



City Council Minutes

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

June 8, 1999

The meeting was called to order at 5:14 p.m.

Present on roll call: 8 - Baarsma, Crowley, De Forrest, McGavick, Miller, Phelps, Silas, and Deputy Mayor Kirby. Absent: 1 – Mayor Ebersole.

The Flag Salute was led by Council Member Miller.

CONSENT AGENDA

RESOLUTIONS

Resolution No. 34410

Setting Tuesday, June 22, 1999, at 9:00 a.m., as the date for a hearing by the Hearing Examiner on the request to vacate a portion of Huson Street south of South 30th Street; and South 31st Street between Huson and Ferdinand Streets. (Dexter Silver; File No. 124.1095)

Resolution No. 34411

Setting Tuesday, June 22, 1999, at 9:00 a.m., as the date for a hearing by the Hearing Examiner on the request to vacate a portion of Mason Avenue north of South 12th Street. (Robert and Shirley Newell; File No. 124.1096)

Resolution No. 34412

Setting Tuesday, June 29, 1999, at 9:00 a.m., as the date for a hearing by the Hearing Examiner on the request to vacate a portion of Bennett Street north of South 11th Street to the alley. (Ronald and Ellen Wilcoxson; File No. 124.1098)

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Resolution No. 34413

Setting Tuesday, June 29, 1999, at 9:00 a.m., as the date for a hearing by the Hearing Examiner on the request to vacate a portion of Center Street east of Gove Street and west of SR-16. (Nathaniel B. Burwell; File No. 124.1097)

Resolution No. 34414

Setting Tuesday, July 6, 1999, at 9:00 a.m., as the date for a hearing by the Hearing Examiner on the request to vacate the west 8 feet of East D Street north of East 96th Street a distance of 85 feet. (Department of Public Works; File No. 124.1100)

Resolution No. 34415

Setting Tuesday, July 13, 1999, at 9:00 a.m., as the date for a hearing by the Hearing Examiner on the request to vacate the south 200 feet of the alley right-of-way between Cushman and Sawyer Streets, south of Center Street, north of the Burlington Northern railroad tracks. (Ply-Trim West, Inc.; File No. 124.1101)

Resolution No. 34416

Setting Monday, June 28, 1999, at 5:00 p.m., as the date for a hearing by the Hearing Examiner on LID No. 3961 for the construction of sanitary sewers in Bennett Street from North 37th to North 35th Streets and in Shirley Street from North 35th Street south 350 feet.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK

- a. Hearing Examiner's Agenda, June 8, 1999.
- b. Minutes of the Human Rights Commission, April 15, 1999.
- c. Minutes of the Landmarks Preservation Commission, May 12, 1999.
- d. Minutes of the Planning Commission, May 19, 1999; and amended minutes, April 7, 1999.
- e. Minutes of the Public Library Board of Trustees, April 21, 1999.
- f. Minutes of the Public Utility Board study session and meeting, May 12, 1999.
- g. Minutes of the Tacoma Area Task Force on Disabilities, April 22, 1999.
- h. Minutes of the Tacoma Community Redevelopment Authority, April 8, 22, and 29, 1999.
- i. Minutes of the Tacoma Pierce County Board of Health, June 2, 1999.
- j. Monthly Financial Reports for the Belt Line Division, Conservation Project Fund, Data Processing Fund, Fleet Services Fund, Geographic Information System Fund, Light Division, Self-Insurance Claim Fund, and Water Division, April 1999.

Council Member Crowley moved that the Consent Agenda, including Resolution Nos. 34410 through 34416, be approved. Seconded by Council Member McGavick.

Voice vote was taken and carried. The Consent Agenda, including Resolution Nos. 34410 through 34416, was declared approved.

PROCLAMATION

Deputy Mayor Kirby proclaimed the week of June 5-12, 1999, to be "Home Ownership Week" and presented the proclamation to Ms. Elaine Hilton, Chair of the Community Partnership Committee.

REGULAR AGENDA

ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS

Resolution No. 34417

Appointing Mayor Brian Ebersole and Deputy Mayor Steve Kirby to the Tacoma-Pierce County Employment and Training Consortium – Executive Board.

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.

FINAL READING OF ORDINANCES

Ordinance No. 26405

Vacating a 20-foot long and 80-foot wide air rights corridor for a skybridge over and above that portion of the street known as South 12th Street between Yakima Avenue and Alzheimer Street. (Bates Technical College; File No. 124.1082)

Roll call vote was taken, resulting as follows:

Ayes: 8 – Baarsma, Crowley, De Forrest, McGavick, Miller, Phelps, Silas, and Deputy Mayor Kirby

Nays: 0

Absent: 1 – Mayor Ebersole

The Ordinance was declared passed.

Ordinance No. 26406

Vacating a portion of the west side of Jackson Avenue adjacent to 1528 Jackson Avenue. (Pamela J. Hughley; File No. 124.1087)

Roll call vote was taken, resulting as follows:

Ayes: 8 – Baarsma, Crowley, De Forrest, McGavick, Miller, Phelps, Silas, and Deputy Mayor Kirby

Nays: 0

Absent: 1 – Mayor Ebersole

The Ordinance was declared passed.

Ordinance No. 26431

Authorizing the acceptance, receipt, deposit, and/or appropriation of miscellaneous donations.

Roll call vote was taken, resulting as follows:

Ayes: 8 – Baarsma, Crowley, De Forrest, McGavick, Miller, Phelps, Silas, and Deputy Mayor Kirby

Nays: 0

Absent: 1 – Mayor Ebersole

The Ordinance was declared passed.

Ordinance No. 26432

Authorizing the execution of an amendment to the grant award contract with the Washington State Military Department, in the amount of \$12,016; depositing in and appropriating said sum from the General Fund to support Emergency Management planning activities through September 30, 1999.

Roll call vote was taken, resulting as follows:

Ayes: 8 – Baarsma, Crowley, De Forrest, McGavick, Miller, Phelps, Silas, and Deputy Mayor Kirby

Nays: 0

Absent: 1 – Mayor Ebersole

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The Ordinance was declared passed.

Ordinance No. 26433

Accepting \$64,360 from the Tacoma Public Library; depositing in and appropriating said sum from the Special Institutional Network (I-Net) Support Fund for the purchase and installation of I-Net equipment for the Moore and Dr. Martin Luther King, Jr., library branches.

Roll call vote was taken, resulting as follows:

Ayes: 8 – Baarsma, Crowley, De Forrest, McGavick, Miller, Phelps, Silas, and Deputy Mayor Kirby

Nays: 0

Absent: 1 – Mayor Ebersole

The Ordinance was declared passed.

Ordinance No. 26434

Accepting \$17,500 from the Department of Justice COPS School-Based Partnership grant funds; depositing in and appropriating said sum from the Miscellaneous Grants Summary fund to support grant activities.

Roll call vote was taken, resulting as follows:

Ayes: 8 – Baarsma, Crowley, De Forrest, McGavick, Miller, Phelps, Silas, and Deputy Mayor Kirby

Nays: 0

Absent: 1 – Mayor Ebersole

The Ordinance was declared passed.

Substitute Ordinance No. 26435

Amending Chapters 1.23, 13.05 and 13.06 of the Municipal Code relating to sign regulations for the temporary display of off-premises open house/directional signs and the enforcement thereof, and the jurisdiction of the Hearing Examiner.

Council Member Crowley moved to suspend the rules to consider Substitute No. 2 of the Ordinance. Seconded by Council Member McGavick. Voice vote was taken and carried. The motion was declared adopted.

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Roll call vote was taken, resulting as follows:

Ayes: 8 – Baarsma, Crowley, De Forrest, McGavick, Miller, Phelps, Silas, and Deputy Mayor Kirby

Nays: 0

Absent: 1 – Mayor Ebersole

Substitute No. 2 of the Ordinance was declared passed.

Ordinance No. 26436

Approving and confirming the Assessment Roll for LID No. 2628 for the placement of two-inch asphalt surface treatment with storm drainage on South L Street from South 94th to South 96th Streets.

Roll call vote was taken, resulting as follows:

Ayes: 8 – Baarsma, Crowley, De Forrest, McGavick, Miller, Phelps, Silas, and Deputy Mayor Kirby

Nays: 0

Absent: 1 – Mayor Ebersole

The Ordinance was declared passed.

Ordinance No. 26437

Approving and confirming the Assessment Roll for LID No. 2629 for the placement of two-inch asphalt surface treatment with storm drainage on North Warner Street from North 35th to North 36th Streets.

Roll call vote was taken, resulting as follows:

Ayes: 8 – Baarsma, Crowley, De Forrest, McGavick, Miller, Phelps, Silas, and Deputy Mayor Kirby

Nays: 0

Absent: 1 – Mayor Ebersole

The Ordinance was declared passed.

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Ordinance No. 26438

Approving and confirming the Assessment Roll for LID No. 8593 for the placement of permanent pavement with storm drainage on 57th Avenue NE from 27th Street NE to 25th Street NE, south approximately 250 feet to the existing pavement; and for the placement of cement curb and gutter and asphalt pavement to a width of 32 feet along the east side of the existing pavement to 25th Street NE.

Roll call vote was taken, resulting as follows:

Ayes: 8 – Baarsma, Crowley, De Forrest, McGavick, Miller, Phelps, Silas, and Deputy Mayor Kirby

Nays: 0

Absent: 1 – Mayor Ebersole

The Ordinance was declared passed.

Ordinance No. 26439

Providing for the formation of LID No. 3960 for the construction of sanitary sewers on View Ridge Drive from the cul-de-sac west of Frace Avenue east to Frace Avenue; then north on Frace Avenue 700 feet.

Roll call vote was taken, resulting as follows:

Ayes: 8 – Baarsma, Crowley, De Forrest, McGavick, Miller, Phelps, Silas, and Deputy Mayor Kirby

Nays: 0

Absent: 1 – Mayor Ebersole

The Ordinance was declared passed.

Ordinance No. 26440

Providing for the formation of LID No. 8625 for the placement of permanent pavement with storm drainage on View Ridge Drive from Whitman Street to Frace Avenue, and on Frace Avenue from View Ridge Drive to North 40th Street.

Roll call vote was taken, resulting as follows:

Ayes: 8 – Baarsma, Crowley, De Forrest, McGavick, Miller, Phelps, Silas, and Deputy Mayor Kirby

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Nays: 0

Absent: 1 – Mayor Ebersole

The Ordinance was declared passed.

FIRST READING OF ORDINANCES

Ordinance No. 26441

Amending Chapter 13.06 of the Municipal Code to reclassify the property located east of Mullen Street and south of Center Street from an "R-2" One-Family Dwelling District and "R-5" Multiple-Family Dwelling District to a "C-2" Commercial District for the construction of a 117,064-square-foot retail hardware and garden supply store with a 14,790-square-foot outdoor garden area (Home Depot), and a 3,200-square-foot fast food restaurant. (Touchstone; File No. REZ98-00007)

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 to a date to be determined.

Ordinance No. 26442

Vacating a portion of South Gove Street between Center to South 31st Streets, and South 31st Street between Mullen and Gove Streets. (Touchstone Corp./Home Depot; File No. 124.1086)

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 to a date to be determined.

Ordinance No. 26443

Approving the production of the Video Voters' Pamphlet; and adopting the Video Voters' Pamphlet Administration Rules & Regulations for the 1999 primary and general elections.

The Ordinance was set over for final reading next week.

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Ordinance No. 26444

Directing the City Clerk to participate in the Voters' Pamphlet produced by Pierce County for the primary election on Tuesday, September 14, 1999, and the general election on Tuesday, November 2, 1999.

The Ordinance was set over for final reading next week.

PUBLIC HEARINGS AND APPEALS (BEGAN AT 6:05 P.M.)

This is the date set for a public hearing by the City Council regarding the Six-Year Comprehensive Transportation Program for the years 2000 through 2005 and the Amended 1999 Transportation Program.

Speaking before the Council were:

<u>Name</u>	<u>Address/Affiliation</u>
Lawanna B. Lee	4810 East K Street
William J. Winfield	4830 East K Street
Tom Lesic	1034 East 48 th Street
Rev. F. S. Rhoades	Bethlehem Baptist Church
Ralph Wagner	East 48 th Street Resident
Clayton Hightower	815 East 48 th Street
Keith Francis	4813 East K Street
Jerry Walker	4810 Portland Avenue

The public hearing was declared closed at 6:40 p.m.

CITIZENS' FORUM (BEGAN AT 6:46 P.M.)

Speaking before the Council were:

<u>Name</u>	<u>Address/Affiliation</u>	<u>Topic</u>
Skip Vaughn	7634 South Fife	Railway Station
Gina Coleman	1024 East 63 rd Street	Kaiser
Phyllis Barrett	912 South Cushman	Police issues
Janis Gall-Martin	2309 South Wilkeson	Kudos
Anthony Valenzuela	2603 – 6 th Avenue, #201	CheckMart on 6 th Ave.
Sandra McDonald	7035 South Lawrence	Police brutality
Acton McDonald	7035 South Lawrence	Police brutality
Eric Stowel	7035 South Lawrence	Police brutality
Stuart Dowsley	612 South Fife	6 th Ave. proposed business

Citizens' Forum was declared closed at 7:16 p.m.

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FIRST READING OF ORDINANCES (continued)

Ordinance No. 26445

Accepting \$5,400 from the Washington State Child Care Resource and Referral Network; depositing in and appropriating said sum from the Miscellaneous Grants Summary Fund to provide training to child care providers.

The Ordinance was set over for final reading next week.

Ordinance No. 26446

Authorizing the execution of a lease agreement with an option to purchase agreement with Bank of America National Trust and Savings Association, in the amount of \$350,000, for fire equipment; and approving the form and execution of an escrow agreement.

The Ordinance was set over for final reading next week.

Ordinance No. 26447

Amending Chapter 6.68 of the Municipal Code to allow a deduction for trauma-related patient care performed during initial acute hospitalization at a state-designated trauma facility in Tacoma.

Council Member Miller moved to continue Ordinance No. 26447 to the meeting of June 15, 1999. Seconded Council Member Crowley. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 26447 will be considered at the regular City Council meeting of June 15, 1999.

RESOLUTIONS

Resolution No. 34404 (Continued from the meeting of May 25, 1999)

Authorizing the execution of an interlocal agreement with Pierce County, the Tacoma-Pierce County Health Department, and other municipal governments in Pierce County, in the amount of \$47,500, to support the Tacoma-Pierce County Commission on Children, Youth and their Families for 1999; and reappointing Commissioners Steen Armstrong, Patricia Bastian, Gary Benton, LeiLani Jackson, David Knighton, Martha McCravey, and Carolyn Schultz to serve the remainder of their terms on the Tacoma-Pierce County Commission on Children, Youth and their Families.

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Council Member Miller moved to suspend the rules to consider Substitute Resolution No. 34404. Seconded by Council Member Crowley. Voice vote was taken and carried. The motion was declared adopted.

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

Purchase Resolution No. 34418

Awarding contracts to:

1. Dupont Flooring Systems, in the amount of \$60,000, for carpet replacement at the Tacoma Convention Center – Washington State Contract No. 01997;
2. Northwest Commercial, Inc., in the amount of \$50,000, for taping and painting in the Tacoma Municipal Building;
3. Denco Sales Company, on its bid of \$27,113.04, for thermal transfer printer and accessories for traffic signs – Specification No. G-013-99;
4. Sarco Supply, on its bid of \$3,066.41; Unisource, on its bid of \$6,992.30; R&D Supply Inc., on its bid of \$13,658.25; and Coast Wide Laboratories, on its bid of \$28,709.02, for janitorial paper supplies – Specification No. G-017-99;
5. Harborside Inc., on its bid of \$66,728, for 1999 speed hump construction projects – Specification No. G-220-99;
6. Rumble Spray Inc., in the amount of \$9,478.93, for railroad weed spraying – Informal Bid No. 90255; and
7. Coast Rail, Inc., in the amount of \$150,000, to increase its contract for on-call track maintenance – Specification No. G-202-99.

Council Member Miller moved that the Purchase Resolution, including waiving formal bidding procedures on Item Nos. 2 and 6, be adopted. Seconded by Council Member Crowley.

Speaking before the Council was:

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

Voice vote was taken and carried on the Purchase Resolution. The Purchase Resolution, including waiving formal bidding procedures on Item Nos. 2 and 6, was declared adopted.

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Resolution No. 34419

Accepting the notice of intent to annex approximately 23 acres of property located at 58th Avenue NE and 12th Street NE in unincorporated Pierce County and setting Tuesday, June 15, 1999, at approximately 5:30 p.m., as the date for a public meeting by the City Council.

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

Resolution No. 34420

Authorizing the execution of a second operating agreement with the Foss Waterway Development Authority.

Council Member Crowley moved to continue Resolution No. 34420 to a date to be determined. Seconded by Council Member McGavick. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 34421

Authorizing the execution of a Multi-Family Housing Limited Property Tax Exemption Agreement with the International Funding Group, LLC to construct 40 new permanent rental, market-rate units to be located at South 29th and Delin Streets.

Council Member Crowley moved that the Resolution be adopted. Seconded by Council Member McGavick. Voice vote was taken and carried, with Council Member De Forrest voting in opposition. The Resolution was declared adopted.

Resolution No. 34422

Authorizing the execution of an amendment to the agreement with the Tacoma Community Redevelopment Authority to allocate \$320,000 in Community Development Block Grant funds to Catholic Community Services for the acquisition and rehabilitation of the Emmons Apartments located at 802 South J Street.

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

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Resolution No. 34423

Authorizing the submittal of a grant application to the State of Washington, Office of Crime Victims Advocacy, in the amount of \$25,520, for a renewal of funds distributed by the STOP Violence Against Women Formula Grant Program to continue the special project position of Volunteer Coordinator, in the Criminal Division, who recruits, trains, and supervises volunteers in assisting victims of domestic violence.

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

Speaking before the Council was:

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

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

PUBLIC HEARINGS AND APPEALS (BEGAN AT 6:05 P.M.)

This is the date set for a public hearing by the City Council regarding the Six-Year Comprehensive Transportation Program for the years 2000 through 2005 and the Amended 1999 Transportation Program.

The public hearing was held earlier in the meeting.

CITIZENS' FORUM (BEGAN AT 6:46 P.M.)

Citizens' Forum was held earlier in the meeting.

UNFINISHED BUSINESS

None.

REPORTS BY CITY MANAGER

City Manager Ray E. Corpuz Jr. requested authority to grant a three-month residency waiver to Mr. Robert Porter to fill the position of Assistant City Attorney in the Legal Department's Criminal Justice Division. He then requested an Executive Session to discuss pending litigation, the session not to exceed 20 minutes.

Council Member Miller moved to authorize the City Manager to grant a three-month residency waiver to Mr. Robert Porter to fill the position of Assistant City Attorney in the Legal Department's Criminal Justice Division. Seconded by Council Member Crowley. Voice vote was taken and carried. The motion was declared adopted.

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COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL

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

Council Member Baarsma reported on the 25th annual Neighborhood's USA Conference in Madison, Wisconsin. He stated there was a ten-member delegation from Tacoma, including Elton Gatewood, who served as president, and Bob Arleth. He stated they put on a workshop on neighborhood capacity building, which resulted in a standing room only audience. Council Member Baarsma stated the keynote speaker was John McKnight, who talked about capacity building within neighborhoods and the importance of focusing on assets and building communities from the inside out. He said he was pleased that in this week's issue of the *Tacoma Reporter* there was an article about Reverend Vignet who embraces that philosophy.

Council Member Baarsma stated he took a business trip with Lt. Jim Howatson, Police Department; Steve Shanafelt, Public Works; and Steve Williams, General Services to look at some of the public safety facilities in Southern California. He stated they visited Glendale, which has no bonded indebtedness – they pay everything with cash on a pay-as-you go basis. He stated they have a \$57 million surplus accumulated for the construction of their new public safety building. Council Member Baarsma stated they also visited Burbank which has a combined police and fire facility. He stated they financed their facility through their redevelopment authority. He stated Santa Ana has a huge facility of nearly 400,000 square feet, which includes a jail and a police facility, and that they financed it through a one percent increase in their utility tax. He stated they are also leasing jail space. He stated that none of the California facilities required a vote of the people, the facilities were all financed in other ways, which will be the challenge as Tacoma moves forward.

Council Member De Forrest apologized for his questions earlier tonight. He stated he did not have the opportunity to read his agenda until late last night. He thanked City Attorney Jenkinson for her response, and added that she had asked for an opportunity to restate an answer to one of his questions.

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City Attorney Jenkinson said that when Council Member De Forrest asked, with respect to the Ordinance on the video voter pamphlet, about the provision that spoke to libelous comments, she had stated that the court case had upheld the constitutionality of that provision. She stated that, in fact, the constitutionality of the requirement that you speak about yourself as a candidate was upheld. She stated the provision that had existed in the voter pamphlet, which said that the County Auditor would be able to determine whether your statements were libelous was struck down. She stated that she had pointed out to Council Member De Forrest that the language that is in our current video voter pamphlet simply says that the candidate represents and signs a statement that his or her comments will not be libelous, defamatory and the like. She stated that the notion that an elected person would make the determination relative to defamatory or other libelous statements was not upheld as being constitutional.

Council Member De Forrest stated that in the April financial statement book, he noticed the Police Department is \$1.5 million behind. He noted that the report indicates that this deficit will even out by the end of the year, but that always disturbs him and that he would like to have more information on how that will balance by the end of the year. He stated that he would like the Council to receive more detail as to why we're in debt and how the problem will be solved.

Council Member Silas commended the City of Destiny Committee for their hard work.

Deputy Mayor Kirby complimented and thanked Council Member McGavick for her remarks last week regarding time clocks at the Library.

Council Member Miller moved to convene to Executive Session to discuss pending 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 Council convened to Executive Session at 8:00 p.m. and reconvened at 8:15 p.m.

On proper motion, the meeting was adjourned at 8:15 p.m.



STEVE KIRBY, DEPUTY MAYOR

ATTEST: 

RICK ROSENBLADT, CITY CLERK

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