



City Council Minutes

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

March 9, 1999

The meeting was called to order at 5:11 p.m.

Present on roll call: 7 – Baarsma, Crowley, De Forrest, McGavick, Phelps, Silas, and Deputy Mayor Kirby. Absent: 2 – Miller and Mayor Ebersole.

The Flag Salute was led by Council Member Crowley.

CONSENT AGENDA

RESOLUTIONS

Resolution No. 34332

Setting Tuesday, April 6, 1999, at 9:00 a.m., as the date for a hearing by the Hearing Examiner on the request to vacate a portion of Ferry Street lying south of Grant Avenue, and north of that portion previously vacated by Ordinance No. 28290. (Tacoma School District No. 10; File No. 124.1094)

ITEMS FILED IN THE OFFICE OF THE CITY CLERK

- a. Hearing Examiner's Agenda, March 16, 1999.
- b. Minutes of the Planning Commission, February 17, 1999.
- c. Minutes of the Public Utility Board study session and regular meeting, February 10, 1999.
- d. Minutes of the Tacoma-Pierce County Board of Health, March 3, 1999.
- e. Citizens' petitions regarding the redevelopment of Totem Marina.
- f. Citizens' petitions protesting the recommended changes to the City's Sign Ordinance relative to real estate signs on public rights-of-way.

- g. Annual Financial Reports for the Belt Line Division, Conservation Project Fund, Data Processing Fund, Fleet Services Fund, Geographic Information System Fund, and Self-Insurance Claim Fund, 1998.
- h. Financial Reports for the Light and Water Divisions, December 1998.

Council Member Crowley moved that the Consent Agenda, including Resolution No. 34332, be approved. Seconded by Council Member Phelps. Voice vote was taken and carried. The Consent Agenda, including Resolution No. 34332, was declared approved.

PROCLAMATIONS

Deputy Mayor Kirby proclaimed the team members of the Wilson High School Boys' swimming team as winners in the eyes of the students and staff of Wilson High School and the citizens of Tacoma; and presented the proclamation to Mr. Dee Loose, Coach.

Deputy Mayor Kirby then proclaimed the week of March 14-21, 1999, as "Women's Awareness Week" and March 1999 as "National Women's History Month"; and presented the proclamation to Ms. Judie Fortier, Women's Rights Coordinator.

R E G U L A R A G E N D A

ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS

Resolution No. 34333

Appointing and re-appointing individuals to the Human Rights Commission, Planning Commission, Tacoma Area Task Force on Disabilities, Tacoma Arts Commission, Thea Foss Waterway Development Authority, and Urban Policy Committee.

Council Member Crowley 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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FINAL READING OF ORDINANCES

Ordinance No. 26371

Authorizing the execution of an amendment to the agreement with the United States Equal Employment Opportunity Commission, in the amount of \$38,400; depositing in and appropriating said sum from the Miscellaneous Grants Summary Fund for processing and resolving employment discrimination charges and for training.

Roll call vote was taken, resulting as follows:

Ayes: 7 – Baarsma, Crowley, De Forrest, McGavick, Phelps, Silas, and Deputy Mayor Kirby

Nays: 0

Absent: 2 – Miller and Mayor Ebersole

The Ordinance was declared passed.

Ordinance No. 26372

Providing for the levy of the second year assessment for the Downtown Business Improvement Area (BIA); approving the BIA annual budget and work program; and appropriating \$533,990 for the purposes, project activities, and services approved for the second annual period; and providing for the expenditure or distribution of excess funds.

Roll call vote was taken, resulting as follows:

Ayes: 7 – Baarsma, Crowley, De Forrest, McGavick, Phelps, Silas, and Deputy Mayor Kirby

Nays: 0

Absent: 2 – Miller and Mayor Ebersole

The Ordinance was declared passed.

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Ordinance No. 26373

Accepting \$10,000 from the Washington State Office of Child Care Policy to develop a Child Care Plan for Pierce County; \$4,000 from the Washington State Child Care Resource and Referral Network to provide Medicaid client outreach services; and \$22,000 from Pierce County to support child care resource and referral services; depositing in and appropriating said sums from the Miscellaneous Grants Summary Fund for said projects.

Roll call vote was taken, resulting as follows:

Ayes: 7 – Baarsma, Crowley, De Forrest, McGavick, Phelps, Silas, and Deputy Mayor Kirby

Nays: 0

Absent: 2 – Miller and Mayor Ebersole

The Ordinance was declared passed.

Ordinance No. 26374

Approving and confirming the Assessment Roll for LID No. 3954 to provide for the construction of a sanitary sewer in East 64th Street from East S Street to Portland Avenue, and East Q Street from East 64th Street south 100 feet.

Roll call vote was taken, resulting as follows:

Ayes: 7 – Baarsma, Crowley, De Forrest, McGavick, Phelps, Silas, and Deputy Mayor Kirby

Nays: 0

Absent: 2 – Miller and Mayor Ebersole

The Ordinance was declared passed.

Ordinance No. 26375

Approving and confirming the Assessment Roll for LID No. 3955 to provide for the construction of a sanitary sewer in North 48th Street from Winnifred Street to Highland Avenue.

Roll call vote was taken, resulting as follows:

Ayes: 7 – Baarsma, Crowley, De Forrest, McGavick, Phelps, Silas, and Deputy Mayor Kirby

Nays: 0

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Absent: 2 – Miller and Mayor Ebersole

The Ordinance was declared passed.

Ordinance No. 26376

Approving and confirming the Assessment Roll for LID No. 3957 to provide for the construction of a sanitary sewer in the alley between East 54th and East 55th Streets from East I Street west 350 feet.

Roll call vote was taken, resulting as follows:

Ayes: 7 – Baarsma, Crowley, De Forrest, McGavick, Phelps, Silas, and Deputy Mayor Kirby

Nays: 0

Absent: 2 – Miller and Mayor Ebersole

The Ordinance was declared passed.

FIRST READING OF ORDINANCES

Ordinance No. 26377

Vacating a portion of North E Street between North 10th and North 11th Streets. (Dale F. Stirn; File No. 124.1079)

Council Member 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, with Council Member De Forrest voting in opposition. The motion was declared adopted.

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

Ordinance No. 26378

Amending Ordinance No. 25953 to allow the Department of Public Utilities, Water Division, to use the line of credit with Seafirst Bank for interim funding of 1999/2000 capital projects.

Speaking before the Council was:

<u>Name</u>	<u>Address/Affiliation</u>
Phyllis Barrett	912 South Cushman

The Ordinance was set over for final reading next week.

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Ordinance No. 26379

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

The Ordinance was set over for final reading next week.

Ordinance No. 26380

Repealing and re-enacting Chapters 2.01 and 5.46 of the Municipal Code to combine the Dangerous Buildings and the Minimum Housing Codes into one chapter entitled "Minimum Building and Structures Code."

Speaking before the Council were:

Name	Address/Affiliation
Tim Seth	Olympic Rental Association
Dr. Gwalamubisi	1616 92 nd Street
Dorothy Cirelli	6514 Steilacoom Blvd.
John Parker	6514 Steilacoom Blvd.
Penny Patterson	14401 Pacific Avenue
Judy Graham	1002 South 14 th Street
Kelly Halligan	1211 North Oakes
Sally Perkins	1419 South Sheridan Avenue
Cheryl Ware	3719 South M Street
Ester Day	214 South 54 th Street
Herman Driers	Hilltop Action Coalition
Paul Ellis	Tacoma-Pierce County Chamber of Commerce
Dick Johnson	Parkside Development, North Tacoma
Jolin Collins	Resident
Linda Ostrich	Executive Director, Rental Housing Association of Pierce County
Ellen Webster	Property Manager
Rene Paine	2702 North Yakima
Fred Kelly	Coldwell Banker Hawkins – Poe Realtors
Christine Merez	Hilltop Action Coalition
Valerie Bethel	National Association of Residential Property Managers
Fletcher Jamison	Property Owner

Ordinance No. 26380 Continued

Mr. Krause	1101 East 44 th Street
Karen Niefer	Dilapidated Building Task Force
Benny Bogane	1410 South 8 th Street
Kathy Anderson	Resident
Genie Vanwell	6901 North 24 th Street
Bob Patterson	Property Manager
Steven Wyman	3808 South Yakima
Tom Pickney	Resident
Roy Burnsides	Property Manager, 5503 Steilacoom Blvd
Phyllis Barrett	912 South Cushman
Sandy Elliott	2 Rosemount Way
Paul Post	Resident North L Street
Bob Matson	PO Box 112369
Dave Frank	807 South Cushman
Suzette Lambert	915 South Ridgewood

The City Council recessed at 8:23 p.m. and reconvened at 8:39 p.m.

The Ordinance was set over for final reading next week.

Ordinance No. 26381

Amending Chapter 1.23 of the Municipal Code by amending Section 1.23.050 to allow the Hearing Examiner to hear appeals from the Building Official arising from the Minimum Building and Structures Code.

The Ordinance was set over for final reading next week.

Ordinance No. 26382

Amending Chapter 2.17 of the Municipal Code relating to procedures for appeals from the Board of Building Appeals.

The Ordinance was set over for final reading next week.

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RESOLUTIONS

Purchase Resolution No. 34334

Awarding contracts to:

1. Scarff Ford, on its bid of \$1,603,563.95, for 59 full-size police vehicles – Specification No. FLT-210-98;
2. Coast Rail, Inc., in the amount of \$48,459.14, for signal maintenance - Specification No. G-201-99;
3. Coast Rail, Inc., on its bid of \$59,403.20, for track maintenance – Specification No. G-202-99;
4. Condon Brothers, Inc., on its bid of \$174,434.11, for the upgrade of track and grade crossings from the Tacoma junction to the Frederickson area – Specification No. G-243-98;
5. Alpine Products, Inc., in the amount of \$31,205.00 for traffic line solvent-based paint – Washington State Contract No. 11295; and
6. El Monte Plastics, in the amount of \$42,422.50, to renew its contract for 300-gallon plastic refuse containers – Specification No. G-073-96.

Council Member Crowley moved that the Purchase Resolution be adopted. Seconded by Council Member Phelps.

Speaking before the Council was:

Name	Address/Affiliation
Phyllis Barrett	912 South Cushman

Voice vote was taken and carried on the Purchase Resolution. The Purchase Resolution was declared adopted.

Resolution No. 34335

Authorizing the execution of a Change of Control Agreement which consents to the transfer of control of TCI Communications, Inc. to AT&T.

Council Member 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. 34336

Designating the General Services Department Assets Management Real Property Inventory project as a special project of limited duration.

Council Member 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. 34337

Authorizing the submittal of a grant application to the State Department of Ecology, in the amount of \$120,000, for reimbursement of funds expended to remove underground fuel storage tank facilities.

Council Member 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. 34338

Authorizing the execution of a Collective Bargaining Agreement with the International Brotherhood of Electrical Workers, Local 483, Water Pollution Unit, effective January 1, 1998, through December 31, 2000.

Council Member 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. 34339

Authorizing the execution of a Collective Bargaining Agreement with District Lodge No. 160 on behalf of Local Lodge No. 297 of the International Association of Machinists and Auto Workers, Belt Line (Mechanics) Unit, effective January 1, 1999, through December 31, 2001.

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

Resolution No. 34340

Authorizing the execution of an amendment to the agreement with the Local Development Council, in the amount of \$35,490, for the administration of the renewed Business Improvement Area for the period of May 1, 1999, through April 30, 2000.

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

Resolution No. 34341

Authorizing the execution of an amendment to the agreement with Land Recovery, Inc., in the amount of \$5,340,000, for a total cost of \$27,216,000 for disposal of solid waste through December 31, 1999.

Council Member 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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UNFINISHED BUSINESS

None.

REPORTS BY CITY MANAGER

City Manager Ray E. Corpuz Jr. requested authority to grant a six-month residency waiver for the position of Senior Legal Intern in the Criminal Justice Division.

City Manager Ray E. Corpuz Jr. then requested an Executive Session to discuss potential litigation, the session not to exceed 20 minutes.

Council Member Crowley moved to authorize the City Manager to grant a six-month residency waiver for the position of Senior Legal Intern in the Criminal Justice Division. Seconded by Council Member Phelps. Voice vote was taken and carried. The motion was declared adopted.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL

Council Member Crowley moved to excuse Council Member Miller and Mayor Ebersole from tonight's meeting. Seconded by Council Member Silas. Voice vote was taken and carried. The motion was declared adopted.

Deputy Mayor Kirby wished his son, Brian, and wife, Nancy, a happy birthday.

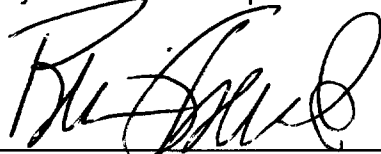
Council Member Baarsma stated that state statute prescribes that every four years cities and the legislative body of the county affected meet for the purpose of considering the size and composition of the Pierce Transit Board. He stated that for the past 20 years this has been a noncontroversial issue; however, the last meeting was a precedent setting meeting in that for the first time the process of determining the composition of the Board was politicized. He stated that there is a flaw in the state statute in that all the cities have one vote, despite population. He said the 12 smallest cities in the service area, which represent 10 percent of the population, have nearly 60 percent of the vote. Council Member Baarsma stated that state law prescribes that whoever shows up is a quorum, so one person could show up and determine the size of the Board, up to nine, and who sits on it. He stated that Council Member Phelps was present to hear his argument in which he urged the group not to do this, but to rely on rational and objective criteria. He stated that the decision was made to expand the Board from seven to nine. He stated that he had urged the Board not to make that decision until after the year 2000 census, so that there would be an official determination as to the population. He stated that the City of Tacoma, based on the criteria, should have received four members of that expanded Board, but we received three. He stated that Pierce County should not have received an additional member, but they did. He stated that there was one special seat created for University Place and Puyallup to share. He stated that it was unfortunate and the outcome could have been even worse.

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Council Member Crowley moved to convene to Executive Session to discuss potential litigation, the session not to exceed 20 minutes. Seconded by Council Member Silas. Voice vote was taken and carried. The motion was declared adopted.

The City Council convened to Executive Session at 9:34 p.m. and reconvened at 9:57 p.m.

On proper motion, the meeting was adjourned at 9:57 p.m.



BRIAN EBERSOLE, MAYOR

ATTEST: 

RICK ROSENBLADT, CITY CLERK

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