

CITY COUNCIL MINUTES

City Council Chambers
March 12, 1996

The meeting was called to order at 5:08 p.m.

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

The Flag Salute was led by Council Member Evans.

CONSENT AGENDA

Approval of the minutes of the Tacoma City Council meetings of January 30, 1996.

Resolution No. 33213 (Continued from the meeting of February 13, 1996)

Setting Tuesday, January 2, 1996, at 9:00 a.m., as the date for a hearing by the Hearing Examiner on the request to vacate the alley between 28th and 29th Streets NE east of 62nd Avenue NE to combine the abutting properties to allow construction of an addition to the existing building. (Thunderchief Smoke Shop; File No. 124.1026)

ASSESSMENT ROLL:

The Director of Public Works presents the assessment roll for the following:

L.I.D. No. 8560 for the placement of asphaltic concrete alley paving on the alley between Anderson and Oakes Streets from North 15th to North 17th Streets.

Setting Monday, April 8, 1996, at 5:00 p.m., as the date for a hearing by the Hearing Examiner.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearing Examiner agenda for March 12, 1996.
- b. Minutes of the meeting of the Tacoma Planning Commission, January 17, 1996.
- c. Minutes of the meeting and study session of the Public Utility Board, February 14, 1996.

Deputy Mayor Silas moved that the Consent Agenda, including the continuation of Resolution No. 33213 to the meeting of April 16, 1996, be approved. Seconded by Council Member Evans. Voice vote was taken and carried. The Consent Agenda, including the continuation of Resolution No. 33213, was declared approved.

Mayor Ebersole presented a proclamation to Jan Schwartz proclaiming the month of March 1996 as "Professional Social Work" month.

REGULAR AGENDA

ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS:

Resolution No. 33321

Appointing individuals to the Urban Policy Committee, Planning Commission, Landmarks Preservation Commission and Board of Building Appeals.

A voice vote was taken and carried. The Resolution was declared adopted.

COMMUNICATIONS:

Council Member De Forrest moved that the City Council direct the Urban Policy Committee to proceed with making recommendations for Community Development Block Grant and HOME Program funding, and that the Committee recommend funding at the minimum amounts available, as provided by the U.S. Department of Housing and Urban Development, with recommended alternative projects at least equal to the 1995-96 CDBG and HOME funding levels. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

Council Member Crowley moved to suspend the rules to consider Ordinance No. 25868. Seconded by Council Member McGavick. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 25868

Providing for the levy of \$383,271, the ninth year assessment for the Downtown Business Improvement Area (BIA); approving the ninth year BIA work plan, budget and assessment rates; and appropriating \$481,110 for project activities.

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Roll call vote was taken, resulting as follows:

Ayes: 8 – Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Silas, and Mayor Ebersole.

Nays: 0.

Absent: 1 - Miller

The Ordinance was declared passed.

Council Member Crowley moved to suspend the rules to consider Resolution No. 33324. Seconded by Council Member McGavick. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 33324

Authorizing the execution of an extension to the agreement with the Local Development Council for the administration of the Downtown Business Improvement Area (BIA) effective May 1, 1996, through April 30, 1997.

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

FINAL READING OF ORDINANCES:

Council Member Baarsma moved to consider Substitute Ordinance No. 25849. Seconded by Council Member De Forrest.

Substitute Ordinance No. 25849

Amending the Municipal Code by creating a new Chapter 1.70 relative to the City Council quasi-judicial appeals procedures regarding the amount of time for oral argument for appeals before the City Council.

Speaking before Council were:

<u>Name</u>	<u>Address</u>
Keith Stone	430 East 25th Street
Skip Vaughn	South Tacoma Neighborhood Council Chair Person
Shirley Mathis	Oakland Madronna Neighborhood Group
Louise Batchelor	5314 North 46th Street

Roll call vote was taken, resulting as follows:

Ayes: 5 – Baarsma, De Forrest, Evans, Kirby, and Mayor Ebersole.

Nays: 3 - Crowley, McGavick and Silas.

Absent: 1 - Miller.

The Substitute Ordinance was declared passed.

Ordinance No. 25850 (Continued from the meeting of February 20, 1996)

Amending Chapter 13.02 of the Municipal Code relative to the Planning Commission's plan amendment procedures to implement requirements of Engrossed Substitute House Bill 1724 - Regulatory Reform, adopted by the Washington State Legislature in 1995.

Council Member Baarsma moved to suspend the rules to consider Substitute Ordinance No. 25850. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

Speaking before Council were:

<u>Name</u>	<u>Address</u>
Louise Batchelor	5314 North 46th Street

Roll call vote was taken, resulting as follows:

Ayes: 8 – Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Silas, and Mayor Ebersole.

Nays: 0.

Absent: 1 - Miller.

The Substitute Ordinance was declared passed.

Council Member De Forrest moved to suspend the rules to consider Substitute Resolution No. 33323. Seconded by Mayor Ebersole. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 33323

Authorizing the execution of an agreement with the Daffodil Festival, Inc., in the amount of \$5,000, \$7,000 for services relative to the 1996 Daffodil Festival.

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Mr. Chuck Mazza introduced the princesses that were in attendance.

Speaking before Council were:

<u>Name</u>	<u>Address</u>
Chuck Mazza	1996 President of the Board of the Daffodil Festival
Jenny Pasco	1995 President of the Board of the Daffodil Festival
Walt Copeland	1989 President of the Board of the Daffodil Festival
Louise Batchelor	5314 North 46th Street
Skip Vaughn	7634 South Fife Street

A voice vote was taken and carried. The Substitute Resolution was declared adopted.

PUBLIC HEARINGS AND APPEALS: (Began at approximately 6:30 p.m.)

This is the date set for a public hearing by the City Council on the policies and studies for the Police Department's personally-assigned vehicle program.

Speaking before the Council were:

<u>Name</u>	<u>Address</u>
Dick Sonntag	6262 South Cheyenne Street
Skip Vaughn	7634 South Fife Street
Louise Batchelor	5314 North 46th Street
Walt Copeland	P.O. Box 7006
Anita Preston	2611 North 30th Street
Phyllis Barrett	912 South Cushman
Ronny Warren	4426 South Alaska
Paul Shell	1129 East 51st Street
Alexander Reid, Sr.	508 South 90th Street
Chris Piper	6024 South Prospect
Tim Deccio	930 Tacoma Avenue
Ms. Murrey	402 South I Street
Mozzella Pooley	8041 East Sherwood
Todd Walker	Gig Harbor
Nick Nicholas	4001 North Baltimore Street
Seth Lockhart	Police Applicant
Robert E. Farmer	34th Street
Dr. Bruce Mann	Consultant

Mayor Ebersole declared the public hearing closed.

Council Member De Forrest moved to recess for five minutes. Seconded by Council Member Baarsma. Voice vote was taken and carried. The motion was declared adopted.

Council recessed at 8:35 p.m. and reconvened at 8:48 p.m.

Ordinance No. 25817

Vacating the north eight feet of Tanglewood Avenue between East B Street and McDacer Avenue and the east 12 feet of East B Street immediately north of Tanglewood Avenue to clear encroachments and to complete construction of an attached carport. (John C. Barbour, Jr.; File No. 124.1019)

Roll call vote was taken, resulting as follows:

Ayes: 8 – Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Silas, and Mayor Ebersole.

Nays: 0.

Absent: 1 - Miller.

The Ordinance was declared passed.

Ordinance No. 25818

Vacating South 85th Street from M Street to Sheridan Avenue to allow for the consolidation of property and the development of a new church sanctuary and ancillary facilities. (Tacoma First [Korean] Baptist Church; File No. 124.1024)

Roll call vote was taken, resulting as follows:

Ayes: 8 – Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Silas, and Mayor Ebersole.

Nays: 0.

Absent: 1 - Miller.

The Ordinance was declared passed.

Ordinance No. 25867

Accepting a grant award from the Washington State Arts Commission in the amount of \$5,830; depositing in and appropriating said sum from the Miscellaneous Grants

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Summary Fund to support the Tacoma Arts Commission's International Cultural Initiative, Commencement Art Gallery and Arts in Education programs.

Council Member Evans moved to suspend the rules to consider Substitute Ordinance No. 25867. Seconded by Council Member Baarsma. 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, Silas, and Mayor Ebersole.

Nays: 0.

Absent: 1 - Miller.

The Substitute Ordinance was declared passed.

Council Member Crowley moved to suspend the rules to consider Resolution No. 33325. Seconded by Council Member McGavick. Voice vote was taken and carried, with Council Members De Forrest and Kirby voting in opposition. The motion was declared adopted.

Resolution No. 33325

Authorizing the execution of an agreement with the Martin Luther King Ecumenical Center, in the amount of \$50,000 of Community Development Block Grant Contingency funds; and amending the 1995-1996 Consolidated Plan to continue operation of the Mandela House Emergency Shelter Program.

Council Member Evans moved to consider Substitute Resolution No. 33325. Seconded by Deputy Mayor Silas.

Speaking before Council was:

<u>Name</u>	<u>Address</u>
David Boyd	Martin Luther King Ecumenical Center, Executive Director

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

FIRST READING OF ORDINANCES:

Ordinance No. 25869

Repealing Ordinance Nos. 25542 and 24153 and enacting a new ordinance for the use of the Employee Benefits Funds.

The Ordinance was set over for final reading next week.

Ordinance No. 25870

Appropriating \$303,110.08 from the Labor-Management Health Care Trust Fund to pay Pierce County Medical Bureau for underwriting losses for the fourth quarter of 1995.

Mayor Ebersole excused himself from the discussion on this Ordinance.

The Ordinance was set over for final reading next week.

Ordinance No. 25871

Amending the Pay and Compensation Plan relative to the public transportation subsidy program and to implement rates of pay and compensation for represented and unrepresented employees.

The Ordinance was set over for final reading next week.

Ordinance No. 25872

Accepting a grant award from the United States Department of Justice, Office of Community Oriented Policing Services, in the amount of \$825,000; depositing said sum in the Miscellaneous Grants Summary Fund; transferring up to \$1,387,463 from the General Fund to the Miscellaneous Grants Summary Fund; appropriating \$2,212,463 from the Miscellaneous Grants Summary Fund; and authorizing the execution of agreements with the Department of Justice to implement the Community Oriented Police (COPS) Universal Hiring Grant to support the Community Oriented Policing Program.

Speaking before the Council was:

<u>Name</u>	<u>Address</u>
Louise Batchelor	5314 North 46th Street

The Ordinance was set over for final reading next week.

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RESOLUTIONS:

Purchase Resolution No. 33322

Awarding contracts to:

1. Wittke Waste Equipment, Division of Northside Industries, on their bid of \$209,272, for 18 intermodal refuse containers - Specification No. G-001-96;
2. Randles Sand and Gravel, Inc., in the amount of \$174,528.25, to renew and increase their contract for aggregate - Specification No. G-035-94; and
3. Rejecting the bid for the Ferdinand guardrail project located at North 49th Street to North Waterview Drive - Specification No. G-209-96.

Council Member Evans moved that the Purchase Resolution, including rejecting the bid on Item No. 3, be adopted. Seconded by Council Member Baarsma.

Voice vote was taken and carried on the Purchase Resolution. The Purchase Resolution, including rejecting the bid on Item No. 3, was declared adopted.

UNFINISHED BUSINESS:

Mayor Ebersole moved to reconsider Substitute Ordinance No. 25780, as amended. Seconded by Council Member Evans. Voice vote was taken and carried, with Council Members De Forrest and Kirby voting in opposition. The motion was declared adopted.

Substitute Ordinance No. 25780 (Continued from the meeting of February 20, 1996)

Amending Titles 6 and 9 of the Municipal Code relative to sidewalk vending.

Mayor Ebersole moved to amend Substitute Ordinance No. 25780, as amended, by adding language to permit flowers and plant sales. Seconded by Deputy Mayor Silas.

Speaking before the Council were:

<u>Name</u>	<u>Address</u>
Ken Grassi	4622 - 72nd Ave. Ct. W.
Ruth Swanson	8 Tacoma Ave. North
Kate Jolly	Cross District Board
Ingeborg Taylor	2225 North Tacoma Ave.
Judy Cain	2601 Sixth Avenue
Cindy Leingang	City of Tacoma Employee
Keith Stone	Freighthouse Square

Louise Batchelor	5314 North 46th Street
Marilyn Blitz	Downtown florist owner
Paul Ellis	Tacoma-Pierce County Chamber of Commerce
Jerry Vaughn	3109 North 20th Street

Council Member Kirby moved to amend Mayor Ebersole's amendment (Amendment A) by inserting the words "No permit for a vendor selling flowers and plants shall be issued within 200 feet of an existing retail store in which flowers and plants are the primary product." Seconded by Council Member Baarsma.

Mayor Ebersole recessed the Council for one minute.

Mayor Ebersole stated that he would accept Council Member Kirby's amendment (Amendment C) as the amendment to Substitute Ordinance No. 25780, as amended, and withdrew Amendment A.

Roll call vote was taken on Amendment C to substitute Ordinance No. 25780, as amended, resulting as follows:

Ayes: 6 -- Baarsma, Evans, Kirby, McGavick, Silas, and Mayor Ebersole.

Nays: 2 -- Crowley and De Forrest.

Absent: 1 -- Miller.

The Substitute Ordinance No. 25780, as amended, was declared passed.

Council Member Crowley moved to amend Substitute Ordinance No. 25780, as amended, to change the proof of insurance that is required to a Certificate of Insurance. Seconded by Deputy Mayor Silas. Voice vote was taken and carried. The motion was declared adopted.

Roll call vote was taken on Substitute Ordinance No. 25780, as amended, resulting as follows:

Ayes: 7 -- Baarsma, Crowley, Evans, Kirby, McGavick, Silas, and Mayor Ebersole.

Nays: 0.

Absent: 1 -- Miller.

Abstaining: 1 -- De Forrest.

The Substitute Ordinance, as amended, was declared passed.

REPORTS BY CITY MANAGER:

City Manager Ray E. Corpuz, Jr. requested an Executive Session to consider pending litigation, not to exceed 10 minutes.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Council Member Crowley stated that he believes in allowing citizens the opportunity to speak to the City Council during Citizen's Forum and Public Hearings. However, he stated that he will not put up with a citizen that engages in argument with a staff member. Council Member Crowley referred to the Council Rules to support his belief.

Council Member De Forrest stated that on the Discovery Channel, the Justice Files program did a piece on Domestic Violence and the problem throughout the country. He stated that the City of Tacoma was mentioned as one of the areas that is trying to do something about the problem. Council Member De Forrest stated that the City of Tacoma is the only city, in the country, that has a mandatory three-month sentence.

Mayor Ebersole moved to convene to Executive Session to consider pending litigation, not to exceed ten minutes. Seconded by Council Member Kirby. Voice vote was taken and carried. The motion was declared adopted.

The Council convened at 10:50 p.m. and reconvened at 11:00 p.m.

On proper motion, the meeting was adjourned at 11:00 p.m.


BRIAN EBERSOLE, MAYOR

ATTEST: 
RICK ROSENBLADT, CITY CLERK