

CITY COUNCIL MINUTES

City Council Chambers
December 7, 1993

The meeting was called to order at 5:08 p.m.

Present on roll call: 8 - Baarsma, Evans, McElliott, Miller, Mykland, Nielsen, Silas, and Mayor Vialle. Absent: 1 - Moss.

The Flag Salute was led by Council Member McElliott.

Approval of the minutes of the Tacoma City Council meetings of November 23 and 30, 1993.

ORDINANCES:

Ordinance No. 25411

Accepting donations totaling \$12,652.93 from various parties and depositing said sum in the Miscellaneous Trust Fund for the Drug Awareness Resistance Education Program.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Minutes of the meeting of the Tacoma Public Library Board of Trustees of October 20, 1993.
- b. Minutes of the Public Utility Board Study Session of October 27, 1993.
- c. Minutes of the meeting of the Public Utility Board of October 27, 1993.
- d. Minutes of the meetings of the Human Rights Commission of September 16 and October 21, 1993.
- e. Revised draft of the Biennial Capital Budget for 1993-1994.

Council Member Nielsen moved that the Consent Agenda, including first reading of Ordinance No. 25411, be approved. Seconded by Council Member Evans. Voice vote was taken and carried. The Consent Agenda was declared approved.

REGULAR AGENDA

ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS

Mayor Vialle called on Chief Alan Wallice, President of the Washington Association of Sheriffs and Police Chiefs, who presented the accreditation award to Tacoma Police Chief Fjetland on behalf of the Tacoma Police Department.

Chief Ray Fjetland, Tacoma Police Department, presented commendations to Mr. James Omsha, a citizen who noticed a robbery in progress at a fast-food restaurant, phoned in on his cellular phone, pursued the vehicle, keeping in touch with the dispatch center and assisting greatly and at risk to his own person in apprehending the criminals.

Resolution No. 32425

Appointing citizens to various committees, boards and commissions.

Council Member Nielsen moved that the Resolution be adopted. Seconded by Council Member Evans. Voice vote was taken and carried. The Resolution was declared adopted.

FINAL READING OF ORDINANCES:

Ordinance No. 25398

Vacating a portion of the east 30 feet of Cedar Street north of North 33rd Street to combine the vacated area with the abutting property to allow for a single-story addition to the existing home at 3023 North 33rd Street. (Norman P. Schieke; File No. 124.981)

Roll call vote was taken, resulting as follows:

Ayes: 8 -- Baarsma, Evans, McElliott, Miller, Mykland, Nielsen, Silas, and Mayor Vialle.

Nays: 0.

Absent: 1 -- Moss.

The Ordinance was declared passed.

Substitute Ordinance No. 25402

Granting American Pacific Telephone the right, privilege and permission to install, maintain and operate public telephone booths at designated locations within the City of Tacoma.

Mayor Vialle moved to consider Substitute Ordinance No. 25402 after Resolution No. 32429. Seconded by Deputy Mayor Mykland. Voice vote was taken and carried. The motion was declared adopted.

The Ordinance will be considered subsequent to Resolution No. 32429 later on the Council Agenda.

Ordinance No. 25410

Amending Sections 2 and 4 of Ordinance No. 24553 pertaining to the terms of an amended personal services agreement with Wilburn R. Burk to manage, oversee and provide limited security services for certain public parking facilities for the period December 30, 1993 through December 30, 1996, and providing for a fee waiver for two hours of parking under certain conditions.

Roll call vote was taken, resulting as follows:

Ayes: 8 -- Baarsma, Evans, McElliott, Miller, Mykland, Nielsen, Silas, and Mayor Vialle.

Nays: 0.

Absent: 1 -- Moss.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Deputy Mayor Mykland moved to suspend the rules to consider Ordinance No. 25416. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 25416

Amending Chapter 11.05 of the Official Code relative to reducing the current breath and blood alcohol standards for driving while under the influence and physical control of a vehicle from 0.10 to 0.08 percent.

Mayor Vialle moved to suspend the rules to consider Substitute Ordinance No. 25416. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

The Substitute Ordinance was set over for final reading next week.

Ordinance No. 25412

Amending Sections 6.32.030, 6.75.010, 6.75.020, 6.75.030 and 6.76.030 of the Official Code and adding a new Chapter 3.09 relative to Fire Department permit and service fees for vehicles carrying petroleum products, Christmas tree lots, fire alarm licenses, public fire works displays, fuel tank installations and removals, industrial welding and various inspections.

Speaking before Council was:

Richard Rouse

Small business owner

The Ordinance was set over for final reading next week.

Ordinance No. 25413

Amending Chapter 1.12 of the Official Code to implement 1994 rates of pay.

The Ordinance was set over for final reading next week.

Ordinance No. 25414

Amending Section 1.06.210 of the Official Code relative to the Finance Department to provide language regarding debt financing consistent with the City Charter.

The Ordinance was set over for final reading next week.

Ordinance No. 25415

Approving the ad valorem tax levies for 1994.

Deputy Mayor Mykland moved to suspend the rules to consider Substitute Ordinance No. 25415. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

The Substitute Ordinance was set over for final reading next week.

RESOLUTIONS:

Resolution No. 32426

Authorizing the execution of an agreement with Ticketmaster-Northwest for a period of three years for exclusive computerized ticketing services.

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

Resolution No. 32427

Amending the Master Agreement with Pierce Transit relative to an additional 100 parking spaces, fees, rates and other related issues at the Tacoma Dome.

Council Member Evans moved that the Resolution be adopted. Seconded by Council Member Miller.

Deputy Mayor Mykland stated he would abstain on this matter since it involved his employer, Pierce Transit.

Voice vote was taken and carried, with Deputy Mayor Mykland abstaining. The Resolution was declared adopted.

Resolution No. 32428

Amending the Master Concession Agreement with Ogden Allied Leisure Services, Inc., to extend the term and certain conditions for exclusive food service operation at the Tacoma Dome Exhibition Hall from January 1, 1994 through December 31, 1998.

Council Member Nielsen moved that the Resolution be adopted. Seconded by Council Member McElliott. Voice vote was taken and carried. The Resolution was declared adopted.

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Resolution No. 32429

Authorizing the execution of an agreement with American Pacific Telephone for the purchase of City-owned pay telephones and parts and to execute a five-year operating agreement to provide pay telephones in City facilities and on City rights-of-way.

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

Deputy Mayor Mykland stated that Council needed to now consider Substitute Ordinance No. 25402.

Substitute Ordinance No. 25402

Granting American Pacific Telephone the right, privilege and permission to install, maintain and operate public telephone booths at designated locations within the City of Tacoma.

Roll call vote was taken, resulting as follows:

Ayes: 7 -- Baarsma, Evans, McElliott, Miller, Nielsen, Silas, and Deputy Mayor Mykland.

Nays: 0.

Absent: 2 -- Moss and Mayor Vialle.

The Substitute Ordinance was declared passed.

Resolution No. 32430

Authorizing the execution of an Interlocal Agreement with Pierce Transit for public transportation improvements and funding for various projects.

Deputy Mayor Mykland stated he would abstain on this matter since it involved his employer, Pierce Transit.

Council Member Evans moved that the Resolution be adopted. Seconded by Council Member Silas. Voice vote was taken and carried, with Deputy Mayor Mykland abstaining. The Resolution was declared adopted.

Resolution No. 32431

Entering into negotiations for the purchase of a police substation site on the east side of Tacoma and further arranging for the acceptance of a donation, in the amount of \$225,000 from Mr. L. Keith Stone for the rehabilitation, improvement and maintenance of said substation.

Deputy Mayor Mykland moved that the Resolution be adopted. Seconded by Council Member Evans.

Speaking to the Council was:

L. Keith Stone Tacoma citizen

Members of the Council gave their commendations and thanks to Mr. Stone for his generous offer for betterment of this neighborhood.

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

Deputy Mayor Mykland moved to take a short recess. Seconded by Council Member Silas. Voice vote was taken and carried. The motion was declared adopted.

Council recessed at 5:55 p.m. and reconvened at 6:07 p.m.

PUBLIC HEARINGS AND APPEALS: (Began at 6:08 p.m.)

This is the date set for a hearing by the City Council relative to the denial of a request for reconsideration by John W. Slipp of the Hearing Examiner's approval of a Stream Development Permit for Kenneth and Mary Lou Rooth for the construction of a single-family home on a subdivision located at 8218 South 17th Street. (Kenneth and Mary Lou Rooth; File No. 110.020)

Deputy Mayor Mykland called on Mr. John W. Slipp and Kenneth and Mary Lou Rooth. Mr. Mathew Sweeney, attorney-at-law, stated that he was present representing the Rooths.

Deputy Mayor Mykland called on Mr. Wick Dufford, Hearing Examiner, who gave a presentation on his decision.

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Deputy Mayor Mykland reviewed the rules of procedure for appeals before the City Council.

Deputy Mayor Mykland called on Mr. John W. Slipp, who gave the reasons for his appeal.

Deputy Mayor Mykland then called on Mr. Mathew Sweeney, attorney representing Kenneth and Mary Lou Rooth.

Mr. Sweeney spoke in support of the Hearing Examiner's decision.

Council Member Miller moved to uphold the Hearing Examiner and deny the appeal. Seconded by Council Member Nielsen.

Roll call vote was taken, resulting as follows:

Ayes: 5 -- McElliott, Miller, Nielsen, Silas, and Deputy Mayor Mykland.

Nays: 2 -- Baarsma and Evans.

Absent: 2 -- Moss and Mayor Vialle.

The Appeal was denied.

CITIZENS' FORUM:

Speaking before the Council were:

Dave De Forrest
Bill Factory

1116 East 44th Street
3520 East T Street

UNFINISHED BUSINESS:

None.

REPORTS BY CITY MANAGER:

Ray E. Corpuz, Jr., City Manager, stated that there was a forum scheduled for this Friday entitled: "Reconstructing Our Community Through Children and Youth." The original plan was for 120 attendees. There are now 160 registrations. He stated this would be an action-oriented forum.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Deputy Mayor Mykland reminded the Council that next week would be the last meeting of 1993. He also indicated that some Council Members would not be returning in 1994.

Council Member Baarsma noted that in the Friday packet was a news update which contained a reprint of a Washington Post article speaking about a T.C.I. memo which urged the raising of cable rates. He noted the article stated that the Washington Post had obtained a copy of a T.C.I. internal memo instructing managers to raise rates to take advantage of the new federal law. He stated that these concerns had been brought to this Council. He also indicated that he had sent a letter to the local T.C.I. office as was requested by the general manager and had not received a reply.

Deputy Mayor Mykland moved to excuse Council Member Moss from tonight's Council meeting. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

Council Member Silas commended the Council for issuing the Citizens' Forum. She felt that this gave a place for citizens to be heard and thanked the Council for this.

Council Member Silas reminded the Council that the Council must find error in the Hearing Examiner's findings. If Council did not find errors, then they must uphold the Hearing Examiner's findings. She stated that the Council must base their rulings on facts.

Deputy Mayor Mykland stated that he has noticed that on occasion the Council has a tendency to get off the record on certain appeal matters. He stated that this could get the Council into difficulties if the Council does not remain on the pertinent issues. He reiterated the role of the Council when an issue is before them. He asked that in the future Council pay attention to the record, the issue at hand and the role of the Council.

Council Member McElliott stated that now that the Council Agenda has a Citizens' Forum, it will assist people on speaking on issues.

Council Member McElliott reported on her recent visit to Orlando and stated she will be issuing a memo. She noted two things she felt were outstanding and these were the presentation by Janet Reno, the guest speaker, regarding gun matters, and the Mayor of Minneapolis who spoke on family policies. She also indicated she had obtained a number of clippings from other cities who were coping with matters similar to Tacoma's and would share this with the Council.

Council Member Evans stated he had read the record of the appeal on tonight's Agenda very carefully, and stated that he had based his questions on the public record. He indicated there were many ordinances in place that were not enforced. He stated the Council should either enforce the ordinances or abandon them.

Council Member Baarsma stated that he struggles, as other members of the Council do, in trying to make a decision that is right and consistent with what he considers to be right and in the record. He hoped that Council doesn't try to second-guess what each other's motives are. He stated that all struggle with these difficult issues and try to make the best judgment that they can on them.

On proper motion, the meeting was adjourned at 7:16 p.m.


KAREN L. R. VIALLE, MAYOR

ATTEST: 
GENELLE BIRK, CITY CLERK

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