:

Presentation: Employee Blood Drive - December 2019

Presenter:

Interim City Manager Steve Kirkelie

Recommendation:

Background:

The City of Puyallup held a one-day Blood Drive through the Cascade Regional Blood Services on December 6, 2019. The idea was initiated by a city employee who has reaped the benefits of donated blood by receiving approximately 30 units of red blood cells in the past.

The city's goal was to have 20 participants. The goal was exceeded as 25 people registered to donate for the drive and 18 pints were collected. Each pint of blood given can potentially save three people. Therefore, 54 lives were saved by the City Employee blood donations that day.

With the success of the one-day blood drive, the City of Puyallup won the "December 2019 Blood Drive of the Month" designation.

Council Direction:

Fiscal Impacts:

ATTACHMENTS



City Council Agenda Item Report

Submitted by: Ken Davies

Submitting Department: Public Works

Meeting Date: 2/11/2020

Subject:

Public hearing and approval of a resolution to declare a water utility backhoe as surplus to the needs of the City

Presenter:

Ken Davies, Interim Public Works Director

Recommendation:

Conduct a public hearing and subsequently approve a resolution declaring a water utility backhoe as surplus to the needs of the city and authorize its disposal.

Background:

The City of Puyallup Water Utility purchased a 1990 Case 580 Backhoe (VIN # JYG0033871), identified as vehicle No. 6532. The equipment is surplus to the needs of the city and has been replaced. Per RCW 35.94.040 in order to sell equipment purchased by a public utility the City must conduct a public hearing and declare the property as surplus by a resolution of the Council. After the equipment is declared as surplus by a resolution, it will be sold at auction.

Council Direction:

Fiscal Impacts:

ATTACHMENTS

- [Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PUYALLUP declaring vehicle No. 6532, a 1990 Case 580 Backhoe (VIN # JJG0033871) purchased through the water utility and owned by the City of Puyallup to be surplus equipment and authorizing the disposal of such equipment pursuant to RCW 35.94.040 and City policy

WHEREAS, the water utility purchased vehicle No. 6532, a 1990 Case 580 Backhoe Vin # JJG0033871; and

WHEREAS, this vehicle has exceeded its useful life and has been replaced; and

WHEREAS, this vehicle is now surplus to the City's needs; and

WHEREAS, the City Council held a public hearing on February 11, 2020; and

WHEREAS, The City Council finds that it is in the public interest to surplus the equipment and dispose of it in a commercially reasonable manner;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PUYALLUP AS FOLLOWS:

Section 1. The equipment identified herein is surplus to the needs of the City and should be sold in accordance with Washington State law and City policy.

Section 2. The City Manager is authorized to execute all necessary documents to effectuate such transaction.

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

Adopted by the City Council of the City of Puyallup, Washington, on the 11th day of February 2020.

Julie Door
Mayor

Approved as to form:

Attest:

Joseph N. Beck
City Attorney

Mary Winter
City Clerk



City Council Agenda Item Report

Submitted by: McKenzi Kent

Submitting Department: Police Department

Meeting Date: 2/11/2020

Subject:

First reading of an ordinance updating animal codes (Puyallup Municipal Code Sections 8.04, 8.08, 8.12 and 8.16) relating to the health and safety of animals, service animals, police dogs and violations

Presenter:

Scott Engle, Chief of Police and Shawn Arthur, Deputy City Attorney

Recommendation:

Approve first reading of an ordinance amending Puyallup Municipal Code sections relating to the health and safety of animals, service animals, police dogs, abandonment of animals and violations.

Background:

Puyallup Municipal Code (PMC) Title 8 – Animals has not been updated in several years.

This update to the PMC allows for the inspection of kennels, shelters, and pet shops as these entities primarily house, breed, or provide care for animals; amends the section relating to police dogs, their protection and the protection of the public; and repeals a redundant provision regarding abandonment of animals.

In response to a recent change in state law defining a service animal, the city wishes to align it's code with that state definition and adopt a penalty for misrepresentation of a service animal.

Finally, the existing violation and punishment sections regarding fines are overly complex and are being amended to align with the other jurisdictions served by Metro Animal Services.

Council Direction:

Fiscal Impacts:

ATTACHMENTS

- [Draft Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PUYALLUP, WASHINGTON amending Puyallup Municipal Code 8.04.010 and 8.04.200, and adding Sections 8.04.210-.270 related to health and safety of animals kept in kennels, shelters and pet shops, and adding a penalty for misrepresentation of service animals; amending Section 8.16.020 related to Police Dogs, thereby amending the animal control exemption provisions related to off-duty police dogs; and repealing Sections 8.04.180 (Abandonment of animals), 8.08.050 and 8.12.040 (Violation – Punishment),.

WHEREAS, it is in the interest of the City of Puyallup to maintain public health, safety and welfare, and to the greatest degree practicable, prevent injury to people, property and animals; and

WHEREAS, Metro Animal Services (MAS) provides animal care and control to the city of Puyallup as well as several other neighboring jurisdictions in Pierce County, Washington; and

WHEREAS, the City of Puyallup wishes to maintain strong standards regarding the health and safety of the community and animals therein by allowing for the inspection of kennels, shelters, and pet shops as these entities primarily house, breed, or provide care for animals; and

WHEREAS, the state definition of “Service Animal” has changed, the city desires to amend its definition to match the state definition of “Service Animal;” and

WHEREAS, state code allows for a civil infraction for misrepresentation of a service animal and the city wishes to create an infraction for this conduct as well; and

WHEREAS, updates to code were necessary to both protect police dogs while they are on duty and also protect the public from potential harm or nuisance caused by police dogs when they are not on duty by specifying that police dogs are only exempt from Puyallup Municipal Code (PMC) 8.16, Animals, when acting in their official capacity; and

WHEREAS, the City of Puyallup’s violations under PMC chapters 8.04, 8.08, and 8.12, are broken down into a conditional tiered penalty schedule with fines that are overly complex and out of proportion with the other jurisdictions MAS serves; and

WHEREAS, the City of Puyallup desires to have a reliable fine and penalty schedule in line with the other jurisdictions MAS serves for effective and dependable enforcement; and

WHEREAS, PMC 8.04.180 (Abandonment of animals) is duplicative of RCW 16.52.207(2)(b), which has been adopted by reference under PMC 9A.02.190;

NOW THEREFORE, the City Council of the City of Puyallup, Washington, do ordain as follows:

Section 1. Section 8.04.010 of the Puyallup Municipal Code is hereby amended to read as follows:

8.04.010 – Definitions.

As used in this title, unless the context otherwise indicates:

- (1) “Animal” shall mean a living creature except persons, insects and worms.
- (2) “Animal control” shall mean the animal control program operated jointly by the city of Puyallup and the city of Sumner to enforce their animal control provisions.
- (3) “Animal control authority” shall mean a person or entity authorized by statute or contract to enforce the animal control laws of the city.
- (4) “Animal control officer” shall mean:
 - (a) Any individual employed, contracted with or appointed by the animal control authority for the purpose of aiding in the enforcement of this chapter or any other law relating to the licensure, control or seizure and impoundment of animals;
 - (b) Any state or local law enforcement officer; or
 - (c) Any other official whose duties in whole or in part include the seizure and impoundment of any animal.
- (5) “Approved confinement device” shall mean a pen or structure that has secure sides and a secure top. If the pen or structure has no bottom secured to the sides, then the sides must be embedded in the ground no less than one foot.
- (6) “At large” shall mean off the premises of the owner or keeper of the dog, cat or animal, and not under restraint by leash or chain or not otherwise controlled by a competent person. This definition shall not include a “service animal” as defined in this

section if such restraint would interfere with the service animal's work or the nature of the animal's owner's or keeper's disability prevents use of a restraint.

(7) "Cat" shall mean and include female, spayed female, male and neutered male cats.

(8) "Director" shall mean the chief of the Puyallup police department.

(9) "Dog" shall mean and include female, spayed female, male and neutered male dogs.

(10) "Domestic animal" shall mean livestock or pets.

(11) "Exotic animals" shall mean any of the following:

(a) Venomous and constricting species of snakes capable of inflicting serious physical harm or death to human beings;

(b) Nonhuman primates and prosimians;

(c) Bears;

(d) Nondomesticated species of felines;

(e) Nondomesticated species of canines and their hybrids, including wolf and coyote hybrids;

(f) The order crocodylia, including alligators, crocodiles, caiman and gavials.

(12) "Kennel" includes those places where three or more dogs or cats are kept for breeding and the pups or kittens are sold for profit, or where dogs and/or cats are received for care or boarding.

(13) "Leash" shall mean a cord, strap, or chain of sufficient strength so that the animal is under the control of a competent person accompanying the animal. For purposes of this definition, leash does not include an electronic leash or other similar device where a competent person in control of the animal is not holding a cord, strap, or chain directly attached to the animal.

(14) "Owner" shall mean any person, firm, or corporation owning, having an interest in, or having control or custody or possession of any dog, cat, or animal.

(15) “Pet shop” means a person or establishment that acquires for the purpose of sale live animals, including birds, reptiles, fowl and fish, bred by others, whether as owner, agent, or on consignment, and sells, or offers to sell, such live animals, including birds, reptiles, fowl and fish, to the public or to retail outlets.

~~(15)~~(16) “Service animal.” The definition of “service animal” in RCW 49.60.040(24) is hereby adopted by reference as currently enacted, as hereafter amended, as subsequently adopted, or recodified from time to time, and shall be given the same force and effect as if set forth herein in full. shall mean a dog that is individually trained to do work or perform tasks for a person who has a disability as defined under state or federal law.

(17) “Shelter” means a facility which is used to house or contain stray, homeless, abandoned or unwanted animals and which is owned, operated or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals or other nonprofit organization or person devoted to the welfare, protection and humane treatment of animals.

~~(16)~~ (18) “Under control of a competent person” means a person has complete and total control over the movement of an animal by means of a leash.

Section 2. Section 8.04.200 of the Puyallup Municipal Code is hereby amended to read as follows:

8.04.200 – Violation - Punishment.

(1) Unless otherwise provided in this chapter, a violation of any section within this chapter title shall be punishable as a class 1 civil infraction pursuant to RCW 7.80.120(1)(a) and shall be subject to the maximum penalty allowed thereunder or as hereinafter amended. The base penalty for a civil infraction issued for violating a section of this chapter shall be as follows: The misrepresentation of service animals under PMC 8.04.270, shall be punishable as a class 1 civil infraction pursuant to RCW 7.80.120(1)(a)(iii) and shall be subject to the maximum penalty allowed thereunder or as hereinafter amended.

~~(1)~~ (2) A person cited under PMC 8.08.045 shall be deemed to have committed a class 2 civil infraction pursuant to RCW 7.80.120(1)(b), plus any applicable statutory assessments. First violation: \$25.00, unless a person or domestic animal suffers physical harm as a result of the violation then \$250.00;

~~(2) (3) If a person cited for a first offense under PMC 8.04.020 presents evidence of a valid license obtained subsequent to issuance of a citation or notice of infraction to the Puyallup Municipal Court, the infraction shall be dismissed without cost, except that the Court may assess court administrative costs of \$25.00 at the time of dismissal. Second violation: \$125.00, unless a person or domestic animal suffers physical harm as a result of the violation then \$250.00; and~~

~~(3) Third violation and all subsequent violations: \$250.00.~~

Section 3. Section 8.04.210 of the Puyallup Municipal Code is hereby added to read as follows:

8.04.210 Animal shelters, kennels and pet shops – Reports – Inspections – Sanitation.

A. Report of Animal Disposition. Each animal shelter, kennel or pet shop shall maintain a list which is available upon request to the animal control authority, quarterly, based upon the calendar year, of all dogs and cats auctioned off, given away, sold or otherwise disposed of. The list shall include the origin, the age and type of dog or cat, and the name and address of the person to whom the dog or cat was given or purveyed.

B. Inspection. It shall be the duty of the Director or his/her designee to make or cause to be made such inspections as may be necessary to insure compliance with other applicable sections of this chapter. The owner or keeper of an animal shelter, kennel or pet shop shall admit to the premises, for the purpose of making an inspection, any officer, agent or employee of the animal control authority at any reasonable time that admission is requested.

C. Unsanitary Conditions Unlawful. It is unlawful to keep, use or maintain within the city any animal shelter, kennel or pet shop that is unsanitary, nauseous, foul or offensive, or in any way detrimental to public health and/or safety and not in compliance therewith. Failure to comply with this section may be cause for revocation or denial of a business license or other license issued by the city to use, keep or maintain such animal shelter, kennel, or pet shop.

Section 4. Section 8.04.220 of the Puyallup Municipal Code is hereby added to read as follows:

8.04.220 Animal shelters, kennels and pet shops – General standards.

Animal shelters, kennels and pet shops shall meet the following conditions:

A. Housing facilities shall be provided for the animals and such shall be structurally sound and shall be maintained in good repair; shall be designed so as to protect the animals from injury; shall contain the animals; and shall restrict the entrance of other animals.

B. Electric power shall be supplied in conformance with city and state electrical codes adequate to supply lighting and heating as may be required by this chapter. Water shall be supplied at sufficient pressure and quantity to clean indoor housing facilities and primary enclosures of debris and excreta.

C. Suitable food and bedding shall be provided and stored in facilities adequate to provide protection against infestation or contamination by insects or rodents. Refrigeration shall be provided for the protection of perishable foods.

D. Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris. Disposal facilities shall be maintained in a sanitary condition, free from the infestation or contamination of insects or rodents or disease and from obnoxious or foul odors.

E. Washroom facilities, including sinks and toilets with hot and cold running water, must be conveniently available for cleaning purposes, and a large sink or tub provided for the purpose of washing utensils, equipment and facilities.

F. Sick animals shall be separated from those appearing healthy and normal and, if for sale, shall be removed from display and sale. Sick animals shall be kept in isolation quarters with adequate ventilation to prevent contaminating well animals.

G. There shall be an employee on duty at all times during hours any shelter, kennel or pet shop is open.

H. An employee or owner shall come in to feed, water and do the necessary cleaning of animals and birds on days the shelter, kennel or pet shop is closed.

I. No person shall knowingly sell a sick or injured animal or bird.

J. No person shall misrepresent an animal or bird to a consumer in any way.

Section 5. Section 8.04.230 of the Puyallup Municipal Code is hereby added to read as follows:

8.04.230 Animal shelters, kennels and pet shops – Indoor facilities.

Animal shelters, kennels and pet shops which have indoor housing facilities for animals and birds shall:

A. Be sufficiently heated or cooled to protect such animals from temperatures to which they are not normally acclimatized;

B. Be adequately ventilated to provide for the health of animals contained therein and to assist in the removal of foul and obnoxious odors. Provision shall be made so that the volume of air within any enclosed indoor facility shall be changed three times or more each hour. This may be accomplished through the rotation and periodic opening of doors and windows. If fans or ventilating equipment are used, they shall be constructed in conformance with current standards of good engineering practice with respect to noise and minimization of drafts;

C. Have sufficient natural or artificial lighting to permit routine inspection and cleaning at any time of day. In addition, sufficient natural or artificial lighting shall be supplied in the area of sinks and toilets to provide for the hygiene of animal caretakers;

D. Have interior wall and ceiling surfaces constructed of materials which are resistant to the absorption of moisture and odors, or such surfaces shall be treated with a sealant or with paint, when such materials are not originally resistant to moisture or odors. Floor surfaces shall not be made of unsealed wood. In addition, interior walls shall be constructed so that the interface with floor surfaces is sealed from the flow or accumulation of moisture or debris;

E. Contain a drainage system which shall be connected to a sanitary sewer or septic tank system which conforms to the standards of building codes in force within the city and shall be designed to rapidly remove water and excreta in the cleaning of such indoor housing facility under any condition of weather or temperature; provided, this requirement shall not apply to pet shops. All indoor housing facilities for animals, fish, or birds shall be maintained in a clean and sanitary condition and a safe and effective disinfectant shall be used in the cleaning of such facilities;

F. Conform with all applicable development standards of the city zoning code.

Section 6. Section 8.04.240 of the Puyallup Municipal Code is hereby added to read as follows:

8.04.240 Animal shelters, kennels and pet shops – Outdoor facilities.

Animal shelters, kennels and pet shops which have outdoor facilities for animals and birds shall:

A. Be constructed to provide shelter from excessive sunlight, rain, snow, wind, or other elements. In addition, such facilities shall be constructed to provide sufficient space for the proper exercise and movement of each animal contained therein;

B. Be constructed to provide drainage and to prevent the accumulation of water, mud, debris, excreta, or other materials and shall be designed to facilitate the removal of animal and food wastes;

C. Be constructed with adequate walls or fences to contain the animals kept therein and to prevent entrance of other animals;

D. Conform with all applicable development standards of the city zoning code.

Section 7. Section 8.04.250 of the Puyallup Municipal Code is hereby added to read as follows:

8.04.250 Rule and regulation promulgation.

The Director is authorized to promulgate rules and regulations not in conflict with this chapter as they pertain to the conditions and operations of animal shelters, kennels, and pet shops. Such rules and regulations shall be enacted in accordance with city procedures for adopting such rules and regulations. The Director or designee may, in addition to other penalties provided in this title, revoke, suspend or refuse to renew any license upon good cause or for failure to comply with any provision of this title.

Section 8. Section 8.04.260 of the Puyallup Municipal Code is hereby added to read as follows:

8.04.260 - Habitual offender.

Any person who is found committed, singularly or in combination, two (2) or more times in any municipal or district court of any violation of this chapter, within a five-year period shall be designated as a “habitual violator.” Any violation of this chapter by a “habitual violator” shall be a misdemeanor, punished by a maximum penalty of a fine not to exceed \$1,000, or by imprisonment in jail not to exceed 90 days, or by both such fine and imprisonment.

Section 9. Section 8.04.270 of the Puyallup Municipal Code is hereby added to read as follows:

8.04.270 - Misrepresentation of an animal as a service animal—Civil infraction—Investigation and enforcement.

(1) It shall be a civil infraction under PMC 8.04.200 for any person to misrepresent an animal as a service animal. A violation of this section occurs when a person:

(a) Expressly or impliedly represents that an animal is a service animal as defined in PMC 8.04.010(16) for the purpose of securing the rights or privileges afforded disabled persons accompanied by service animals set forth in state or federal law; and

(b) Knew or should have known that the animal in question did not meet the definition of a service animal.

(2)(a) Police, animal control officers, and those designated by the Director may investigate and enforce this section by making an inquiry of the person accompanied by the animal in question and issuing a civil infraction. Refusal to answer the questions allowable under (b) of this subsection shall create a presumption that the animal is not a service animal and the officer or designated person may issue a civil infraction and require the person to remove the animal from the place of public accommodation.

(b) Police, animal control officers, and those designated by the Director shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. (1) If the animal is required because of a disability, and (2) what work or task the animal has been trained to perform. Police, animal control officers, and those designated by the Director shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal, or require that the service animal demonstrate its task. Generally, Police, animal control officers, and those designated by the Director may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for a person with a disability, such as a dog is observed guiding a person who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to a person with an observable mobility disability.

Section 10. Section 8.16.020 of the Puyallup Municipal Code is hereby amended to read as follows:

8.16.020 – Police Dogs Exempted From Animal Control Provisions.

All police dogs and all dogs being trained as police dogs shall be exempt from all the provisions of Chapter 8.04 PMC relating to animal control only when performing in a work-related, active duty capacity. When in an off-duty capacity, all police dogs and dogs being trained as police dogs shall be subject to all the provisions of the PMC relating to animal control except PMC 8.18 related to Dangerous and Potentially Dangerous Dogs.

Section 11. Section 8.04.180 of the Puyallup Municipal Code is hereby repealed in its entirety.

~~8.04.180 Abandonment of animals.~~

~~It is unlawful for any person to abandon any animal within the city limits.~~

Section 12. Section 8.08.050 of the Puyallup Municipal Code is hereby repealed in its entirety.

~~8.08.050 – Violation – Punishment~~

~~A violation of any section within this chapter shall be punishable as a civil infraction. The base penalty for a civil infraction issued for violating a section of this chapter shall be as follows:~~

- ~~(1) First violation: \$25.00, unless a person or domestic animal suffers physical harm as a result of the violation then \$250.00;~~
- ~~(2) Second violation: \$125.00, unless a person or domestic animal suffers physical harm as a result of the violation then \$250.00; and~~
- ~~(3) Third violation and all subsequent violations: \$250.00.~~

Section 13. Section 8.12.040 of the Puyallup Municipal Code is hereby repealed in its entirety.

~~8.12.040 – Violation – Punishment~~

~~A violation of any section within this chapter shall be punishable as a civil infraction. The base penalty for a civil infraction issued for violating a section of this chapter shall be as follows:~~

~~(1) First violation: \$25.00, unless a person or domestic animal suffers physical harm as a result of the violation then \$250.00;~~

~~(2) Second violation: \$125.00, unless a person or domestic animal suffers physical harm as a result of the violation then \$250.00; and~~

~~(3) Third violation and all subsequent violations: \$250.00.~~

Section 14. *Publication.* A summary of this ordinance shall be published as required by law.

Section 15. *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, this Ordinance is deemed to control.

Section 16. *Corrections.* The City Clerk or City Attorney are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 17. *Effective Date.* This Ordinance shall take effect and be in force five (5) days after final passage 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 _____ day of _____, 2020.

Julie Door
Mayor

Approved as to form:

Attest:

Shawn Arthur
Deputy City Attorney

Mary Winter
City Clerk

Published:
Effective:



City Council Agenda Item Report

Submitted by: Barbara Lopez
Submitting Department: Finance
Meeting Date: 2/11/2020

Subject:

Second reading of an ordinance establishing Puyallup Municipal Code Section 3.72, titled "Sales Tax Credit and Use Tax Credit for Affordable and Supportive Housing" as authorized under the provisions of Substitute House Bill 1406

Presenter:

Barbara Lopez, Finance Director

Recommendation:

Approve second reading of an ordinance establishing Puyallup Municipal Code Section 3.72, "Sales Tax Credit and Use Tax Credit for Affordable and Supportive Housing."

Background:

In 2019, Washington State enacted Substitute House Bill 1406 (SHB 1406) establishing a revenue sharing program with local governments for affordable and/or supportive housing.

On December 10, 2019, City Council adopted Resolution No. 2395, declaring its intent to adopt an ordinance authorizing the sales tax credit allowed by SHB 1406. The local sales and use tax will be credited against the state sales and use tax so that the total tax paid by the consumer will not increase.

This ordinance authorizes the the tax to be levied at its maximum capacity (0.0073 percent) and codifies that authorization in Chapter 3.72 of the Puyallup Municipal Code.

Council Direction:

Fiscal Impacts:

Estimated revenues are \$190,000 annually.

ATTACHMENTS

- [Updated Draft Ordinance](#)
- [Updated Draft Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PUYALLUP, WASHINGTON

relating to local sales and use taxes; authorizing the maximum capacity of the tax credit authorized under the provisions of Substitute House Bill 1406 for affordable and supportive housing and rental assistance, to be codified at Chapter 3.72 of the Puyallup Municipal Code.

Whereas, in 2019, Washington State enacted Substitute House Bill 1406 (“SHB 1406”), codified at RCW 82.14, 540, a revenue sharing program with local governments for affordable housing which is intended to encourage investments in affordable and/or supportive housing; and

Whereas, the Housing Element of the City of Puyallup Comprehensive Plan contains policies to promote the creation and expansion of a variety of housing types and densities affordable to all economic segments of the population of the City (H-5) and to promote a variety of housing for people with special needs, such as the elderly, disabled, homeless and single householders (H-6), both of which would be furthered by the City’s intent to utilize the provisions of SHB 1406, thus encouraging investment in affordable and/or supportive housing; and

Whereas, on December 10, 2019, the City Council adopted Resolution No. 2395, declaring its intent to adopt an ordinance authorizing the tax allowed by SHB 1406; and

Whereas, the state legislation requires the City to adopt an ordinance authorizing the tax within twelve (12) months of the effective date of SHB 1406, or by July 28, 2020; and

Whereas, the local sales and use tax will be credited against the state sales and use tax so that the total tax paid by the consumer will not increase; and

Whereas, the revenues generated, an estimated \$190,000 annually, are eligible to be spent on the acquisition, construction or rehabilitation of affordable housing or facilities providing supportive housing, and for the operations and maintenance costs of affordable or supportive housing, and providing rental assistance to tenants; and

Whereas, the revenues may be used to finance grants or loans to non-profit organizations or public housing authorities to carry out these provisions; and

Whereas, the City has the authority to issue general obligation or revenue bonds for affordable or supportive housing and may use, and is authorized to pledge, the revenues collected for repayment of such bonds.

Whereas, the City may enter into interlocal agreements with other cities or municipal corporations in the execution of these provisions; and

Whereas, the City Council has determined it is in the best interest of the City and its residents to begin implementation of the tax and then later determine the process for the distribution of the funds collected;

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

Section 1. Chapter 3.72 of the Puyallup Municipal Code Established. A chapter of the Puyallup Municipal Code entitled “Sales Tax Credit and Use Tax Credit for Affordable and Supportive Housing,” to be codified as Puyallup Municipal Code (PMC) Chapter 3.72, is hereby established to read as follows:

**CHAPTER 3.72
SALES TAX CREDIT AND USE TAX CREDIT FOR AFFORDABLE AND
SUPPORTIVE HOUSING**

Sections:

- 3.72.010 Imposition of Sales Tax Credit and Use Tax Credit for Affordable and Supportive Housing
- 3.72.020 Purpose of Tax Credit
- 3.72.030 Administration and Collection – Statutory Compliance

3.72.010 Imposition of Sales Tax Credit and Use Tax Credit for Affordable and Supportive Housing

- A. There is imposed a sales and use tax as authorized by RCW 82.14.540, upon every taxable event, as defined in RCW 82.14, occurring within the City of Puyallup. The tax shall be imposed upon and collected from those persons from whom the State sales tax or use tax is collected pursuant to RCW 82.08 and 82.12.
- B. The rate of the tax imposed by this chapter shall be 0.0073 percent of the selling price or value of the article used.
- C. The tax imposed under this chapter shall be deducted from the amount of tax otherwise required to be collected or paid to the Department of Revenue under RCW 82.08 or 82.12. The Department of Revenue will perform the collection of such taxes on behalf of the City of Puyallup at no cost to the City.
- D. The Department of Revenue will calculate the maximum amount of tax distributions for the City of Puyallup based on the taxable retail sales in the City in fiscal year 2019. The tax imposed under this chapter will cease to be distributed to the City of Puyallup for the remainder of any fiscal year in which the amount of tax exceeds the maximum amount of tax distributions for the City as properly calculated by the Department of Revenue. Distributions to the City

that have ceased during a fiscal year shall resume at the beginning of the next fiscal year and in any event shall continue for each successive year as provided by RCW 82.14.540 as it exists or as it may be amended in the future.

3.72.020 Purpose of Tax Credit

- A. The City may use the moneys collected by the tax imposed under this chapter only for the following purposes:
 - 1. Acquiring, rehabilitating, or constructing affordable housing, which may include new units of affordable housing within an existing structure or facilities providing supportive housing services under RCW 71.24.386; and
 - 2. Providing the operations and maintenance costs of new units of affordable or supportive housing; and
 - 3. Providing rental assistance to tenants.
- B. The housing and services provided under this chapter may only be provided to persons whose income is at or below 60 percent of the median income of the City.
- C. In determining the use of funds under this chapter, the City must consider the income of the individuals and families to be served, the leveraging of the resources made available, and the housing needs within the City.
- D. The City must report annually to the Washington State Department of Commerce, in accordance with the Department's rules, on the collection and use of the revenue from the tax imposed under this chapter.
- E. The tax imposed by the City under this chapter will expire 20 years after the date on which the tax is first imposed unless extended by state law.

3.72.030 Statutory Compliance

The administration and collection of the tax imposed by this chapter shall be in accordance with the provisions of RCW 82.14.540.

Section 2. The Finance Director is authorized to provide any necessary notice to the Department of Revenue to effectuate the tax enacted by this ordinance and to execute, for and on behalf of the City of Puyallup, any necessary agreement with the Department of Revenue for the collection and administration of the tax enacted by this ordinance.

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

Section 4. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

Section 5. Effective date. This ordinance shall take effect 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 of the City of Puyallup on the _____ day of _____, 2020.

Julie Door
Mayor

Approved as to form:

Attest:

Joseph N. Beck
City Attorney

Mary Winter
City Clerk

Published: _____

Effective Date: _____