



City Council Minutes

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

May 5, 1998

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

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

The Flag Salute was led by Council Member Kirby.

CONSENT AGENDA

Approval of the Tacoma City Council minutes of April 7 and 14, 1998; study session minutes of March 17, March 24, March 31, April 7, 1998; and joint study session with the Tacoma Public School Board of March 17, 1998.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK

- a. Minutes of the Citizens Recognition Committee, January 15 and March 19, 1998.
- b. Minutes of the Fourth of July Extravaganza Commission, January 10, February 6, and March 6, 1998.
- c. Minutes of the Human Rights Commission, March 19, 1998.
- d. Minutes of the Public Utility Board study session and meeting, April 8, 1998.
- e. Minutes of the Tacoma-George, South Africa Sister City Committee, March 18, 1998.
- f. Tacoma Regional/Urban Design Assistance Team Report (R/UDAT), April 27, 1998.

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

PROCLAMATIONS

Mayor Ebersole proclaimed the day of May 5, 1998, as "Willie T. Little" Day and presented the proclamation to Mr. Willie T. Little (Mr. "Tee") former owner of Tee's Cafe.

Mayor Ebersole proclaimed the week of May 6-12, 1998, as "Nurses Week 1998" and presented the proclamation to Mr. Michael Krashin, President, and Ms. Luella Vig Hefty, Executive Director, of the Pierce County Nurses Association.

REGULAR AGENDA

FINAL READING OF ORDINANCES

Ordinance No. 26223

Amending Chapter 1.30 of the Municipal Code relating to the Tacoma Employees' Retirement System to include the Personal Time Off plan.

Roll call vote was taken, resulting as follows:

Ayes: 7 – Baarsma, De Forrest, Kirby, Miller, Phelps, Silas, and Mayor Ebersole

Nays: 0

Absent: 2 – McGavick and Deputy Mayor Crowley

The Ordinance was declared passed.

Ordinance No. 26224

Authorizing the execution of a grant award contract with the Washington State Department of Ecology; accepting, depositing in and appropriating \$803,400 from the Sewer Construction Fund for the clean-up of a habitat restoration site on Middle Waterway.

Roll call vote was taken, resulting as follows:

Ayes: 7 – Baarsma, De Forrest, Kirby, Miller, Phelps, Silas, and Mayor Ebersole

Nays: 0

Absent: 2 – McGavick and Deputy Mayor Crowley

The Ordinance was declared passed.

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Ordinance No. 26225

Accepting \$40,000 from Olympic Counseling Services; depositing said sum in the Community Development Block Grant Summary Fund for the sale of property located at 2919 Portland Avenue; authorizing the execution of a quitclaim deed for said property; accepting \$4.00 from the Tacoma Rescue Mission; depositing said sum in the Community Development Block Grant Summary Fund; accepting \$2,000 from the United States Department of Housing and Urban Development; depositing said sum in the Miscellaneous Trust Summary Fund; appropriating \$40,004 from the Community Development Block Grant Summary Fund for Community Development Block Grant eligible projects and \$2,000 from the Miscellaneous Trust Summary Fund for HOME Grant eligible projects.

Roll call vote was taken, resulting as follows:

Ayes: 7 – Baarsma, De Forrest, Kirby, Miller, Phelps, Silas, and Mayor Ebersole

Nays: 0

Absent: 2 – McGavick and Deputy Mayor Crowley

The Ordinance was declared passed.

FIRST READING OF ORDINANCES

Ordinance No. 26226

Repealing Substitute Ordinance No. 24575 and Ordinance No. 25649; and authorizing the execution of an interlocal agreement with Pierce County, the Tacoma-Pierce County Health Department, and other municipal governments in Pierce County to support the Tacoma-Pierce County Commission on Children, Youth and Their Families.

The Ordinance was set over for final reading next week.

Mayor Ebersole acknowledged and welcomed students from Bellarmine High School who were in the audience fulfilling a civics requirement.

RESOLUTIONS

Purchase Resolution No. 34043

Awarding a contract to:

Ink, Inc., on its bid of \$55,487.79, for Fire Department seasonal uniform wear - Specification No. G-007-98.

Council Member Silas moved that the Purchase Resolution be adopted. Seconded by Council Member De Forrest. Voice vote was taken and carried on the Purchase Resolution. The Purchase Resolution was declared adopted.

Resolution No. 34044

Declaring seven vehicles used by the Fire Department as surplus and authorizing their sale at a public auction.

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

Resolution No. 34045

Authorizing the execution of an interlocal agreement with the Metropolitan Park District of Tacoma, in the amount of \$3,032,745, for the implementation of park projects within the Neighborhood Enhancement portion of the Limited Tax General Obligation Bond package.

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

Resolution No. 34046

Authorizing the execution of an agreement with Arcadis Geraghty & Miller, Inc., in the amount of \$395,000, to defend the City's liability exposure relative to other Potentially Responsible Parties in the arbitration process regarding the cleanup of the Thea Foss Waterway Superfund site.

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

CITIZENS' FORUM (BEGAN AT 5:43 P.M.)

Name	Address/Affiliation	Topic
Nancy Watkins	Visitor and Convention Bureau 1001 Pacific Avenue	National Tourism Week
Candy Aug'e	PO Box 801	Public Access Television
Judy Quackenbush	910 South 8th Street	Bridging Urban Gardens Society (BUGS) Community Greening
Scott Miller	4206 North 28th Street	Community Greening Program

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CITIZENS' FORUM (CONTINUED)

Ginny Murphy	1415 Southwest 335th	Community Greening Program
Carol Sloman	Vice Chair, North End Neighborhood Council	Silver Cloud Hotel
Marion Weed	Chair, Community Council	Silver Cloud Hotel
Robert A. Evans	Resident	Condition of the streets, Recycling and poor people
Bill Garl	Treasurer, North End Neighborhood Council	Silver Cloud Hotel
Les Seal	President, Old Town Improvement Association	Silver Cloud Hotel
Dan Sutherland	Resident	DARE Program
Maureen Lee	Resident	DARE Program
Michael Lee	Resident	DARE Program
Edward Trent	1218 South Yakima	DARE Program

Citizens' Forum was declared closed at 6:35 p.m.

Mayor Ebersole moved for a short recess.

The City Council recessed at 6:35 p.m. and reconvened at 6:50 p.m.

PUBLIC HEARINGS AND APPEALS (BEGAN AT 6:50 P.M.)

Jonathon Chaffey and Gloria Hartley representing various neighbors appealing the recommendation of the Hearing Examiner on the request to vacate a portion of North 38th Street, west of Washington Street, to include the vacated property as additional yard space. (Noble & Driessnack; File No. 124.1061)
(Continued from the meeting of April 14, 1998.)

Mayor Ebersole declared that the quasi-judicial hearing for the appeal regarding Noble & Driessnack is now in session.

Mayor Ebersole asked the City Council Members to disclose any personal interest or ex parte communications with the parties regarding this issue.

Council Member Baarsma disclosed that this particular issue relates directly to where he lives. He stated that he lives a few hundred feet away from the issue. He then read a statement saying that the appearance of fairness doctrine requires that Council Members be open minded, objective, impartial, and free from entangling influences,

biases or prejudices, and they must in addition appear to be so. He stated that as the owner of property in the vicinity of the right-of-way vacation petition, which is the subject of this quasi-judicial appeal, and as someone who is personally acquainted with individuals on both sides of this issue, he felt he must disqualify himself from participating in this proceeding. He stated that, with regret, he would recuse himself.

Council Member Kirby disclosed that, some months ago, he had a conversation with a woman asking about information on this issue. He stated that he did not know anything about this issue at that time and was unable to give her any information. He stated that he thought he could be fair and impartial on this hearing.

Mayor Ebersole disclosed that on Sunday he looked at the property in question. He stated that a neighbor approached him but he informed the neighbor not to discuss this issue with him.

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

Mr. Kerslake spoke regarding his decision relative to the request to vacate a portion of North 38th Street, west of Washington Street, to include the vacated property as additional yard space.

Mayor Ebersole called on Ms. Gloria Hartley and Ms. Janet Lind, appellants, representing various neighbors who gave reasons for the appeal.

Mayor Ebersole then called on Mr. Ted Walkley, respondent, who spoke in support of the Hearing Examiner's decision.

Council Member De Forrest moved for a short recess. Seconded by Council Member Kirby. Voice vote was taken and carried. The motion was declared adopted.

The City Council recessed at 7:45 p.m. and reconvened at 7:50 p.m.

Council Member Kirby moved to continue the appeal to the meeting of May 12, 1998. Seconded by Council Member Silas. Voice vote was taken and carried.

The appeal will be considered at the City Council meeting of May 12, 1998.

The appeal was declared closed at 7:51 p.m.

CITIZENS' FORUM (BEGAN AT 5:43 P.M.)

Citizens' Forum was held earlier in the meeting.

UNFINISHED BUSINESS

None.

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REPORTS BY CITY MANAGER

Acting City Manager Jim Walton reminded the City Council of the opportunities to meet the Deputy Mayor of Tacoma's Sister City, Vladivostok, Russia, and the advisor to the Mayor of Vladivostok on economic and international relations. He stated that a reception would be held at the Tacoma Club on Thursday, May 7, 1998, from 5:30 to 6:30 p.m. and that on May 8, 1998, a breakfast would be held from 7:30 to 9:00 a.m. at the Tacoma Club.

Mr. Walton reported that TV Tacoma won first place in the Public Affairs Series for CityScope at the Cable Ace Awards being held in Atlanta, Georgia.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL

Mayor Ebersole stated that the Seattle Chamber of Commerce Board of Directors, which consists of leading civic and business leaders from the Seattle area, held their two-day retreat in Tacoma. He stated that they were enthusiastic about the changes in Tacoma. Mayor Ebersole stated that they toured the University of Washington Tacoma Campus, the Union Station, the History Museum and had dinner at one of the restaurants along Ruston Way. He stated that they also discussed regional issues, investment opportunities, transportation issues, the second pipeline, and the salmon recovery. He stated that it was a very productive meeting.

Mayor Ebersole then reported that the Disney Corporation will be in Tacoma in June to film a remake of the Taming of the Shrew. He stated that the Disney Corporation will be using Stadium High School as one of the settings, as well as other areas of Tacoma.

Council Member Phelps stated that the citizen's of the Historical Stadium District are very excited about the movie being filmed in that District.

Council Member Phelps congratulated the Seattle Chamber of Commerce Board of Directors for meeting in Tacoma. He stated that it was less than four months ago that a national publication stated that the City of Tacoma was "in" and the City of Seattle was "out" and he applauded the Seattle Chamber of Commerce Board for their quick response to rush down to see what our fine community is all about.

Council Member Silas welcomed the Seattle Chamber of Commerce to Tacoma.

Council Member Silas stated that the previous evening she had addressed the National Association of Women in Construction and that Council Member Baarsma had spoken to them last year.

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

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Council Member Baarsma stated that he had read in the *Tacoma Reporter*, under a section called Political Tidbits, that he was running against the Mayor in 1999. Council Member Baarsma stated that he cannot run for the position of Mayor due to term limits and then read a letter he sent to Jeff Daniel, Publisher of the *Tacoma Reporter*.

On proper motion, the meeting was adjourned at 8:01 p.m.



BRIAN EBERSOLE, MAYOR

ATTEST:



RICK ROSENBLADT, CITY CLERK

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