

CITY COUNCIL MINUTES

City Council Chambers
October 4, 1994

The meeting was called to order at 5:05 p.m.

Present on roll call: 8 - Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Miller, and Mayor Moss. Absent: 1 - Silas.

The Flag Salute was led by Council Member Kirby.

Mayor Moss announced that October is Arts and Humanities month. He and Deputy Mayor Miller thanked Ms. Shirley Getzin, Executive Director of the Tacoma Youth Symphony Association, and John and Sharon Sullivan, musicians from the Tacoma Youth Symphony, for their half-hour performance prior to the Council meeting. Deputy Mayor Miller announced that various artists will be performing every Tuesday this month in honor of this recognition.

CONSENT AGENDA

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearing Examiner Agenda for Tuesday, October 4, 1994.
- b. Minutes of the meeting of the Civil Service Board, August 15, 1994.
- c. Minutes of the meetings of the Tacoma Public Library Board of Trustees, July 20 and August 17 and special meeting of July 12, 1994.
- d. Minutes of the meeting of the LESA Executive Board, August 2, 1994.
- e. Minutes of the meeting of the Landmarks Preservation Commission, September 14, 1994.
- f. Minutes of the meeting of the Environmental Commission, August 22, 1994.

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

REGULAR AGENDA

ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS:

Resolution No. 32773

Appointing citizens to various committees, boards and commissions.

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

COMMUNICATIONS:

Hearing Examiner submitting Shoreline Management Substantial Development Permit No. 141.569 to develop Phase I of a three-acre waterfront park at 405 Dock Street. (Metropolitan Park District (Northwest Point); File No. 141.569)

Deputy Mayor Miller moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner. Seconded by Council Member Crowley. Roll call vote was taken, resulting as follows: Ayes: 8 - Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Miller, and Mayor Moss. Nays: 0. Absent: 1 - Silas. The motion was declared adopted.

Mayor Moss acknowledged those in the audience from ACORN and asked if there were two spokespersons representing the group who wished to testify at this time on drug free zones.

Speaking before Council were:

Lisa Conklin
Sister Laura

Resident
Resident

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FINAL READING OF ORDINANCES:

Ordinance No. 25496

Vacating portions of South 14th, South 15th, Villard and Baltimore Streets and adjacent alleys between Orchard Street and SR-16 to consolidate the abutting properties to accommodate a new church building, parking, landscaping and related facilities. (Unitarian Association of Tacoma; File No. 124.980)

Deputy Mayor Miller moved to suspend the rules to consider Substitute Ordinance No. 25496. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

Roll call vote was taken, resulting as follows:

Ayes: 8 — Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Miller, and Mayor Moss.

Nays: 0.

Absent: 1 — Silas.

The Substitute Ordinance was declared passed.

Substitute Ordinance No. 25583 (Continued from the meeting of September 27, 1994.)

Amending Title 12 of the Official Code relative to the collection of solid wastes and rates for disposal.

Deputy Mayor Miller moved to continue Substitute Ordinance No. 25583 to the meeting of October 11, 1994. Seconded Council Member Baarsma. Voice vote was taken and carried. The motion was declared adopted.

Substitute Ordinance No. 25583 will be considered at the regular City Council meeting of October 11, 1994.

Ordinance No. 25584 (Continued from the meeting of September 27, 1994.)

Amending Sections 8.70.010 and 1.23.070 of the Official Code relative to the jurisdiction of the Municipal Court.

Deputy Mayor Miller moved to continue Ordinance No. 25584 to the meeting of October 11, 1994. Seconded Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 25584 will be considered at the regular City Council meeting of October 11, 1994.

Ordinance No. 25585 (Continued from the meeting of September 27, 1994.)

Amending Section 1.23.070 of the Official Code relative to the powers of the Hearing Examiner.

Deputy Mayor Miller moved to continue Ordinance No. 25585 to the meeting of October 11, 1994. Seconded Council Member Crowley. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 25585 will be considered at the regular City Council meeting of October 11, 1994.

Ordinance No. 25591

Authorizing the execution of an Interlocal Agreement with the Port of Tacoma in the amount of \$1,930,000 for the State Route 509 Project; creating the Fire Capital Projects Fund; and depositing in and appropriating said sum from said fund for Capital Facilities Improvement Projects of the Fire Department.

Roll call vote was taken, resulting as follows:

Ayes: 8 -- Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Miller, and Mayor Moss.

Nays: 0.

Absent: 1 -- Silas.

The Ordinance was declared passed.

Ordinance No. 25592

Amending Section 6.89.050 of the Official Code relative to tax rates on cardrooms.

Council Member De Forrest moved to amend Ordinance No. 25592 to reflect an exemption on the first \$10,000 and a tax rate of 11 percent thereafter. Seconded by Council Member Baarsma.

Speaking before Council was:

Janice Griswold

PUB Cardroom

Roll call vote was taken, resulting as follows:

Ayes: 7 – Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, and Mayor Moss.

Nays: 0.

Abstaining: 1 – Miller.

Absent: 1 – Silas.

The Amended Ordinance was declared passed.

Ordinance No. 25593

Repealing Chapter 8.90 of the Official Code relative to witness tampering.

Roll call vote was taken, resulting as follows:

Ayes: 8 – Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Miller, and Mayor Moss.

Nays: 0.

Absent: 1 – Silas.

The Ordinance was declared passed.

Ordinance No. 25594

Repealing Chapter 8.50 of the Official Code relative to the regulation of playing and singing the national anthem.

Roll call vote was taken, resulting as follows:

Ayes: 8 – Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Miller, and Mayor Moss.

Nays: 0.

Absent: 1 – Silas.

The Ordinance was declared passed.

Ordinance No. 25595

Repealing Section 8.44.140 of the Official Code relative to bomb threats.

Roll call vote was taken, resulting as follows:

Ayes: 8 – Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Miller, and Mayor Moss.

Nays: 0.

Absent: 1 – Silas.

The Ordinance was declared passed.

Ordinance No. 25596

Repealing Chapter 8.14 of the Official Code relative to the display of red and black flags and the display of the American flag at street meetings.

Roll call vote was taken, resulting as follows:

Ayes: 8 – Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Miller, and Mayor Moss.

Nays: 0.

Absent: 1 – Silas.

The Ordinance was declared passed.

Ordinance No. 25597

Repealing Chapter 8.09 of the Official Code relative to the regulation of the lighting of cold storage lockers.

Roll call vote was taken, resulting as follows:

Ayes: 8 – Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Miller, and Mayor Moss.

Nays: 0.

Absent: 1 – Silas.

The Ordinance was declared passed.

Ordinance No. 25598

Amending Chapter 13.06 of the Official Code to modify height and area requirements in residential dwelling districts to promote residential infill development within the City consistent with the mandate of the State Growth Management Act and the City's Land Use Management Plan.

Roll call vote was taken, resulting as follows:

Ayes: 8 – Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Miller, and Mayor Moss.

Nays: 0.

Absent: 1 – Silas.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 25599

Accepting \$5,500 from various sources; depositing in and appropriating said sum from the South End Neighborhood Center Advisory Committee Trust Fund for activities and programs at the South End Neighborhood Center.

The Ordinance was set over for final reading next week.

Ordinance No. 25600

Authorizing the execution of a grant award agreement with the Washington State Department of Transportation in the amount of \$96,000; depositing said sum in the

Vehicle License Fund; and appropriating \$120,000 from said fund for an engineering study to seismically strengthen five bridges.

The Ordinance was set over for final reading next week.

Ordinance No. 25601

Repealing Chapter 8.92 of the Official Code relative to unlawful acts.

The Ordinance was set over for final reading next week.

Ordinance No. 25602

Repealing Chapter 9.04 of the Official Code relative to coasting on streets and sidewalks.

The Ordinance was set over for final reading next week.

Ordinance No. 25603

Repealing Chapter 9.06 of the Official Code relative to gasoline pumps on curbs.

The Ordinance was set over for final reading next week.

Ordinance No. 25604

Accepting \$10,000 from the Pierce County Department of Aging and Long Term Care; depositing in and appropriating said sum from the Miscellaneous Grants Summary Fund for senior citizen mental health services.

The Ordinance was set over for final reading next week.

RESOLUTIONS:

Purchase Resolution No. 32774

Awarding contracts to:

1. Wilbur-Ellis Co., in the amount of \$20,000 to increase their contract for chemicals and pesticide control agents - Washington State Contract No. 107-93; and

- 2. Tee's Plus Screen Printing Factory, on their bid of \$31,840 for DARE t-shirts and bags - Specification No. G-034-94 (Continued from the meeting of September 27, 1994).

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

Council Member De Forrest requested to vote on Item Nos. 1 and 2 separately.

Deputy Mayor Miller and Council Member Crowley withdrew their original motion.

Council Member De Forrest moved to adopt Item No. 1 of the Purchase Resolution. Seconded by Council Member Baarsma. Voice vote was taken and carried. The motion was declared adopted.

Deputy Mayor Miller moved to adopt Item No. 2 of the Purchase Resolution. Seconded by Council Member Crowley. Voice vote was taken and carried with Council Member De Forrest voting in opposition. The motion was declared adopted.

Resolution No. 32775

Expressing the intent to allocate up to \$390,000 in HOME Investment Partnership Funds to the Tacoma Rescue Mission for the purchase and rehabilitation of an apartment building located at South 34th and Pacific Avenue for transitional housing for families.

Speaking before Council were:

Robert Skanes	Resident
Marshall Eberling	Resident
Larry Gehringer	Tacoma Rescue Mission
Kathleen Skrinar	Pacific Hill Coalition
Dr. Estes	Pacific Hill Coalition
Wilfred Curtice	Resident
Linda Ellis	Tacoma Rescue Mission
Rose Gibbs	Pacific Hill Association
Robin Lowe	Resident
Joan Wias	Resident
Kevin Woodright	Resident

Deputy Mayor Miller announced that he would abstain from consideration of this matter and left the Council Chambers.

Roll call vote was taken, resulting as follows:

Ayes: 0.

Nays: 7 -- Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, and Mayor Moss.

Abstaining: 1 - Miller

Absent: 1 -- Silas.

The Resolution was declared failed.

CITIZENS' FORUM: (Began at 7:40 p.m.)

Speaking before Council were:

<u>Name</u>	<u>Address</u>	<u>Topic</u>
Dorothy McChord Clark	Resident	Mottet Library
Lisa Baugh	Resident	Mottet Library
Kathryn David	523 E. Harrison	Mottet Library
William Pittman	3617 McKinley	Mottet Library
Lisa Conklin	Resident	Mottet Library
Dana Elliott	Resident	Drug Free Zones
Damon Owen	901 S. Grant	Drug Free Zones
Evan McChord	Resident	TNT Article on Police/Fire Budget
Ed Marks	1411 S. 7th Street	Drug Free Zones
Henry Clingman	Resident	Drug Free Zones

Resolution No. 32776

Authorizing the execution of a license agreement with Ringling Bros. - Barnum & Bailey Combined Shows, Inc. for the Disney on Ice show from November 14 through 20, 1994 and for the same time periods through the year 1996.

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

Resolution No. 32777

Authorizing the purchase of 1994 Sewer Revenue Refunding Bonds, Series B and authorizing the sale of 1994 Sewer Revenue Refunding Bonds, Series A in an amount not to exceed \$4,250,000; and fixing certain terms of such bonds.

Deputy Mayor Miller moved to suspend the rules to consider Substitute Resolution No. 32777. Seconded by Council Member Baarsma. Voice vote was taken and carried. The motion was declared adopted.

Deputy Mayor Miller moved that the Substitute Resolution be adopted. Seconded by Council Member De Forrest. Voice vote was taken and carried with Council Member De Forrest voting in opposition. The Substitute Resolution was declared adopted.

UNFINISHED BUSINESS:

None.

REPORTS BY CITY MANAGER:

Ray E. Corpuz, Jr., City Manager, introduced Dave Frutiger, from Public Works, who will be serving as Special Assistant to the City Manager for the next three months.

Mr. Corpuz announced that the Regional Transit Authority (RTA) will be holding a roundtable discussion in Tacoma, on Saturday, October 8. The Municipal TV staff will be broadcasting this discussion. Mr. Corpuz indicated that the RTA will be describing the different transit issues. Mr. Corpuz also noted that additional public hearings will be held. A hearing will be held in the Olympic Room of the Tacoma Main Library on Thursday, October 13.

Mr. Corpuz introduced Bob Backstein, a former City Attorney, who has been working with Preston, Gates and Ellis and the business community on how insurance can help affected businesses with the cleanup costs on the Thea Foss Waterway. Mr. Backstein then provided Council with an update.

Mr. Corpuz indicated that he would be providing Council with the details on the appointment process for the Municipal Court Judge position.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Deputy Mayor Miller moved to excuse the absence of Council Member Silas from tonight's meeting. Seconded by Mayor Moss. Voice vote was taken and carried. The motion was declared adopted.

Deputy Mayor Miller encouraged as many citizens as possible to participate in the roundtable Regional Transit Authority discussion on Saturday, October 8 at Kilworth Chapel on the University of Puget Sound campus. Deputy Mayor Miller requested staff to provide a summary and visual information on the eight proposals the State is considering for a building that could impact the downtown.

Council Member Evans commended the Legal staff for beginning the research on the housing issues concerning the definition of single families. Council Member Evans indicated that at the public hearing last night, there were a number of rental property owners and students who expressed their concerns. Council Member Evans reported that some of the issues discussed were off-street parking; noise; minimum areas and volumes for persons sleeping in a house; liabilities of tenants; rental owners; health; fire; safety agencies; existing R-1, R-2 zoning versus gradual R-3 conversions; declining property values and its affect on the tax base; construction and where it occurs within a dwelling must conform to codes; enforcement of building, fire, safety, health codes and police regulations; and the supervision of agencies or institutions who have jurisdiction over rental housing, (i.e. universities, the housing authorities, etc.). Council Member Evans stated that the intent of the ordinance is not to limit the number of houses, but to ensure that the number of persons who do live in houses can legally, comfortably, and safely occupy those properties. Council Member Evans indicated that all the groups including students, housing authorities, universities, police, fire, etc. should participate in developing an ordinance that addresses all the concerns and that an ongoing structure is developed on some basic operating rules.

Council Member Baarsma noted that a report from Jeanne Werner, Executive Director of the Tacoma-Pierce County Humane Society, affirmed the action taken by the Pierce County and Tacoma City Councils in 1992 dealing with the problem of euthanasia of pets at the Humane Society. Council Member Baarsma quoted Ms. Werner's report by stating that "The higher license fees for unaltered animals and other strict animal control ordinances passed by the City and County Councils in 1992 are the basis for the persistent decline in euthanasia of healthy adoptable animals. Compared to the first six months of 1993, euthanasia or killing has dropped an encouraging 26 percent." Council Member Baarsma noted that over the past two years, the Humane Society has received no increase in their budget and yet continues to move forward in one of the City's real public health problems. Council Member Baarsma complimented the Humane Society for their continued good work.

Council Member Baarsma reported that he has asked Randy Lewis to prepare for Council's consideration next week, a resolution patterned after the resolution of the

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Association of Washington Cities supporting Referendum 43 which provides the necessary continued funding for the Legislature's violence reduction act.

Council Member Baarsma offered an amendment to the Master Program for the Shoreline development proposal that the Council will be considering that prohibits future construction of hotels and motels along Ruston Way shoreline district south of ASARCO. Council Member Baarsma noted that there are possibilities for such development on the Thea Foss Waterway and at the ASARCO site; however, in his judgment, he did not believe developments of this kind should move forward in one of the gems of the city.

Council Member McGavick thanked the citizens who spoke before the Council tonight. She thanked Dave Frutiger for helping the citizens who entered the Chambers tonight to speak on the drug free zones and making them feel important and special.

Council Member De Forrest thanked Gary Pederson for promptly helping Julie Schafer who had called him about some concerns about a house. Council Member De Forrest indicated that it was his understanding that Community Development Block Grant funds were used for the annex of the Mottet Library and that there are some HUD restrictions if the annex was closed. Council Member De Forrest noted that in the letter he received from SAC, it indicated that the Salishan community could not participate in the fall cleanup program. He asked staff to check if they could participate. Council Member De Forrest reported that Congress passed a rider for the deregulation of intra-state trucking. As of January 1, 1995 the Washington Utility Transportation Commission can no longer regulate intra-state trucking. He explained that this act exempted solid waste and not recycling. Council Member De Forrest indicated there is a bill being sponsored by Congresswoman Maria Cantwell to undo what Congress did so that the recycling business can still be regulated. Council Member De Forrest explained that the City has its own recycling program and if the law does not change, this would not prohibit private recyclers from soliciting that business. Council Member De Forrest asked that a resolution be prepared next Tuesday supporting House Bill HR 5028 which will exempt the recycling portion so the City can continue its recycling program.

Mayor Moss announced that six new houses had undergone a successful rehabilitation in the vicinity of J Street and a wonderful celebration was held for this event.

On proper motion, the meeting was adjourned at 9:10 p.m.


HAROLD G. MOSS, MAYOR

ATTEST:


GENELLE BIRK, CITY CLERK

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