



City Council Minutes

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

November 13, 2001

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

Present on roll call: 8 – Dahl, Evans, McGavick, Miller, Moss, Phelps, Scarbrough, and Mayor Crowley. Absent: 1 – Davis.

The Flag Salute was led by Council Member Miller.

CONSENT AGENDA

RESOLUTIONS

Resolution No. 35336

Setting Monday, December 10, 2001, at 5:00 p.m., as the date for a hearing, by the Hearing Examiner, on LID No. 8630 for permanent pavement with storm drainage on the following streets:

- G Street, from South 61st to South 63rd Streets;
- Monroe Street from South 7th Street, south 650 feet;
- Adams Street, from North 16th to North 18th Streets;
- Monroe Street, from South 36th Street south 660 feet to Manitou Way;
- Huson Street, from South 62nd to South 64th Streets; and
- South 42nd Street, from Cushman Avenue to Asotin Street.

Resolution No. 35337

Setting Monday, December 10, 2001, at 5:00 p.m., as the date for a hearing, by the Hearing Examiner, on LID No. 6976, to install street lights on four, 28-foot poles and on one existing wood pole and related installations along Monroe Street, from South 36th Street to Manitou Way, approximately 660 feet.

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Resolution No. 35338

Setting Tuesday, November 27, 2001, as the date for a public hearing by the City Council regarding proposed amendments to the Comprehensive Plan, the Land Use Regulatory Code and Title 13 of the Municipal Code relating to zoning.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK

- a. Minutes of the Committee of the Whole, November 6, 2001.
- b. Minutes of the LESA Executive Board, August 15, 2001.
- c. Minutes of the Planning Commission, October 17, 2001.
- d. Minutes of the Tacoma Mayors Veterans Task Force, October 4, 2001.
- e. Report of the Director of Finance, September 2001.

Deputy Mayor Phelps moved that the Consent Agenda, including Resolution Nos. 35336 through 35338, be approved. Seconded by Council Member McGavick. Voice vote was taken and carried. The Consent Agenda, including Resolution Nos. 35336 through 35338, was declared approved.

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

FINAL READING OF ORDINANCES

Ordinance No. 26873

Amending various sections of Chapter 1.30 of the Municipal Code relating to retirement and pensions including: Compensation defined; Average final compensation defined; Refund of contributions/Service credit buybacks; Special early retirement window benefit; Deferred retirement; Retirement allowance payable monthly; and Compliance with applicable provisions of the Internal Revenue Code by regulations of the Board of Administration.

Roll call vote was taken, resulting as follows:

Ayes: 8 – Dahl, Evans, McGavick, Miller, Moss, Phelps, Scarbrough, and Mayor Crowley

Nays: 0

Absent: 1 – Davis

The Ordinance was declared passed.

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Ordinance No. 26874

Accepting monetary and other donations by citizens, businesses and organizations; depositing in and appropriating the monetary donations from various funds for a variety of programs, projects or activities.

Roll call vote was taken, resulting as follows:

Ayes: 8 – Dahl, Evans, McGavick, Miller, Moss, Phelps, Scarbrough, and Mayor Crowley

Nays: 0

Absent: 1 – Davis

The Ordinance was declared passed.

Ordinance No. 26875

Amending Chapter 1.12 of the Municipal Code to provide medical, dental and vision insurance coverage to dependents of eligible permanent employees called to active duty; clarify annual military leave pay; and provide for military leave of absence.

Roll call vote was taken, resulting as follows:

Ayes: 8 – Dahl, Evans, McGavick, Miller, Moss, Phelps, Scarbrough, and Mayor Crowley

Nays: 0

Absent: 1 – Davis

The Ordinance was declared passed.

Ordinance No. 26876

Authorizing the execution of a Memorandum of Understanding with the Port of Tacoma for an intergovernmental working relationship for the update of Tacoma's zoning code; accepting \$24,600 from the Port of Tacoma; depositing in and appropriating said sum from the General Fund for said purpose.

Roll call vote was taken, resulting as follows:

Ayes: 8 – Dahl, Evans, McGavick, Miller, Moss, Phelps, Scarbrough, and Mayor Crowley

Nays: 0

Absent: 1 – Davis

The Ordinance was declared passed.

Amended Ordinance No. 26877

Authorizing the execution of a settlement with Glacier Northwest, Inc., regarding cleanup liability associated with Parcels 3 and 7 along the western shore of the Thea Foss Waterway; accepting, appropriating, and authorizing the use of building material involved in the settlement for the construction of public works projects.

Roll call vote was taken, resulting as follows:

Ayes: 8 – Dahl, Evans, McGavick, Miller, Moss, Phelps, Scarbrough, and Mayor Crowley

Nays: 0

Absent: 1 – Davis

The Ordinance, as amended, was declared passed.

FIRST READING OF ORDINANCES

Ordinance No. 26878

Vacating a portion of North Mildred Street right-of-way south of Parkside Lane to consolidate the property with the abutting yard area for landscaping. (Gary Leach and Diana Leach; File No. 124.1151)

Deputy Mayor Phelps moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner. Seconded by Council Member Moss. 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. 26879

Vacating a portion of the alley between North 29th and North 30th Streets, west of North Oakes Street, to consolidate the property with the abutting yard area, stabilize the embankment, and landscape the area. (Daniel Kratochvil; File No. 124.1152)

Deputy Mayor Phelps 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. 26880

Vacating the east 10 feet of South G Street right-of-way extending 468 feet north of South 25th Street, for the construction of storage space and off-street parking. (William B. Swensen; File No. 124.1153)

Deputy Mayor Phelps 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. 26881

Vacating a portion of South 62nd Street west of the Burlington Northern Santa Fe Railroad line between 3701 South 62nd Street and 6201 South Adams Street to consolidate the property for business purposes. (Addison Construction Supply; File No. 124.1149)

Deputy Mayor Phelps moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner. Seconded by Council Member Moss. 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. 26882

Authorizing the execution of an interlocal agreement with the Washington State Department of Social and Health Services, Division of Child Care and Early Learning, in the amount of \$588,518, to support child care resource and referral services in Pierce County; an agreement with the Puget Sound Education Services District, in the amount of \$172,982; and an agreement with Tacoma-Pierce County Health Department, in the amount of \$179,478; accepting, depositing in and appropriating \$588,518 from the Miscellaneous Grants Summary Fund for said purposes.

The Ordinance was set over for final reading on November 27, 2001.

Ordinance No. 26883

Authorizing the execution of a grant award contract with the Washington State Human Rights Commission, in the amount of \$25,000; accepting, depositing in and appropriating said sum from the Miscellaneous Grants Summary Fund; and authorizing the execution of an agreement with Tacoma Community House, in the amount of \$15,000, for translating brochures and Fair Housing videotapes into six languages.

The Ordinance was set over for final reading on November 27, 2001.

Ordinance No. 26884

Accepting \$156,070 from the Harold E. LeMay Museum; depositing in and appropriating said sum from the Capital Improvements Summary Fund for completion of design development work of the Harold E. LeMay Museum.

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Speaking before Council was:

<u>Name</u>	<u>Address/Affiliation</u>
Paul Miller	Chair, Harold E. LeMay Museum

The Ordinance was set over for final reading on November 27, 2001.

RESOLUTIONS

Purchase Resolution No. 35339

Awarding contracts to:

1. Washington Air Reps, in the amount of \$192,300, for installation of a cooling tower at the Tacoma Municipal Building – Sole Source; and
2. Onyx Environmental Services, in the amount of \$110,000, for household hazardous waste contractual services – Specification No. G-042-99.

Deputy Mayor Phelps moved that the Purchase Resolution, including waiving formal bidding procedures on Item No 1, 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 No. 1, was declared adopted.

Deputy Mayor Phelps moved to consider Resolution No. 35340 after the public hearing. Seconded by Council Member Miller. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 35340

Approving the sale of 13 diesel generators, appurtenances and component parts and setting the minimum fair market value for each piece of equipment.

Resolution No. 35340 was considered after the public hearing.

Resolution No. 35341

Approving the sale of Water System Revenue Bonds, 2001, in an amount not to exceed \$34,000,000, for capital improvements, extensions of the existing water system, and repayment of existing lines of credit.

Deputy Mayor Phelps moved to suspend the rules to consider Substitute Resolution No. 35341. Seconded by Council Member Miller. Voice vote was taken and carried. The motion was declared adopted.

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

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Resolution No. 35342

Authorizing the execution of an agreement with Regence BlueShield to exchange City-owned property located at 1502 Market Street for Regence BlueShield property located within the site of the new Tacoma Convention Center.

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

Resolution No. 35343

Authorizing the submittal of a joint Letter of Commitment to implement the Regional Road Maintenance Endangered Species Act (ESA) Program Guidelines for approval by the National Marine Fisheries Service and United States Fish and Wildlife Service to provide coverage under the ESA for incidental impacts arising out of activities conducted under said program.

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

Resolution No. 35344

Authorizing the execution of an amendment to the Development and Sale-Back Agreement with the Museum of Glass, in the amount of \$770,212, for a total amount of \$8,270,212, for improvements which include: a public access way over the roof of the Museum, a stairway leading to the public esplanade, public parking garage improvements, construction of the Howard Ben Tre Water Forest sculpture, and artwork on the Chihuly Bridge of Glass.

Deputy Mayor Phelps moved that the Resolution be adopted. Seconded by Council Member Moss.

Deputy Mayor Phelps moved to amend Resolution No. 35344 to correct the dollar amount from \$8,270,212, to \$8,223,184. Seconded by Council Member McGavick. Voice vote was taken and carried. The motion was declared adopted.

Voice vote was taken and carried. The Resolution, as amended, was declared adopted.

Resolution No. 35345

Authorizing the execution of an Option Agreement; Development Agreement; and Declaration of Covenants, Conditions, Restrictions and Easements with Cosmos International Corporation to develop binding terms governing the sale of Tacoma Dome Parking Lot C and a portion of Lot B.

Deputy Mayor Phelps moved to continue Resolution No. 35345 to a date to be determined. Seconded by Council Member McGavick. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 35346

Authorizing the execution of a Special Valuation Tax Covenant with Labor Ready Corporation for the rehabilitation of the Tacoma Building, located at 1015 A Street.

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

Speaking before Council was:

<u>Name</u>	<u>Address/Affiliation</u>
Brian Carpenter	Rebound, representing the building construction trade unions

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

Resolution No. 35347

Authorizing the execution of a Special Valuation Tax Covenant with Webster Tacoma Apartments, LLC, for the rehabilitation of the Webster Apartments, located at 629 St. Helens Avenue.

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

Resolution No. 35348

Authorizing the execution of a Special Valuation Tax Covenant with JMH, LLC and LWH, LLC for the rehabilitation of the Rowland Building, located at 811-813 Pacific Avenue.

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

Resolution No. 35349

Authorizing the execution of a Special Valuation Tax Covenant with B. & H., LLC for the rehabilitation of the Perkins Building, located at 1101 A Street.

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

Resolution No. 35350

Authorizing the execution of a Special Valuation Tax Covenant with Jon Fayth and Karen Fayth for the rehabilitation of the Watermark Building, located at 1113 A Street.

Deputy Mayor Phelps 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. 35351

Authorizing the execution of a neighborhood enhancement project agreement with the Guadalupe Land Trust, in the amount of \$150,000, for the acquisition of property located at 1700 South G Street for an urban community garden.

Deputy Mayor Phelps moved that the Resolution be adopted. Seconded by Council Member McGavick.

Speaking before Council were:

<u>Name</u>	<u>Address/Affiliation</u>
Carrie Little	Guadalupe
Brian Carpenter	Resident, 816 North Union Avenue

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

Resolution No. 35352

Authorizing the execution of amendments to the United States Department of Housing and Urban Development guaranteed Section 108 loan to Horizon Holdings I, LLC for the rehabilitation of the Schoenfeld Building for Total Renal Care.

Deputy Mayor Phelps moved to suspend the rules to consider Substitute Resolution No. 35352. Seconded by Council Member McGavick. Voice vote was taken and carried. The motion was declared adopted.

Deputy Mayor Phelps moved that the Substitute Resolution be adopted. Seconded by Council Member McGavick. Voice vote was taken and carried, with Council Members Moss and Scarbrough voting in opposition. The Substitute Resolution was declared adopted.

PUBLIC HEARINGS AND APPEALS (Will begin at approximately 5:30 p.m.)

- a. This is the date set for a public hearing by the City Council regarding the proposed sale of 13 diesel generators, appurtenances and component parts used during the energy crisis.

The public hearing began at 6:07 p.m.

There were no speakers.

The public hearing was declared closed at 6:09 p.m.

Resolution No. 35340

Approving the sale of 13 diesel generators, appurtenances and component parts and setting the minimum fair market value for each piece of equipment.

Deputy Mayor Phelps 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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- b. This is the date set for a public hearing by the City Council regarding the modified Mid-Biennial Budget for the years 2001-2002.

The public hearing began at 6:10 p.m.

Speaking before the Council were:

Name	Address/Affiliation
Janis Gall-Martin	2121 Martin Luther King, Jr. Way
Carol Sloman	Chair, Community Council
Phyllis Barrett	912 South Cushman Avenue
Mike Lonergan	Citizen

The public hearing was declared closed at 6:50 p.m.

UNFINISHED BUSINESS

None.

REPORTS BY CITY MANAGER

City Manager Ray E. Corpuz, Jr. requested an Executive Session to discuss pending litigation, the session not to exceed 15 minutes.

Mr. Corpuz stated this would be Nancy Forster’s last Council meeting and hoped everyone would take the opportunity to express their appreciation for her many contributions and the real difference she has made throughout her long career with the City.

Mayor Crowley extended his thanks and wished Nancy Forster the very best.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL

Deputy Mayor Phelps moved to excuse Council Member Davis from tonight’s meeting. Seconded by Council Member McGavick. Voice vote was taken and carried. The motion was declared adopted.

Mayor Crowley stated Council Member Davis was not in attendance tonight because her mother passed away last week. He stated his thoughts were with her.

Council Member McGavick thanked Nancy Forster for all she does for the Council.

Council Member McGavick acknowledged the presence of people from the Building Trades Association who were here to speak to a particular issue which was not on tonight’s agenda. She stated Brian Carpenter and John Meyer were very concerned about the Team Tacoma Project on the Thea Foss Waterway because all of the contractors and subcontractors were not Tacoma firms. She stated there is also a lack of apprenticeships on the project.

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Council Member McGavick stated the Tacoma Youth Symphony performed on Saturday and encouraged everyone to take the opportunity to attend their performances. She stated they would like to host a special performance for the Council.

Deputy Mayor Phelps stated that while not all of the contractors and subcontractors are from Tacoma, there are a number of firms from Tacoma on the Team Tacoma Project.

Deputy Mayor Phelps thanked Nancy Forster for all her help and stated she has been an invaluable, tremendous resource, who is always able to find the information needed.

Deputy Mayor Phelps wished Keith Stone a happy sixtieth birthday.

Council Member Miller stated that as we face the budget challenges ahead, the Council will be making many tough choices on how to reduce expenses. He stated there are regional and national revenue sources more readily available when the Council and staff are involved in regional and national organizations. He stated he serves on the Association of Washington Cities (AWC), as a Board Member; the Puget Sound Regional Council Transportation Policy Board, along with Deputy Mayor Phelps; and the Executive Board – all of which can have a lot to do with the outcome, funding, and support available for many projects, such as the grant for the LeMay Museum, at the Puget Sound Regional Council level. He stated there is a lot that goes on behind the scenes which affects our government and the Council is working hard to find transportation funding sources to improve roadways. He stated he will be serving on a roundtable organization to help develop priorities for transportation needs. Council Member Miller stated he represented Pierce County at a meeting last week with the Governor and members of the Board of Directors of the AWC. He emphasized to the Governor the impact of state decisions on cities. He invited Council to attend tomorrow night's roundtable meeting initiated by the AWC.

Council Member Miller stated Art Walk will be this Thursday and invited everyone to stop by Tacoma Décor, located next to the Harmon building and across the street from the Washington State History Museum. He stated there will be special exhibits, and a portion of proceeds will be contributed to local charitable organizations. He stated another event will be held Friday night, where people can meet the artist.

Council Member Miller stated Nancy Forster is a great problem solver and will be greatly missed.

Council Member Dahl also thanked Nancy for all her help. He expressed his condolences to Deputy Fire Chief Jon Lendosky and his family for the loss of his father, who passed away last week after a sudden illness. He stated Tom Lendosky, whom he has known for 45 years, is a retired Tacoma firefighter with 33 years of service and was a committed family member.

Mayor Crowley also expressed his condolences.

Mayor Crowley stated the City Council meeting and study session of November 20, 2001 have been canceled and that the next regularly scheduled meetings would be held on November 27, 2001.

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Deputy Mayor Phelps moved to convene to Executive Session to discuss pending litigation, the session not to exceed 15 minutes. Seconded by Council Member McGavick. Voice vote was taken and carried. The motion was declared adopted.

Council convened to Executive Session at 7:09 p.m. and reconvened at 7:18 p.m.

Deputy Mayor Phelps moved to authorize the City Attorney to settle the matter of Steven and Melody Hall vs. City of Tacoma, Pierce County Superior Court Cause No. 00-2-13906-9, for the amount of \$140,000, as full and final settlement of all claims. Seconded by Council Member Moss. Voice vote was taken and carried. The motion was declared adopted.

On proper motion, the meeting was adjourned at 7:19 p.m.



MIKE CROWLEY, MAYOR

ATTEST: 

DORIS SORUM, CITY CLERK

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