



City Council Minutes

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

December 5, 2000

The meeting was called to order at 5:12 p.m.

Present on roll call: 8 – Crowley, De Forrest, Evans, Kirby, McGavick, Moss, Phelps, and Mayor Ebersole. Absent: 1 – Miller.

The Flag Salute was led by Deputy Mayor De Forrest.

CONSENT AGENDA

ORDINANCES

Ordinance No. 26745

Accepting a donation of equipment from the Philip Services Corporation in support of the Fire Department Hazardous Materials Response program.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK

- a. Hearing Examiner's Agenda, December 12, 2000.
- b. Minutes of the Arts Commission, October 9, 2000.
- c. Minutes of the Hotel/Motel Tax Advisory Committee, November 16, 2000.
- d. Minutes of the Human Rights Commission, October 19, 2000.
- e. Minutes of the Landmarks Preservation Commission, October 25, 2000.
- f. Minutes of the Planning Commission, October 18, 2000.
- g. Minutes of the Public Utility Board study session and meeting, October 30, 2000.
- h. Minutes of the Tacoma Area Task Force on Disabilities, October 26, 2000.
- i. Minutes of the Tacoma Community Redevelopment Authority, October 12, and 26, 2000.

- j. Revenue Research Report, Local Tax Distributions, September-October 2000, State of Washington, Department of Revenue.

Council Member Crowley moved that the Consent Agenda, including setting Ordinance No. 26745 over for final reading next week, be approved. Seconded by Council Member McGavick. Voice vote was taken and carried. The Consent Agenda, including setting Ordinance No. 26745 over for final reading next week, was declared approved.

PROCLAMATION

Mayor Ebersole proclaimed the day of Friday, December 1, 2000, as “Bill Mohler” day and presented the proclamation to Mr. Bill Mohler, President of Bates Technical College.

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

Council Member Crowley moved to consider Resolution No. 34965 at this time. Seconded by Deputy Mayor De Forrest.

Resolution No. 34965 (Continued from the meeting of November 14, 2000)

Paying tribute to the legacy of Harold Eugene LeMay and recognizing his history of public service and contributions to the citizens of his community and to the City of Tacoma.

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

Speaking before the Council were:

Name	Address/Affiliation
Eric LeMay	Grandson of Harold Eugene LeMay
Norm LeMay	Son of Harold Eugene LeMay

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

ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS

Resolution No. 34981

Appointing David Allen to serve on the Greater Tacoma Regional Convention Center Public Facilities District Board of Directors, for a four-year term commencing December 4, 2000 through December 4, 2004.

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.

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COMMUNICATION

City Clerk advising that the Civil Service Board has filed proposed amendments to Chapter 1.24 of the Municipal Code relative to Section 1.24.570 entitled *Noncompetitive position* renaming said section to *Waiver of Competitive Examinations* and, upon approval of the Civil Service Board, allowing positions in the Classified City Service requiring unusual technical or professional qualifications be filled without competitive examination.

Mayor Ebersole advised that this is informational only and no action is required.

FINAL READING OF ORDINANCES

Ordinance No. 26673

Amending Chapter 13.06 of the Municipal Code to reclassify the property located at 2908 Norpoint Way, from a "C-1" Commercial District to a "C-2" Commercial District to allow a drive-through window to be added to the proposed automobile service station and fast-food restaurant. (George Schilling; File No. REZ2000-00002)

Roll call vote was taken, resulting as follows:

Ayes: 6 – Crowley, Evans, McGavick, Moss, Phelps, and Mayor Ebersole

Nays: 0

Absent: 3 – De Forrest, Kirby, and Miller

The Ordinance was declared passed.

Ordinance No. 26699

Vacating a portion of South 34th Street, west of Pine Street, and south of South Tacoma Way, for parking purposes. (Uchida Family Trust; File No. 124.1131)

Roll call vote was taken, resulting as follows:

Ayes: 7 – Crowley, Evans, Kirby, McGavick, Moss, Phelps, and Mayor Ebersole

Nays: 0

Absent: 2 – De Forrest and Miller

The Ordinance was declared passed.

Ordinance No. 26717

Vacating a portion of Center Street, west of SR-16 and east of that portion of Center Street previously vacated, to combine the properties for future development. (Bruce Burwell/Tacoma Motor Sports; File No. 124.1133)

Roll call vote was taken, resulting as follows:

Ayes: 7 – Crowley, Evans, Kirby, McGavick, Moss, Phelps, and Mayor Ebersole

Nays: 0

Absent: 2 – De Forrest and Miller

The Ordinance was declared passed.

Ordinance No. 26738

Amending Chapter 13.06 of the Municipal Code to reclassify the property located on the west side of South Union Avenue, between South 17th and South 18th Streets, from an "R-2-T" Residential-Commercial Transitional District to a "C-1" Commercial District to allow construction of a one-story drive through commercial bank and office building. (High Five Partnership; File No. REZ2000-00010)

Council Member Crowley moved to suspend the rules to consider Substitute Ordinance No. 26738. Seconded by Council Member McGavick. Voice vote was taken and carried. The motion was declared adopted.

Roll call vote was taken, resulting as follows:

Ayes: 7 – Crowley, Evans, Kirby, McGavick, Moss, Phelps, and Mayor Ebersole

Nays: 0

Absent: 2 – De Forrest and Miller

The Substitute Ordinance was declared passed.

Ordinance No. 26739

Appropriating \$390,000 from the Cumulative Reserve Fire Equipment Replacement Fund for the purchase of a new fire engine for Fire Station No. 8.

Roll call vote was taken, resulting as follows:

Ayes: 7 – Crowley, Evans, Kirby, McGavick, Moss, Phelps, and Mayor Ebersole

Nays: 0

Absent: 2 – De Forrest and Miller

The Ordinance was declared passed.

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Ordinance No. 26740

Authorizing the execution of an amendment to the agreement with Frank Russell Company, an interlocal agreement with Puget Sound Education Service District, and an agreement with the Washington State Child Care Resource and Referral Network for a range of child care resource and referral services; accepting, depositing in and appropriating from the Miscellaneous Grants Summary Fund the sums of \$8,000 from the Frank Russell Company; \$63,302 from the Puget Sound Education Service District; and \$73,657 from the Washington State Child Care Resource and Referral Network, to increase the availability and quality of infant and toddler care and for computer software installation and implementation.

Roll call vote was taken, resulting as follows:

Ayes: 7 – Crowley, Evans, Kirby, McGavick, Moss, Phelps, and Mayor Ebersole

Nays: 0

Absent: 2 – De Forrest and Miller

The Ordinance was declared passed.

Ordinance No. 26741

Authorizing a non-interest bearing loan, in an amount not to exceed \$2,000,000, from the Capital Improvements Summary Fund to the Tacoma Eastern Railroad Acquisition and Operating Summary Fund to be repaid by December 31, 2002; and appropriating said sum to provide bridge funding for railroad upgrade work.

Roll call vote was taken, resulting as follows:

Ayes: 7 – Crowley, Evans, Kirby, McGavick, Moss, Phelps, and Mayor Ebersole

Nays: 0

Absent: 2 – De Forrest and Miller

The Ordinance was declared passed.

Ordinance No. 26742

Modifying the Biennial Budget for the fiscal years 1999-2000; accepting miscellaneous donations; providing for the closing of funds; and authorizing the extension and execution of interfund loans; making interfund transfers; and increasing amounts of petty cash accounts.

Roll call vote was taken, resulting as follows:

Ayes: 7 – Crowley, Evans, Kirby, McGavick, Moss, Phelps, and Mayor Ebersole

Nays: 0

Absent: 2 – De Forrest and Miller

The Ordinance was declared passed.

Ordinance No. 26743

Amending Chapter 8.140 of the Municipal Code relative to public safety and morals, and possession of ephedrine, including adjustments to the criminal penalties for said possession.

Roll call vote was taken, resulting as follows:

Ayes: 7 – Crowley, Evans, Kirby, McGavick, Moss, Phelps, and Mayor Ebersole

Nays: 0

Absent: 2 – De Forrest and Miller

The Ordinance was declared passed.

Ordinance No. 26744

Reenacting, ratifying and confirming Substitute Ordinance No. 26536 relative to ad valorem tax levies and declaring an emergency making necessary the passage of this Ordinance, and its taking effect immediately upon publication.

Roll call vote was taken, resulting as follows:

Ayes: 7 – Crowley, Evans, Kirby, McGavick, Moss, Phelps, and Mayor Ebersole

Nays: 0

Absent: 2 – De Forrest and Miller

The Ordinance was declared passed.

FIRST READING OF ORDINANCES

Ordinance No. 26746

Amending Chapter 13.06 of the Municipal Code to reclassify the property located at 8739 South Hosmer Street, from an "R-2-T" Residential Commercial Transitional District to a "C-2" Commercial District, to allow an existing business college to continue operating. (S. J. Granberg for Crown College; File No. REZ2000-00005)

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. The motion was declared adopted.

The Ordinance was set over for final reading next week.

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Ordinance No. 26747

Amending Ordinance No. 26439 to include the property at 6440 View Ridge Drive in LID No. 3960 for the construction of sanitary sewers on View Ridge Drive from the cul-de-sac west of Frace Avenue north from View Ridge Drive 700 feet.

The Ordinance was set over for final reading next week.

Ordinance No. 26748

Establishing, ratifying, modifying, and confirming rates and charges for railway switching performed by the Tacoma Municipal Belt Line Railway, effective January 1, 2001.

The Ordinance was set over for final reading next week.

Ordinance No. 26755

Amending the Department of Public Utilities, Light Division's 1999-2000 Biennial Budget by \$50,000,000; appropriating said sum for the purchase of additional power and increased power purchase expenses, and declaring an emergency making necessary the passage of this Ordinance.

The Ordinance was set over for final reading next week.

Ordinance No. 26749

Granting a non-exclusive right of use to the Central Puget Sound Regional Transit Authority to construct, operate, own and maintain a passenger rail system within the City and along the right-of-way area.

The Ordinance was set over for final reading on January 2, 2001.

Ordinance No. 26750

Accepting \$111,000 from the United States Department of Justice through Pierce County; depositing in and appropriating said sum from the Miscellaneous Grants Summary Fund to fund personnel, equipment, and other expenses related to the Northwest High Intensity Drug Trafficking Area.

The Ordinance was set over for final reading next week.

Ordinance No. 26751

Amending Ordinance No. 26207 to correct the legal description which vacated a portion of South 90th and South M Streets. (Leon P. Sorensen; File No. 124-1058)

The Ordinance was set over for final reading next week.

Ordinance No. 26752

Authorizing the execution of an agreement with the Tacoma Housing Authority, in the amount of \$41,968; accepting, depositing in and appropriating said sum from the Miscellaneous Grants Summary Fund to provide support services to residents of the Tacoma Housing Authority's senior housing projects.

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The Ordinance was set over for final reading next week.

Ordinance No. 26753

Adopting the 2001-2002 Biennial Budget; appropriating \$1,250,000 from the General Fund unreserved fund balance to the Metropolitan Park District; and re-enacting, ratifying, and confirming certain ordinances relating to taxes, rates, or fees.

Speaking before the Council were:

<u>Name</u>	<u>Address/Affiliation</u>
Bill Forth	Government Affairs Director, Master Builders Association
Skip Vaughn	South Tacoma Neighborhood Council
Carol Sloman	Community Council
Jim Borah	South End Neighborhood Council
Dick Moe	Former Metropolitan Park Board Commissioner

The Ordinance was set over for final reading next week.

Ordinance No. 26754

Approving the ad valorem tax levies for 2001.

The Ordinance was set over for final reading next week.

RESOLUTIONS

Resolution No. 34965 (Continued from the meeting of November 14, 2000)

Paying tribute to the legacy of Harold Eugene LeMay and recognizing his history of public service and contributions to the citizens of his community and to the City of Tacoma.

Resolution No. 34965 was considered earlier in the meeting.

Purchase Resolution No. 34982

Awarding contracts to:

1. Mowat Construction Company, in the amount of \$42,198.92, for emergency repair work for Tacoma Railroad Trestle FF-282, in the vicinity of East 25th and East J Streets – Purchase Order No. PD-48116GPB;
2. Rivers Edge Services, Inc., in the amount of \$332,000.00, for the Tacoma Rescue Mission relocation environmental site cleanup at 425 South Tacoma Way – Work Order No. NB511A;
3. Santiam Emergency Equipment, in the amount of \$228,698.75, to extend and increase its contract for Fire Department turnout coats and pants – Specification No. G-004-99;
4. Holroyd Company, Inc., in the amount of \$327,026.54, to renew its contract for concrete – Specification No. G-037-98;
5. Tire Distribution Systems, Inc., in the amount of \$70,740.00, for recapping of solid rubber tires – Specification No. FLT-211-99;

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6. Motorola, Inc., in the amount of \$43,295.76, for Motorola two-way portable radio communications equipment – Washington State Contract No. 08497; and
7. Rejecting all bids submitted for two-inch asphalt surface treatment on North 33rd Street, from Cheyenne to Verde Streets; on Hosmer Street, from South 45th to South 46th Streets; and on Wilkeson Street, from South 42nd to South 43rd Streets – Specification No. G-246-00.

Council Member Crowley moved that the Purchase Resolution, including waiving formal bidding procedures on Item Nos. 1 and 2, and rejecting all bids on Item No. 7, 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 Nos. 1 and 2 and rejecting all bids on Item No. 7, was declared adopted.

Resolution No. 34983

Authorizing the execution of an Asset Purchase Agreement with the City of Fircrest, in the amount of \$2,000,000, to acquire its electrical system and provide electric utility service to Fircrest residents.

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. 34985

Authorizing the conveyance of two easements to the City of Gig Harbor to allow for the construction of a road and installation of a 16-inch water main in exchange for a franchise to Tacoma Power to operate a transmission line within Gig Harbor's city limits.

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. 34986

Authorizing the execution of an agreement with Tacoma Community College, in the amount of \$35,000, to provide training classes for City employees.

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. 34987

Establishing the regular property tax levy for 2001 in the amount of \$3.60 per \$1,000 of assessed valuation.

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. 34988

Authorizing the execution of agreements and various real estate documents to transfer an 18-acre parcel of property at 30200 – 72nd Avenue South in Pierce County to the Pierce County Community Development Corporation for housing and open space.

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. 34989

Authorizing the release of a utility easement located between Hawthorne and Rochester Streets, from South 10th to South 12th Streets, to allow the abutting owners the ability to fence and build on the rear five feet of their properties.

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. 34990

Authorizing the execution of a sale and purchase agreement with the Tacoma-Pierce County Humane Society, in the amount of \$145,000, for purchase of the property located at 2608 Center Street.

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. 34991

Approving the continuation of the Downtown Housing Project as a special project of limited duration through December 31, 2002; and expanding the scope of said project to include development projects throughout the city with a focus on downtown redevelopment.

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. 34992

Authorizing the execution of Amendment No. 205 to the Tacoma Community Redevelopment Authority, in the amount of \$633,707, approving the 2001-2002 Biennial Budget for the Tacoma Community Redevelopment Authority.

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. 34993

Authorizing the execution of Amendment No. 206 to the Tacoma Community Redevelopment Authority Agreement, in the amount of \$17,010, to purchase property from Pierce County, located at 1307 South I Street, and resell it to the Homeownership Center of Tacoma to construct a single-family residence to sell to a low-income home buyer.

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

Resolution No. 34994

Authorizing the execution of an interagency agreement with the Washington State Department of Community, Trade, and Economic Development, in the amount of \$500,000, to implement the Brownfields Revolving Loan Program.

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

Resolution No. 34995

Authorizing the expenditure of Public Works' Environmental Services funds, in the amount of \$959,960, for consulting services with Cap Gemini Ernst & Young to provide maintenance and support of the mainframe legacy system until a new Customer Information System is implemented.

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

Resolution No. 34996

Authorizing the execution of Amendment Nos. 5 and 6 to the Foss Area-wide Upland Consent Decree to incorporate a Specific Cleanup Action Plan; and authorizing the execution of restrictive covenants required by said Decree.

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

Resolution No. 34997

Authorizing the execution of an amendment to the agreement with Hart Crowser, Inc., in the amount of \$33,120, to provide environmental forensic monitoring services relative to the Thea Foss upland areas.

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

Resolution No. 34998

Authorizing the execution of an agreement with Creative Environmental Technologies, Inc., in the amount of \$65,000, for site cleanup at the new Tacoma Rescue Mission property located at 425 South Tacoma Way.

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

Resolution No. 34999

Authorizing the execution of an amendment to the agreement with Alan R. Merkle of Stoel Rives LLP, in the amount of \$62,808, for legal services relative to the case of Tucci & Sons v. City of Tacoma.

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. 35000

Authorizing the execution of an agreement with Sound Transit for the joint use of rail facilities.

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. 35001

Authorizing the execution of an agreement with Sound Transit for the construction of the Sound Transit "Flyover" connection between the Tacoma Rail Mountain Division railroad track and the Burlington Northern and Santa Fe Railroad.

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.

PUBLIC HEARINGS AND APPEALS (Began at 6:53 p.m.)

This is the date set for a public hearing by the City Council regarding Community Service funding for local human services.

Speaking before the Council were:

Name	Address/Affiliation
Reverend Joanne Coleman Campbell	710 South Anderson Vision Youth Truancy Center Collaboration
Annie Jones-Barnes	419 Martin Luther King Vision Youth Truancy Center Collaboration

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Nicole Randolph	419 Martin Luther King Vision Youth Truancy Center Collaboration
Pastor Isaiah Washington	419 Martin Luther King Vision Youth Truancy Center Collaboration
Loni Kaleiwahea	5501 Sixth Avenue, Community Service by Youth Program
Janis Gall-Martin	2309 South Wilkeson Founder of Safe Homes
Darren Pen	3634 McKinley Ave., #B
Alton McDonald	7035 South Lawrence
Mary Zodka	Branch Manager, Mary Bridge Children's Foundation Community Medical Care for Children
Mar Corpuz	Tacoma Rescue Mission
Pete Miller	Tacoma Public Utilities
Jesus Santiago	Tacoma Public Utilities

The public hearing was declared closed at 7:40 p.m.

UNFINISHED BUSINESS

None.

REPORTS BY CITY MANAGER

None.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL

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

Council Member Kirby announced that he would be submitting his letter of resignation as a member of the City Council, effective January 2, 2001 at 5:24 p.m.

Council Member McGavick stated that she attended the Hilltop Artists-in-Residence Program last Saturday, at Wilson High School, where they held a sale of their artwork. She stated that it was wonderful to see all the young people selling and demonstrating their glass blowing techniques. She then reported that everything had been sold by 9:30 a.m. She congratulated the young people and staff.

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CITIZENS' FORUM

Citizens' Forum began at 7:44 p.m.

Speaking before the Council were:

<u>Name</u>	<u>Address/Affiliation</u>	<u>Topic</u>
Phyllis Barrett	912 South Cushman	Police Facilities
Jim Borah	Southend Community Council	Budget Process
Robert A. Evans	1020 South 118 th	General business
Mike Mattingly	821 East Dock Street	Totem Marina
Alton McDonald	7035 South Lawrence	Community issues

Citizens' Forum closed at 7:59 p.m.

On proper motion, the meeting was adjourned at 7:59 p.m.

BRIAN EBERSOLE, MAYOR

ATTEST: _____
DORIS SORUM, CITY CLERK

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