



City Council Minutes

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

March 22, 2005

The meeting was called to order at 5:04 p.m.

Council Members Present: 8 – Evans, Ladenburg, Lonergan, Manthou, Phelps, Stenger, Talbert, and Mayor Baarsma.

Council Member Absent: 1 – Anderson.

The Flag Salute was led by Council Member Lonergan.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK

- a. Minutes of the Economic Development Committee, February 22, and March 8, 2005.
- b. Amended minutes of the Public Safety and Human Services Committee, February 10, 2005.
- c. Minutes of the Public Utility Board study session and meeting, February 9, 2005.
- d. Minutes of the Rainier Communications Commission, January 19, 2005.
- e. Minutes of the Tacoma Arts Commission, February 14, 2005.
- f. Minutes of the Tacoma Housing Authority Board of Commissioners, January 26, 2005.

CONSENT AGENDA

FIRST READING OF ORDINANCES

Ordinance No. 27335

Amending Chapter 13.06 of the Municipal Code to reclassify the property located at 1508 South I Street from an "R-5" Multiple Family Dwelling District to an "HM" Hospital Medical District to complete development of the parking area.
(Franciscan Health System; File No. 40000034638)

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Ordinance No. 27336

Vacating the south 16 feet of Browns Point Boulevard southwest of the intersection at 45th Avenue NE and Browns Point Boulevard to implement a property exchange agreement entered into with the abutting property owner to facilitate the improvement and realignment of Browns Point Boulevard. (City of Tacoma; File No. 124.1237)

Ordinance No. 27337

Vacating a portion of East N Street between East 64th and East 65th Streets to combine the vacated right-of-way with the abutting properties to subdivide the property into individual home sites. (Claude Remy; File No. 124.1234)

Ordinance No. 27338

Vacating the north 125 feet of the alley bounded by South 15th and South 16th Streets, between South I and South J Streets, for the development of a parking lot to serve St. Joseph Medical Center. (Franciscan Health System; File No. 124.1231)

Ordinance No. 27339

Vacating the west 120 feet of North 38th Street between North Orchard and North Huson Streets to combine the vacated property with the abutting property for landscaping purposes. (Wilhelmus VanMaren; File No. 124.1232)

Ordinance No. 27340

Vacating a portion of South 28th Street between South Ainsworth Avenue and the alley between South Ainsworth and South Cushman Avenues, together with a portion of the alley between South Ainsworth and South Cushman Avenues south of 28th Street, for the construction of a single-family residence. (Sandra Turner; File No. 124.1228)

COMMUNICATION

Hearing Examiner recommending denial of the request to vacate a 16.3-foot by 25.6-foot triangular portion of Five Views Road between Hale Street and Frace Avenue within the plat of "Five Views Addition." (Josh Puckett; File No. 124.1225)

Deputy Mayor Ladenburg moved that the Consent Agenda be approved.
Seconded by Council Member Phelps.

Deputy Mayor Ladenburg moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner for Ordinance Nos. 27335 through 27340 and the Communication item. Seconded by Council Member Phelps. Voice vote was taken and carried. The motion was declared adopted.

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Voice vote was taken and carried. The Consent Agenda, including setting Ordinance Nos. 27335 through 27340 over for final reading to a date to be determined, was declared approved.

PROCLAMATIONS

There were no proclamations.

PUBLIC COMMENT

This is the time set aside for public comment on items on the agenda. Speakers are asked to identify the specific agenda items they wish to address and comments will be limited to up to five minutes per person.

Public Comment began at 5:16 p.m.

Speaking before Council:

| Name | Address/Affiliation | Subject |
|----------------|---------------------------|------------------------------------|
| Allen Douglass | University Place resident | Various resolutions and ordinances |
| Skip Vaughn | 7634 South Fife | Sexual encounter establishments |

Public Comment closed at 5:22 p.m.

REGULAR AGENDA

Deputy Mayor Ladenburg moved to suspend the rules to consider Resolution No. 36459 at this time. Seconded by Council Member Phelps. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 36459

Approving the Purchase and Sale and the Development and Environmental Indemnity Agreements between Thea Foss Holdings, LLC and the Thea Foss Waterway Development Authority for the Thea Foss Waterway Development Site 5 property, which includes residential units, retail and commercial space, and parking.

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

The Appeal was heard here.

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FINAL READING OF ORDINANCES

Ordinance No. 27198

Vacating the north 23.67 feet of South 48th Street located at 2515 South 48th Street for commercial development. (Pacific Equity Group; File No. 124.1194)

Roll call vote was taken, resulting as follows:

Ayes: 8 – Evans, Ladenburg, Lonergan, Manthou, Phelps, Stenger, Talbert, and Mayor Baarsma.

Nays: 0

Absent: 1 – Anderson.

The Ordinance was declared passed.

Ordinance No. 27199

Vacating a portion of East 32nd Street between East D Street and Interstate 5 for future development on the north side of East 32nd Street.
(Hawthorne Hill Condominium, LLC; File No. 124.1197)

Roll call vote was taken, resulting as follows:

Ayes: 8 – Evans, Ladenburg, Lonergan, Manthou, Phelps, Stenger, Talbert, and Mayor Baarsma.

Nays: 0

Absent: 1 – Anderson.

The Ordinance was declared passed.

Ordinance No. 27324

Amending Chapter 13.06 of the Municipal Code to reclassify the property located at 2917 South Orchard Street from an "R-4-L" Low-Density Multi-Family District to a "C-1" General Neighborhood Commercial District for the construction of a two-story, 21,000-square-foot mixed retail and office building with parking for approximately 60 vehicles. (Bjorn Olson; File No. 40000031544 - REZ2004)

Roll call vote was taken, resulting as follows:

Ayes: 8 – Evans, Ladenburg, Lonergan, Manthou, Phelps, Stenger, Talbert, and Mayor Baarsma.

Nays: 0

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Absent: 1 – Anderson.

The Ordinance was declared passed.

Ordinance No. 27331

Amending Chapter 12.13 of the Municipal Code, to increase rates for Click! Network cable television products and related services inside and outside the City limits.

Roll call vote was taken, resulting as follows:

Ayes: 8 – Evans, Ladenburg, Lonergan, Manthou, Phelps, Stenger, Talbert, and Mayor Baarsma.

Nays: 0

Absent: 1 – Anderson.

The Ordinance was declared passed.

Ordinance No. 27332

Amending Chapter 12.06 of the Municipal Code, relating to Electric Energy - Regulations and Rates, to increase the electric energy regulations and rates April 4, 2005, through March 31, 2007.

Roll call vote was taken, resulting as follows:

Ayes: 7 – Evans, Ladenburg, Lonergan, Manthou, Phelps, Talbert, and Mayor Baarsma.

Nays: 1 – Stenger.

Absent: 1 – Anderson.

The Ordinance was declared passed.

Ordinance No. 27333

Amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to implement rates of pay and compensation for employees represented under the Teamsters Local Union 117, Public Assembly Facilities Unit contract, which covers 24 employees, effective January 1, 2005, through December 31, 2007; and changes in classification to reflect the organizational structure.

Roll call vote was taken, resulting as follows:

Ayes: 7 – Evans, Ladenburg, Lonergan, Manthou, Stenger, Talbert, and Mayor Baarsma.

Nays: 0

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Absent: 2 – Anderson and Phelps.

The Ordinance was declared passed.

Ordinance No. 27334

Amending Chapter 1.30 of the Municipal Code, relating to the Tacoma Employees' Retirement System to be consistent with revisions made to the supplemental benefits provision of the City's Pay and Compensation Plan.

Roll call vote was taken, resulting as follows:

Ayes: 7 – Evans, Ladenburg, Lonergan, Manthou, Stenger, Talbert, and Mayor Baarsma.

Nays: 0

Absent: 2 – Anderson and Phelps.

The Ordinance was declared passed.

Ordinance No. 27341

Approving and confirming the assessment roll for Local Improvement District No. 8633 for the placement of permanent pavement and necessary facilities for storm drainage on Proctor Street from South 56th Street north 600 feet.

Roll call vote was taken, resulting as follows:

Ayes: 8 – Evans, Ladenburg, Lonergan, Manthou, Phelps, Stenger, Talbert, and Mayor Baarsma.

Nays: 0

Absent: 1 – Anderson.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES

Ordinance No. 27330 (Continued from the meeting of March 8, 2005)

Amending Ordinance No. 27237, which loaned funds to the Foss Waterway Development Authority for various capital improvements, to include two additional uses: \$50,000 for utility relocation expenses and up to \$150,000 for potential cleanup costs for disposal of contaminants in the South 16th Street view corridor; and revising the loan repayment date to March 31, 2006.

The Ordinance was set over for final reading next week.

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Ordinance No. 27342

Amending Title 8 of the Municipal Code, relating to public safety and morals, by adding Chapter 8.150, "Prohibition of Sexual Encounter Establishments," prohibiting "sexual encounter establishments" from operating in the City.

The Ordinance was set over for final reading next week.

Ordinance No. 27343

Amending Chapter 6B.30 of the Municipal Code, relating to tax and license, by deleting language referring to the licensing of "sexual encounter establishments."

The Ordinance was set over for final reading next week.

Ordinance No. 27344

Accepting \$83,102 from the United States Department of Commerce, Economic Development Administration to promote business development on the east side of Tacoma, including the Portland Avenue Business District; authorizing the execution of an agreement with said agency for said purpose; and amending the 2005-2006 Biennial Budget.

The Ordinance was set over for final reading next week.

RESOLUTIONS

Resolution No. 36448 (Continued from the meeting of March 8, 2005)

Authorizing the execution of Amendment No. 1 to the Foss Waterway Development Authority Loan Agreement to include two additional uses of the loan proceeds, including \$50,000 for utility relocation expenses and up to \$150,000 for potential cleanup costs for disposal of contaminants in the South 16th Street view corridor.

Mayor Baarsma moved to bring forward Substitute Resolution No. 36448 for consideration. Seconded by Deputy Mayor Ladenburg. Voice vote was taken and carried. The motion was declared adopted.

Deputy Mayor Ladenburg moved to adopt Substitute Resolution No. 36448. Seconded by Council Member Phelps. Voice vote was taken and carried. Substitute Resolution No. 36448 was declared adopted.

Purchase Resolution No. 36456

Awarding contracts to:

1. Rodarte Construction Inc., on its bid of \$971,485.92; including sales tax, for alley improvements and sanitary sewer replacement – Local Improvement District PW04-0300F;
2. Coast Rail, Inc., on its bid of \$629,571.20, including sales tax, for rail siding located in Frederickson – Specification No. PW04-08801F; and
3. H & H Engineering Construction, Inc., on its bid of \$123,814.40, including sales tax, for the replacement of 1,000 railroad ties between Morton and Tacoma – Specification No. PW05-0131F.

Deputy Mayor Ladenburg moved that the Purchase Resolution be adopted. Seconded by Council Member Phelps.

Mayor Baarsma moved to consider Item No. 1 independently of Item Nos. 2 and 3 on the Purchase Resolution. Seconded by Council Member Talbert. Voice vote was taken and carried. The motion was declared adopted.

Mayor Baarsma and Deputy Mayor Ladenburg recused themselves from considering Item No. 1 of the Purchase Resolution.

Voice vote was taken and carried on Item No. 1 of the Purchase Resolution. Item No. 1 of the Purchase Resolution was declared adopted.

Mayor Baarsma and Deputy Mayor Ladenburg returned to the dais.

Voice vote was taken and carried on Item Nos. 2 and 3 of the Purchase Resolution. Item Nos. 2 and 3 of the Purchase Resolution were declared adopted.

Resolution No. 36457

Authorizing the execution of a quitclaim deed to William Korth, in the amount of \$281,000, for the sale of City-owned property located at 4301 South L Street.

Council Member Evans recused himself.

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

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Resolution No. 36458

Authorizing the execution of an Agreement for Services with the Humane Society for Tacoma and Pierce County, in the amount of \$471,432, for domestic animal control services for the year 2005.

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

Resolution No. 36459

Approving the Purchase and Sale and the Development and Environmental Indemnity Agreements between Thea Foss Holdings, LLC and the Thea Foss Waterway Development Authority for the Thea Foss Waterway Development Site 5 property, which includes residential units, retail and commercial space, and parking.

The Resolution was considered earlier in the meeting.

PUBLIC HEARINGS AND APPEALS

The appeal began at 5:46 p.m.

Steve Apling, representing the Central Neighborhood Council, appealing the recommendation of the Hearing Examiner regarding the request to reclassify the property addressed as 2233 South 19th Street from its current "R-2" One-Family Dwelling District to a "T" Transitional District to allow for the development of a professional office complex. (Terry Ferguson; File No. 40000032538)

Mayor Baarsma called the quasi-judicial hearing in session and asked Council Members to disclose any personal interest or *ex parte* communications with the parties regarding this case.

Council Member Stenger disclosed *ex parte* communications.

Mayor Baarsma disclosed *ex parte* communications.

Mayor Baarsma called on Mr. Rod Kerslake, Hearing Examiner.

Mayor Baarsma then called on Mr. Steve Apling, representing the Central Neighborhood Council, appellant.

Mayor Baarsma then called on Mr. William T. Lynn, Attorney representing Mr. Terry Ferguson, respondent.

Deputy Mayor Ladenburg moved to concur in the Findings, Conclusions and Decision of the Hearing Examiner and deny the appeal. Voice vote was taken and carried.

The motion was declared adopted. The appeal was declared denied.

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UNFINISHED BUSINESS

None.

REPORTS BY CITY MANAGER

No report.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL

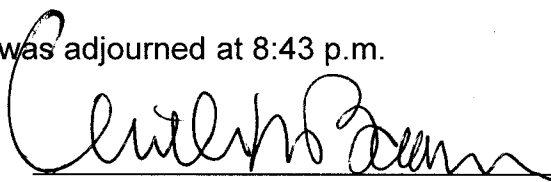
Deputy Mayor Ladenburg moved to excuse Council Member Anderson from tonight's meeting. Seconded by Council Member Phelps. Voice vote was taken and carried. The motion was declared adopted.

Council Member Talbert commented on the upcoming dedication of the military service men and women mural at the VFW Post on McKinley Avenue on Saturday. He also mentioned the City Council meeting on Tuesday, April 12, 2005, will be followed by a District 4 Town Hall meeting at Stewart Middle School.

Council Member Evans mentioned Davao City, Philippines, would be highlighted at the upcoming Film and Food Festival night at the Blue Mouse Theatre. He congratulated Ms. Debra King, Sister Cities Program Coordinator, and all the volunteers for their efforts in organizing the film series.

Mayor Baarsma stated he had been invited to the Carpenters Union, Local 492, a ceremony for retirees, which included a 99 year old member. He stated this particular Union was chartered in 1900.

On proper motion, the meeting was adjourned at 8:43 p.m.



WILLIAM H. BAARSMA, MAYOR

ATTEST:



DORIS SORUM, CITY CLERK

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