



City Council Minutes

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City Council Chambers, 747 Market Street, First Floor, Tacoma, Washington 98402

May 12, 1998

The meeting was called to order at 5:14 p.m.

Present on roll call: 9 - Baarsma, Crowley, De Forrest, Kirby, McGavick, Miller, Phelps, Silas, and Mayor Ebersole.

The Flag Salute was led by Deputy Mayor Crowley.

CONSENT AGENDA

Approval of the Tacoma City Council minutes of April 21, 1998; and study session minutes of April 21 and 28, 1998.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK

- a. Minutes of the Planning Commission, April 15, 1998.
- b. Citizens' petition to save the Ruston Way waterfront.
- c. Report of the Finance Director, March 1998.

Deputy Mayor Crowley moved that the Consent Agenda be approved. Seconded by Council Member Miller. Voice vote was taken and carried. The Consent Agenda was declared approved.

PROCLAMATION

Mayor Ebersole presented a proclamation to Mr. Dan Clark, Veterans of Foreign Wars, urging all patriotic citizens to wear a Buddy Poppy as evidence of their gratitude to the people of this country who have risked their lives in defense of the freedoms which we enjoy as American citizens.

REGULAR AGENDA

COMMUNICATION

Hearing Examiner recommending modification of a previously imposed condition to allow a 7-foot-wide planting area along the east site boundary, rather than the 10-foot side area, and that certain conditions be deleted, to allow the construction of a Rite Aid Drug Store located at the southeast corner of South 38th Street and Pacific Avenue. (First Western Development Services; File No. REZ96-00015)

Deputy Mayor Crowley moved to concur in the recommendations of the Hearing Examiner. Seconded by Council Member McGavick. Voice vote was taken and carried. The motion was declared adopted.

FINAL READING OF ORDINANCES

Ordinance No. 26226

Repealing Substitute Ordinance No. 24575 and Ordinance No. 25649; and authorizing the execution of an interlocal agreement with Pierce County, the Tacoma-Pierce County Health Department, and other municipal governments in Pierce County to support the Tacoma-Pierce County Commission on Children, Youth and Their Families.

Roll call vote was taken, resulting as follows:

Ayes: 9 – Baarsma, Crowley, De Forrest, Kirby, McGavick, Miller, Phelps, Silas, and Mayor Ebersole

Nays: 0

The Ordinance was declared passed.

Ordinance No. 26227

Providing for the formation of LID No. 2631 for the placement of a two-inch asphalt concrete surface treatment on 56th Avenue NE from 27th to 29th Streets NE.

Roll call vote was taken, resulting as follows:

Ayes: 9 – Baarsma, Crowley, De Forrest, Kirby, McGavick, Miller, Phelps, Silas, and Mayor Ebersole

Nays: 0

The Ordinance was declared passed.

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Ordinance No. 26228

Providing for the formation of LID No. 8608 for the placement of permanent pavement on the alley between East G Street and McKinley Avenue from East 36th to East 37th Streets.

Roll call vote was taken, resulting as follows:

Ayes: 9 – Baarsma, Crowley, De Forrest, Kirby, McGavick, Miller, Phelps, Silas, and Mayor Ebersole

Nays: 0

The Ordinance was declared passed.

Ordinance No. 26229

Providing for the formation of LID No. 8612 for the placement of permanent pavement on the alley between South M Street and Sheridan Avenue from South 64th Street north 550 feet.

Roll call vote was taken, resulting as follows:

Ayes: 9 – Baarsma, Crowley, De Forrest, Kirby, McGavick, Miller, Phelps, Silas, and Mayor Ebersole

Nays: 0

The Ordinance was declared passed.

Ordinance No. 26230

Providing for the formation of LID No. 8617 for the placement of permanent pavement on the alley between Monroe and Tyler Streets from South 67th to South 69th Streets.

Roll call vote was taken, resulting as follows:

Ayes: 9 – Baarsma, Crowley, De Forrest, Kirby, McGavick, Miller, Phelps, Silas, and Mayor Ebersole

Nays: 0

The Ordinance was declared passed.

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FIRST READING OF ORDINANCES

Ordinance No. 26231

Amending Chapter 13.06 of the Municipal Code to reclassify the property located at 6002 Westgate Boulevard, from an "R-2-T" Residential Commercial Transitional District to a "C-2" Commercial District for the construction of a drug store and a credit union building with drive-up windows. (Michael Taylor, Inc.; File No. REZ97-00017)

Deputy Mayor Crowley moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner. Seconded by Council Member McGavick. Voice vote was taken and carried. The motion was declared adopted.

The Ordinance was set over for final reading to a date to be determined.

Ordinance No. 26232

Amending Chapter 1.12 of the Municipal Code to implement 1998 rates of pay and compensation for certain represented and unrepresented employees and changes in classifications to reflect the organizational structure.

The Ordinance was set over for final reading next week.

RESOLUTIONS

Purchase Resolution No. 34047

Awarding contracts to:

1. Totem Electric of Tacoma, Inc., on its bid of \$369,398.20, for pedestrian and traffic signals at Union Avenue between South 15th and Melrose Streets; South 38th and Cedar Streets; and on South 56th Street from Alaska to J Streets - Specification No. G-204-98;
2. Prime Equipment, Inc., in the amount of \$48,807.10, for a Sky Trak four-wheel drive boom lift for the Tacoma Dome;
3. Graybar Electric Company, Inc., in the amount of \$80,000, for electrical supplies - Open Purchase Order No. 4021;
4. Western Safety Products, Inc., on its bid of \$104,548.08, for safety supplies - Specification No. G-044-97; and
5. Woodworth & Company, Inc., on its bid of \$490,755.25, for:
 - * alley improvement and sanitary sewer replacement between South I and J Streets, from South 23rd to 25th Streets (LID No. 8599);
 - * alley improvement and sanitary sewer replacement between Sheridan Avenue and M Street, from South 27th to South 25th Streets (LID No. 8600);

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- * alley improvement, storm sewer extension and sanitary sewer replacement between Trafton and State Streets, from Sixth Avenue to North 8th Street (LID No. 8602);
- * residential street improvement, storm sewer extension, and sanitary sewer replacement on Junett Street, from South 62nd to South 60th Streets (LID No. 8603); and
- * alley improvement and storm sewer extension between South 42nd and 43rd Streets, from Asotin Street to Cushman Avenue (LID No. 8604) - Specification No. G-202-98.

Deputy Mayor Crowley moved that the Purchase Resolution, including waiving formal bidding procedures on Item No. 2, be adopted. Seconded by Council Member McGavick. Voice vote was taken and carried on the Purchase Resolution. The Purchase Resolution, including waiving formal bidding procedures on Item No. 2, was declared adopted.

Resolution No. 34048

Authorizing the submittal of a grant application to the Interagency Committee for Outdoor Recreation, in the amount of \$1,720,000, for acquisition of property at Wapato Hills.

Deputy Mayor Crowley moved that the Resolution be adopted. Seconded by Council Member Baarsma.

Speaking before the Council were:

Name	Address/Affiliation
Phyllis Barrett	912 South Cushman
Skip Vaughn	Chair, South Tacoma Neighborhood Council

Voice vote was taken and carried. The Resolution was declared adopted.

Resolution No. 34049

Authorizing the execution of a collective bargaining agreement with the Brotherhood of Locomotive Engineers, effective January 1, 1996 through December 31, 2002.

Deputy Mayor Crowley moved that the Resolution be adopted. Seconded by Council Member Silas. Voice vote was taken and carried. The Resolution was declared adopted.

Resolution No. 34050

Authorizing the submittal of a grant application to the Washington State Arts Commission's 1998 Organizational Support Program, in the amount of \$7,000, for support of the Commencement Art Gallery and the Arts in Education programs.

Deputy Mayor Crowley moved that the Resolution be adopted. Seconded by Council Member Silas. Voice vote was taken and carried. The Resolution was declared adopted.

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Resolution No. 34051

Approving the 1998 Annual Action Plan of the Consolidated Plan; and submitting said plan to the United States Department of Housing and Urban Development for a Community Development Block Grant of \$3,324,000, a HOME grant of \$1,471,000, and an Emergency Shelter grant of \$125,000.

Deputy Mayor Crowley moved to suspend the rules to consider Substitute Resolution No. 34051. Seconded by Council Member McGavick. Voice vote was taken and carried. The motion was declared adopted.

Deputy Mayor Crowley moved that the Substitute Resolution be adopted. Seconded by Council Member Baarsma.

Speaking before the Council were:

Name	Address/Affiliation
David Boyd	Executive Director, King Center
Janis Gall Martin	Director, Safe Homes

Voice vote was taken and carried. The Substitute Resolution was declared adopted.

Resolution No. 34052

Authorizing the execution of an amendment to the 1996-1997 Coordinated Prevention Grant Agreement with the Department of Ecology, in the amount of \$72,900, for the recycling and hazardous waste programs.

Deputy Mayor Crowley moved that the Resolution be adopted. Seconded by Council Member Baarsma. Voice vote was taken and carried. The Resolution was declared adopted.

Resolution No. 34053

Authorizing the execution of a grant agreement with the Department of Ecology, in the amount of \$400,956, for the recycling and hazardous waste programs.

Deputy Mayor Crowley moved that the Resolution be adopted. Seconded by Council Member Baarsma. Voice vote was taken and carried. The Resolution was declared adopted.

Resolution No. 34055

Authorizing the execution of an agreement with the Hilltop Housing Development Center, in the amount of \$117,700, for the construction and sale of new affordable housing to lower-income persons in East Tacoma; and authorizing the execution of an amendment to the agreement with the Tacoma Housing Authority to transfer the property located at 3849 East K Street to the Hilltop Housing Development Center.

Deputy Mayor Crowley moved that the Resolution be adopted. Seconded by Council Member Baarsma. Voice vote was taken and carried. The Resolution was declared adopted.

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Resolution No. 34056

Authorizing the execution of an agreement with Cablebus Systems, in the amount of \$50,000, for the design of the institutional network (I-NET).

Deputy Mayor Crowley moved that the Resolution be adopted. Seconded by Council Member Silas. Voice vote was taken and carried. The Resolution was declared adopted.

PUBLIC HEARINGS AND APPEALS (BEGAN AT 6:20 P.M.)

- a. Jonathon Chaffey and Gloria Hartley representing various neighbors appealing the recommendation of the Hearing Examiner on the request to vacate a portion of North 38th Street, west of Washington Street, to include the vacated property as additional yard space. (Noble & Driessnack; File No. 124.1061) (Continued from the meeting of May 5, 1998.)

Council Member Baarsma stated that the property involved in this matter is in his neighborhood. He stated that he felt that all parties should feel that the process be impartial and that there be an appearance of fairness. He stated that he feels that it is proper and appropriate for him to recuse himself.

Mayor Ebersole stated that a quasi-judicial appeal hearing was held on May 5, 1998. He stated that Deputy Mayor Crowley and Council Members McGavick and Miller were not in attendance at the hearing but have been provided with a copy of the video tape of that portion of the City Council meeting. Mayor Ebersole then asked for Council Member comments.

Council Member Miller stated that he was provided with copies of the video tape. He stated that this is a quasi-judicial hearing. He stated that he felt it would be difficult for him to rule properly without having substantial legal questions answered by the Hearing Examiner who is not in attendance at this quasi-judicial hearing. Council Member Miller then recused himself from the appeal hearing.

Council Member Kirby moved to overrule the Hearing Examiner and uphold the appeal and to direct the City Attorney to draft Findings of Fact and Conclusions of Law in keeping with the Council's Decision to be presented for adoption at the next City Council meeting. Seconded by Council Member McGavick.

Roll call vote was requested and taken, resulting as follows:

Ayes: 2 – Kirby and Mayor Ebersole

Nays: 5 – Crowley, De Forrest, McGavick, Phelps and Silas

Recused: 2 – Baarsma and Miller

The motion was declared failed.

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Deputy Mayor Crowley moved to concur in the Findings, Conclusions and Decision of the Hearing Examiner and deny the appeal. Seconded by Council Member McGavick.

Roll call vote was requested and taken, resulting as follows:

Ayes: 5 – Crowley, De Forrest, McGavick, Phelps and Silas

Nays: 2 – Kirby and Mayor Ebersole

Recused: 2 – Baarsma and Miller

The motion was declared adopted.

The appeal was declared closed at 6:31 p.m.

- b. This is the date for a public hearing by the City Council regarding proposed amendments to Title 13 of the Municipal Code to permit animal clinics, animal boarding, and retail sale of animals in "C-P-N" Planned Neighborhood Shopping Center Districts and "C-1" Commercial Districts and eliminating the 1,500-square-foot limitation for veterinary clinics in "C-2" Commercial Districts.

The public hearing was declared open at 6:31 p.m.

Speaking before the Council were:

<u>Name</u>	<u>Address/Affiliation</u>
Jeanne Werner	Director, Tacoma-Pierce County Humane Society
Wendy Wojtanowicz	Co-owner Point Fosdick Pets & Boarding
Dr. Walia	Resident
Dr. Peggy Powers	Resident
Mozella Pooley	8041 South Sheridan

The public hearing was declared closed at 6:54 p.m.

- c. This is the date for a public hearing by the City Council regarding proposed amendments to Chapter 13.08 of the Municipal Code relative to the Open Space Current Use Assessment to comply with state law.

The public hearing was declared open at 6:54 p.m. There were no speakers.

The public hearing was declared closed at 6:56 p.m.

UNFINISHED BUSINESS

None.

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REPORTS BY CITY MANAGER

City Manager Ray E. Corpuz Jr. stated that there has been a County-wide effort to have implemented trauma service for the City of Tacoma and Pierce County. He stated that a decision has been made by local physicians and hospitals regarding an operating budget and implementation of a Level 2 trauma service . Mr. Corpuz stated that the implementation is scheduled to be completed by the end of the year.

Mr. Corpuz announced that the sidewalk, which was the subject of a claim that was discussed at the study session earlier this afternoon, has been repaired.

Mr. Corpuz requested a permanent residency waiver to fill the position of System Protection Engineer at Tacoma Public Utilities.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL

Council Member Baarsma moved to authorize the City Manager to grant a permanent residency waiver to fill the position of System Protection Engineer located at Public Utilities. Seconded by Council Member Kirby.

Roll call vote was requested and taken, resulting as follows:

Ayes: 7 – Baarsma, Crowley, Kirby, McGavick, Miller, Phelps and Mayor Ebersole

Nays: 2 – De Forrest and Silas

The motion was declared adopted.

Deputy Mayor Crowley moved that the City of Tacoma accept the settlement of \$40,957.11 negotiated by the Legal Department in the matter of the claim of Kay Hoke, Claim No. 7753. Seconded by Council Member De Forrest. Voice vote was taken and carried. The motion was declared adopted.

Council Member Miller requested a follow-up on the appeal hearing that was held relative to the vacation of property on 38th and Washington Streets. He stated that it has become apparent over the years that the City of Tacoma’s rights-of-way are more valuable to use for more than just vehicles. He stated that over the last decade the City of Tacoma has invested a lot of money in nonmotorized traffic circulation - pedestrian access and bicycle access. He requested that a policy be developed for the preservation of circulation corridors, for pedestrians, that effects the disposition of City rights-of-way. He stated that his concern is that this issue needs to be looked at in the bigger picture. Council Member Miller stated that the City of Tacoma needs to preserve those rights-of-way, or at least a portion of them, for pedestrian access or nonmotorized vehicular access. He stated that he has requested that the City Attorney rule regarding the City’s legal rights to retain those rights-of-way.

Council Member McGavick reported that while she was recuperating from surgery she was driven around the City of Tacoma looking at sites for a new police station. She then stated that her mother had another stroke and had passed away.

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Council Member Silas noted the passing of Ms. Louise Turner. She stated that there was a celebration of her life last Saturday. She commented on the wonderful life she had lived.

Council Member Silas then wished Mr. Bill Pugh a happy birthday.

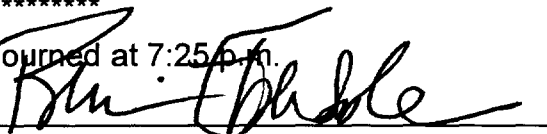
Council Member De Forrest requested an explanation regarding the Police Department's budget. He stated that he wanted to know, in laymen's terms, why the Police Department has a \$3.3 million budget deficit and what the City of Tacoma is going to do to solve that deficit.

Council Member Baarsma stated that the City Council took action tonight on the settlement of a claim concerning an accident involving a hazardous sidewalk. He stated that right across the street from the Landmarks Convention Center is another sidewalk that is hazardous and should be investigated.

Council Member Baarsma stated that he had the opportunity to represent the Mayor at the second meeting of the Tri-County Endangered Species Act Response Assembly. He stated that the National Marine Fisheries Service is in the process of taking testimony to determine whether the Chinook salmon would be declared a threatened species. Council Member Baarsma stated that the assembly includes the County Executives of Pierce, King and Snohomish counties. He stated that representatives from major cities from each of those counties are also addressing the issue of how to respond proactively. He stated that the City has an opportunity, in concert with the State and Tribes, through the use of a threatened species declaration, to design a habitat conservation plan that is based on "rock solid science." He stated that the federal officials are quite pleased that the counties are meeting together.

Mayor Ebersole stated that he has been working with the Tacoma Housing Authority on many issues including Hillside Terrace.

On proper motion, the meeting was adjourned at 7:25 p.m.


BRIAN EBERSOLE, MAYOR

ATTEST: 
RICK ROSENBLADT, CITY CLERK

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