

CITY COUNCIL MINUTES

City Council Chambers
August 26, 1997

The meeting was called to order at 5:04 p.m.

Present on roll call: 6 - Baarsma, De Forrest, Evans, McGavick, Silas, and Mayor Ebersole. Absent: 3 - Crowley, Kirby, and Miller. (Council Members Crowley and Kirby arrived at 5:05 p.m.)

The Flag Salute was led by Council Member De Forrest.

(Council Members Crowley and Kirby arrived at 5:05 p.m.)

CONSENT AGENDA

RESOLUTIONS

Resolution No. 33807

Setting Tuesday, October 14, 1997, at 9:00 a.m., as the date for a hearing by the Hearing Examiner on the request to vacate portions of East I and East 40th Streets adjacent to 3857 East I Street. (Ronald Topliff; File No. 124.1056)

ITEMS FILED IN THE OFFICE OF THE CITY CLERK

- a. Minutes of the Planning Commission, August 6, 1997.
- b. Minutes of the Public Utility Board study session and meeting, July 23, 1997.
- c. Minutes of the Board of Administration Tacoma Employees' Retirement System, April 24, May 29, and June 9, 1997.
- d. Amended Administrative Rules & Regulations for Official Local Voters' Pamphlet, July 9, 1997.
- e. Monthly financial reports for the Belt Line Division, Light Division, Water Division, Data Processing Fund, Fleet Services Fund, Self-Insurance Claim Fund, Conservation Project Fund, and Geographic Information System Fund, June 1977.

Mayor Ebersole moved that the Consent Agenda, including Resolution No. 33807 and removing Item D from the Consent Agenda, be approved. Seconded by

Council Member De Forrest. Voice vote was taken and carried. The Consent Agenda, including Resolution No. 33807 and the removal of Item D, was declared approved.

REGULAR AGENDA

FINAL READING OF ORDINANCES

Deputy Mayor Baarsma moved to suspend the rules to consider Ordinance No. 25988 after the Public Hearing. Seconded by Council Member Silas. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 25988

Amending Title 13 of the Municipal Code by amending Section 13.06.408 and by repealing Chapter 13.13 relating to Solar Access.

Ordinance No. 25988 was considered later in the agenda, after the Public Hearing.

FIRST READING OF ORDINANCES

Ordinance No. 26111

Amending Chapter 13.06 of the Municipal Code to reclassify the property located on the southeast corner of Sixth Avenue and South Mildred Street from an "R-2" One-Family Dwelling District to a "C-2" Commercial District to allow a permanent drive-through Automated Teller Machine. (Mark Smithsund; File No. REZ97-00009)

Deputy Mayor Baarsma moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner. Seconded by Council Member Evans. 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. 26120

Amending Chapter 13.06 of the Municipal Code to reclassify the property located at the intersection of South 23rd and South Orchard Streets from an "R-2" One-Family Dwelling District to a "C-2" Commercial District for the construction of an automobile service station with a mini-mart, carwash facility, commercial building, and restaurant. (Fir Land Homes, Inc.; File No. REZ97-00005)

Deputy Mayor Baarsma 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.

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Ordinance No. 26121

Amending Chapter 1.12 of the Municipal Code to implement 1997 rates of pay and compensation for certain represented and unrepresented employees and changes in classifications to reflect the organizational structure.

Deputy Mayor Baarsma moved to delay consideration of Ordinance No. 26121. Seconded by Council Member Silas. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 26121 was considered later in the meeting.

RESOLUTIONS

Purchase Resolution No. 33808

Awarding contracts to:

1. Lincoln Construction, Inc., on its bid of \$78,400, for structural sidewalk replacement at 1153 Tacoma Avenue South - Specification No. G-208-97;
2. Ceccanti, Inc., on its bid of \$87,557.98, for the Hosmer Holding Basin Maintenance Project - Specification No. G-219-97;
3. Tucci & Sons, Inc., on its bid of \$616,611.60, for storm drainage improvements at the North Shore Golf Course - Specification No. G-227-97; and
4. T. Miller Construction, in the amount of \$275,000, for citywide hazardous sidewalk replacement - State Aid No. SA3029, Federal Aid No. STPE-EN96(002) - Specification No. G-207-97.

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

Mayor Ebersole stated that, with the consent of the City Council, Ordinance No. 26121 will be considered at this time.

Ordinance No. 26121

Amending Chapter 1.12 of the Municipal Code to implement 1997 rates of pay and compensation for certain represented and unrepresented employees and changes in classifications to reflect the organizational structure.

The Ordinance was set over for final reading to September 9, 1997.

Resolution No. 33806

Accepting the D.A.R.E. Task Force Final Report and Recommendations and directing the City Manager to implement the recommendations as may be reasonably accomplished.

Council Member Kirby moved that the Resolution be adopted. Seconded by Council Member De Forrest.

Speaking before the Council were:

Name	Address/Affiliation
Will Baker	809 South I Street
Ray McGroarty	Pediatrician in the community
Steve Mauer	103 Stanford Street
Barbara May	Principal, Fawcett Center for Year Around Learning
Greg Mykland	Resident
Rick League	7213 South Monroe
Mark Peters	PTA Representative, Point Defiance Elementary School
Terry Burlingame	PTA President, Fawcett Elementary School
Jeff Bruce	North End resident

Deputy Mayor Baarsma moved to amend Resolution No. 33806 by adding the following language beginning on Line 15, after the word "Council:"

"subject to the following conditions:

1. To continue the D.A.R.E. program at the existing level of service through the 1997-1998 school year, representatives of the Tacoma School District shall enter into full discussion, with City officials designated by the City Manager, as to how the School District would participate in funding the program.

2. In order to expand the program in the future, the School District shall participate on an equal financial basis with the City."

Seconded by Council Member Evans.

Speaking before the Council relative to the amendment were:

Name	Address/Affiliation
Will Baker	809 South I Street
Terry Burlingame	PTA President, Fawcett Elementary School
Steve Mauer	103 Stanford Street

Voice vote was taken and carried on the amendment to Resolution No. 33806, with Council Members De Forrest and Silas voting in opposition. The motion was declared adopted.

3A

Roll call vote was taken on Resolution No. 33806 as amended, resulting as follows:

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

Nays: 1 – Silas

Absent: 1 – Miller

The Resolution was declared adopted.

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

The City Council recessed at 6:24 p.m. and reconvened at 6:41 p.m.

PUBLIC HEARINGS AND APPEALS (BEGAN AT 6:41 P.M.)

This is the date set for a public hearing by the City Council regarding proposed amendments to Chapter 13.13 of the Municipal Code relating to solar access.

Speaking before the Council were:

Name	Address/Affiliation
David Litowitz	2715 64th Avenue NE
Bob Mickey	9625 Lake Steilacoom Drive SW
John Norris	10627 SE 18th Street
Kirk Kirkland	Vice President, Audubon Society
Jerry Dinndorf	3925 South Orchard Street
Jake Fey	Energy Services Manager, Tacoma Public Utilities

The public hearing was declared closed at 7:15 p.m.

Mayor Ebersole stated that, with the consent of the City Council, Ordinance No. 25988 relating to Solar Access will be considered at this time.

Ordinance No. 25988

Amending Title 13 of the Municipal Code by amending Section 13.06.408 and by repealing Chapter 13.13 relating to Solar Access.

Deputy Mayor Baarsma moved to suspend the rules for the purpose of considering Substitute Ordinance No. 25988, as submitted to the City Council by the Planning Commission. Seconded by Council Member Evans. Voice vote was taken and failed, with Mayor Ebersole and Council Members Crowley, De Forrest, Kirby, and McGavick voting in opposition.

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Roll call vote was taken on Ordinance No. 25988, resulting as follows:

Ayes: 6 – Crowley, De Forrest, Kirby, McGavick, Silas, and Mayor Ebersole

Nays: 2 – Baarsma and Evans

Absent: 1 – Miller

The Ordinance was declared passed.

Mayor Ebersole stated that, with the consent of the City Council, the Council will return to consideration of Resolutions beginning with Resolution No. 33809.

Resolution No. 33809

Approving the amendment to the 1995 Consolidated Plan, Five-Year Housing and Community Development Strategic Plan.

Council Member Crowley moved to suspend the rules to consider Substitute Resolution No. 33809. Seconded by Council Member McGavick. Voice vote was taken and carried. The motion was declared adopted.

Council Member Crowley moved to adopt Substitute Resolution No. 33809. Seconded by Council Member McGavick.

Speaking before the Council were:

<u>Name</u>	<u>Address/Affiliation</u>
Will Baker	809 South I Street
Paul Ellis	City Center Council, Tacoma-Pierce County Chamber of Commerce
Mike Lonergan	Director, Tacoma Rescue Mission

Deputy Mayor Baarsma moved to remove the language in the Consolidated Plan Amendment in Section 1. b. (3) that reads:

“ . . . unless the City Council determines that a project is no longer compatible with the surrounding uses . . . ”.

Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

Council Member Kirby moved to replace the words “City Council” in Section 1. b. (2) with the word “developer.” Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

Council Member De Forrest moved to amend Section 1.b. (3) by replacing the words “support the improvement of” with “to recognize the importance of”. Seconded by Council Member Kirby. Voice vote was taken and carried. The motion was declared adopted.

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Roll call vote was taken on Substitute Resolution No. 33806 as amended, resulting as follows:

Ayes: 6 – Baarsma, Crowley, Evans, Kirby, McGavick, and Mayor Ebersole

Nays: 2 – De Forrest and Silas

Absent: 1 – Miller

The Substitute Resolution, as amended, was declared adopted.

Resolution No. 33810

Authorizing the execution of a collective bargaining agreement with the International Brotherhood of Electrical Workers, Local 483, Electrical Supervisor's Unit, effective through December 31, 1999.

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

Resolution No. 33811

Authorizing the negotiation of an amendment to the Memorandum of Understanding with the Metropolitan Park District for the administration of the Community Schools Program.

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

Speaking before the Council was:

Name	Address/Affiliation
Will Baker	809 South I Street

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

Resolution No. 33812

Authorizing the execution of an amendment to increase and extend for, one year, the agreement with Motorola, Inc., in the amount of \$290,000, for the repair, maintenance and installation of the City's radio equipment.

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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Resolution No. 33813

Authorizing the submittal of an application to the Washington State Department of Transportation, in the amount of \$25,000, for a Deferred Maintenance Grant for striping and painting along the runways and taxiways at the Tacoma Narrows Airport.

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. 33814

Authorizing the execution of an agreement with the Tacoma-Pierce County Small Business Incubator, in the amount of \$132,130 of Community Development Block Grant funds, for the continued operation of the Small Business Incubator Program.

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. 33815

Authorizing the execution of an agreement with the Metropolitan Development Council, in the amount of \$34,520 of Community Development Block Grant funds, for the administration of the Minor Home Repair Program for low-income residents.

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

Resolution No. 33816

Authorizing the execution of an agreement with the Associated Ministries of Tacoma-Pierce County, in the amount of \$43,190 of Community Development Block Grant funds, for the Paint Tacoma-Pierce Beautiful Project.

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

Resolution No. 33817

Authorizing the execution of an agreement with the Martin Luther King Ecumenical Center, in the amount of \$313,000 of Community Development Block Grant funds, for the rehabilitation of a building located at 1143 Tacoma Avenue South to be used as a homeless shelter.

Council Member Crowley moved to suspend the rules to consider Substitute Resolution No. 33817. Seconded by Deputy Mayor Baarsma. Voice vote was taken and carried. The motion was declared adopted.

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

Resolution No. 33818

Accepting the transfer of the waterfront portions of the properties formerly known as Parcel 3, Albers Mill, and the Harmon property and all of Parcel 4 to develop and manage the properties for public access, open space, and recreation; and transferring the Thea's Park property to the Metropolitan Park District.

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

Speaking before the Council was:

Name	Address/Affiliation
Will Baker	809 South I Street

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

PUBLIC HEARINGS AND APPEALS (BEGAN AT 6:41 P.M.)

This is the date set for a public hearing by the City Council regarding proposed amendments to Chapter 13.13 of the Municipal Code relating to solar access.

The public hearing was held earlier in the meeting.

UNFINISHED BUSINESS

None.

REPORTS BY CITY MANAGER

City Manager Ray E. Corpuz Jr. stated that next month is the one-year anniversary of the Deming Partnership Project. He stated that there will be a celebration and the City Council is invited to attend.

Mr. Corpuz then thanked Deputy Mayor Baarsma who had recently represented the City of Tacoma, talking about the Deming Project at a national conference.

Mr. Corpuz then announced that Peter Scholtes, Project Manager, from the Deming Institute, had suffered a stroke recently. Mr. Corpuz then wished Mr. Scholtes well and a speedy recovery.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL

Council Member Kirby stated that the City spends a lot of resources working for the revitalization of the downtown area and some of the other business districts. He stated that he would like to have some assurance that the City stays in contact with the

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management of the Tacoma Mall, should they have some expansion projects in mind, and that the City affords them the same courtesy.

Deputy Mayor Baarsma stated that last Friday the City Council had received a letter from Mr. Able Corpus, the Assistant Chair of the Board of Trustees of the Tacoma Public Library. He stated that the letter indicated that the Library Board, by a majority vote, has decided to withdraw from the City's Pierce County Medical plan and the City's Worker's Compensation plan. Deputy Mayor Baarsma then gave some history to this decision. He stated that he had suggested staff get together and discuss this to see if the City and the Library could work out some kind of mutual agreement resulting in a win-win situation. He stated that this decision does have an adverse affect on our General Fund, and the Council will probably have to take some kind of action as we move into the second year of the biennium. He stated that, as the Chair of the Task Force, it was puzzling, baffling and frustrating to him this would happen after the Task Force had spent months discussing the importance of collaboration, consolidation, working together and communicating. He stated he would share with each of the Council Members the memorandum from Mr. Andrew Michels, Risk Manger stating some of the potential implications and that there may be some additional recommendations forthcoming from the City Manager and myself as the Library moves forward on this. He stated that he was very disheartened and saddened by this unfortunate turn of events.

Council Member Evans stated that he wanted to make it clear that this action was long in coming. He stated the Library Task Force had a series of meetings. He stated that when it did take place, it took place at the impetus given us by the Library Board's action, not by the Library Task Force's action. Council Member Evans stated that his concern is how this would be perceived by the public and it probably is a considerable threat to the continuing function of the Library. He wanted to make it clear that the Library Task Force was not the instigator of this split and that the Task Force did everything that could be done to avoid this situation through rational discussion.

Council Member De Forrest stated that he had read the letter from Mr. Corpus and was also concerned. He then requested a response from staff regarding the allegations that were made which suggested that information from staff was not provided on a timely basis to the Library Board regarding the health issue, the labor and industry area, and the self-insurance area. Council Member De Forrest expressed his concerns regarding the excessive amount of time the Library Board spends in executive sessions. Council Member De Forrest also suggested that management assign another City Attorney to represent the Library Board.

Council Member McGavick stated that she supports Deputy Mayor Baarsma's leadership in this effort. She stated that she also feels disheartened and saddened about the process. She stated that she was hopeful that the Task Force could once and for all bring people around the table. She stated that she believes that reasonable people, sitting down, will produce reasonable results. She stated that Denny Flannigan has done a wonderful job in terms of facilitation of the Task Force meetings. She stated that they have all the right people around the table, but it is disheartening that this kind of action could take place under these kinds of circumstances.

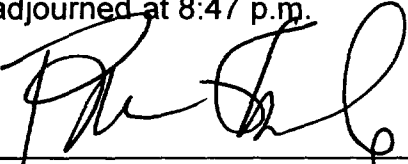
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Mayor Ebersole stated that he also applauds Deputy Mayor Baarsma for his hard work on this issue. He stated that he thought one of the unintended and most regrettable outcomes is Deputy Mayor Baarsma's dissatisfaction, since no one cares more about the libraries than the Deputy Mayor. He stated that Deputy Mayor Baarsma has given generously of his time to a very perplexing situation. He stated that he hopes that Deputy Mayor Baarsma does not lose heart, because he has the support of the City Council whose hope is that he hangs in there and that the Task Force can resolve this dispute.

Mayor Ebersole reminded everyone that the City Council meeting of Tuesday, September 2, 1997, has been canceled and that the next regularly scheduled meeting would be held on Tuesday, September 9, at 5:00 p.m.

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

On proper motion, the meeting was adjourned at 8:47 p.m.


BRIAN EBERSOLE, MAYOR

ATTEST: 
RICK ROSENBLADT, CITY CLERK

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