



City Council Minutes

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

December 10, 2002

The meeting was called to order at 5:20 p.m.

Council Members Present: 9 ~ Evans, Ladenburg, Lonergan, McGavick, Miller, Moss, Phelps, Talbert, and Mayor Baarsma.

The Flag Salute was led by Council Member Lonergan.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK

- a. Minutes of the Planning Commission, November 20, 2002.
- b. Minutes of the Tacoma Housing Authority, October 23, 2002.
- c. Citizens' petitions opposing the proposed intensity land use change at South 84th and South D streets.
- d. Citizens' petitions opposing the closure of Tacoma Fire Station No. 13.

CONSENT AGENDA

Approval of the minutes of the City Council study session of November 19, 2002.

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

ANNOUNCEMENTS

Mayor Baarsma announced the 2003 "Tacoma Reads Together" selection will be Ray Bradbury's classic Fahrenheit 451. He then called on Library Director Susan Odencrantz, who gave a brief overview of the book.

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Council Member Miller stated he accepted an award from the Center for Digital Government recognizing Tacoma for its information technology, web site, and the ability to conduct on-line business at the National League of Cities Conference in Salt Lake City, Utah, last week. He then presented it to the Mayor asking him to present it to the appropriate staff with his congratulations.

REGULAR AGENDA

FINAL READING OF ORDINANCES

Substitute Ordinance No. 27014

Amending Chapter 13.06 of the Municipal Code relating to zoning; adopting amendments to the comprehensive plan consisting of a new Introduction Chapter; the Capital Facilities Program 2003-2008; the Transportation Program; and the Generalized Land Use Plan; adding a new section to be known and designated as Section 13.06.110(44) reclassifying the property located in the vicinity of South 69th and Tyler Streets from an "R-3" Two-Family Dwelling District to an "R-2" One-Family Dwelling District.

Council Member Ladenburg moved to amend Exhibit A of Substitute Ordinance No. 27014 to add the Planning Commission recommendations No. 4, South 70th Street and Madison Street area, and No. 5, South 69th Street and Tyler Street area, and accompanying maps, which should be renumbered accordingly. Seconded by Deputy Mayor McGavick. Voice vote was taken and carried. The motion was declared adopted.

Roll call vote was taken, resulting as follows:

Ayes: 9 – Evans, Ladenburg, Lonergan, McGavick, Miller, Moss, Phelps, Talbert, and Mayor Baarsma

Nays: 0

The Substitute Ordinance, as amended, was declared passed.

Ordinance No. 27020

Amending Chapter 6.62, Section 6.62.030, of the Municipal Code relating to taxation of cabarets to re-establish the cabaret tax on businesses licensed to conduct Class B or Class C cabaret activity.

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Roll call vote was taken, resulting as follows:

Ayes: 9 – Evans, Ladenburg, Lonergan, McGavick, Miller, Moss, Phelps, Talbert, and Mayor Baarsma

Nays: 0

The Ordinance was declared passed.

Ordinance No. 27021

Amending Chapter 6.68, Section 6.68.050, of the Municipal Code relating to Business and Occupation taxation to discontinue the ramp-down of the service tax rate.

Roll call vote was taken, resulting as follows:

Ayes: 9 – Evans, Ladenburg, Lonergan, McGavick, Miller, Moss, Phelps, Talbert, and Mayor Baarsma

Nays: 0

The Ordinance was declared passed.

Mayor Baarsma stated, with Council’s indulgence, he would hold Ordinance Nos. 27022 and 27023 to the end of the First Reading of Ordinances.

Ordinance No. 27022

Amending Chapter 6.68, Section 6.80.050, of the Municipal Code relating to taxation and gambling and increasing the gambling tax on social card rooms.

Ordinance No. 27022 was considered later in the meeting.

Ordinance No. 27023

Adopting the 2003-2004 Biennial Budget; authorizing an emergency medical service transport base fee; and increasing the appropriation to the Tacoma Public Library.

Ordinance No. 27023 was considered later in the meeting.

Ordinance No. 27024

Amending Chapter 12.10 of the Municipal Code relating to water regulations and implementing a two-step water rate increase, effective January 1, 2003 through December 31, 2004.

Roll call vote was taken, resulting as follows:

Ayes: 9 – Evans, Ladenburg, Lonergan, McGavick, Miller, Moss, Phelps, Talbert, and Mayor Baarsma

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Nays: 0

The Ordinance was declared passed.

Ordinance No. 27025

Amending Chapter 12.01 of the Municipal Code relating to utility rates, clarifying and/or increasing certain utility account charges and establishing new administrative charges for the Residential Weatherization Loan Program.

Roll call vote was taken, resulting as follows:

Ayes: 9 – Evans, Ladenburg, Lonergan, McGavick, Miller, Moss, Phelps, Talbert, and Mayor Baarsma

Nays: 0

The Ordinance was declared passed.

Ordinance No. 27026

Amending Chapter 1.36 of the Municipal Code relating to administration and personnel, to include credit card, debit card, and Automated Clearing House transactions, in addition to bad checks, as items subject to the dishonored payment request collection charge and increasing said charge from \$10.00 to \$20.00, effective January 1, 2003.

Roll call vote was taken, resulting as follows:

Ayes: 9 – Evans, Ladenburg, Lonergan, McGavick, Miller, Moss, Phelps, Talbert, and Mayor Baarsma

Nays: 0

The Ordinance was declared passed.

Ordinance No. 27027

Amending Chapter 2.01 of the Municipal Code relating to buildings and the administrative process, to allow civil penalties, set forth in the Minimum Building and Structures Code, to be assessed as frequently as every work day, after the fifth prescribed penalty.

Roll call vote was taken, resulting as follows:

Ayes: 9 – Evans, Ladenburg, Lonergan, McGavick, Miller, Moss, Phelps, Talbert, and Mayor Baarsma

Nays: 0

The Ordinance was declared passed.

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Ordinance No. 27028

Amending Chapter 11.05 of the Municipal Code relating to the Model Traffic Ordinance and parking, to increase fines for parking infractions.

Council Member Lonergan moved to continue Ordinance No. 27028 to a date to be determined. Seconded by Deputy Mayor McGavick. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 27028 was continued to a date to be determined.

Deputy Mayor McGavick moved to recess for 15 minutes. Seconded by Council Member Moss. Voice vote was taken and carried. The motion was declared adopted. Council recessed at 5:36 p.m. and reconvened at 5:50 p.m.

Ordinance No. 27022

Amending Chapter 6.68, Section 6.80.050, of the Municipal Code relating to taxation and gambling and increasing the gambling tax on social card rooms.

Deputy Mayor McGavick moved to remove Ordinance No. 27022 from the Agenda. Seconded by Council Member Talbert.

Roll call vote was taken, resulting as follows:

Ayes: 7 – Evans, Ladenburg, McGavick, Miller, Moss, Phelps, and Talbert

Nays: 2 – Lonergan, Mayor Baarsma

Ordinance No. 27022 was removed from the Agenda.

Ordinance No. 27023

Adopting the 2003-2004 Biennial Budget; authorizing an emergency medical service transport base fee; and increasing the appropriation to the Tacoma Public Library.

Council Member Ladenburg moved to suspend the rules to consider Substitute Ordinance No. 27023. Seconded by Council Member Talbert.

Speaking before the Council were:

Name	Address/Affiliation
Louise Batchelor	Resident of North 46 th Street
Tom Stenger	708 South J Street
Phyllis Barrett	912 South Cushman Avenue
Allen Douglass	612 South 18 th Street, Apt. 5
Dan Hilger	Owner of Luciano's Casino
Jim Howatson	President, Police Management Association
Pat Frantz	President of Tacoma Police Union, Local 6
Darin Dressler	1857 North Skyline Drive
Blair Dougherty	Resident of Northeast Tacoma
Amy Heller	4446 South 49 th Street

Council Member Evans moved to amend Substitute Resolution No. 27023 to direct the City Manager to put any monies that have been offered this evening or any increase in tax revenue that will come to the City toward keeping all of the fire stations open. Seconded by Deputy Mayor McGavick.

Council Member Evans withdrew his motion.

Council Member Lonergan moved to amend Substitute Ordinance No. 27023 to direct the City Manager to explore and respond to any initiatives from City employees or labor organizations to reduce or contain expenditures in the 2003-2004 biennium. Seconded by Deputy Mayor McGavick. Voice vote was taken and carried. The motion was declared adopted.

Council Member Lonergan gave a personal check in the amount of \$700 to reimburse the budget for his cost-of-living adjustment for the coming year.

Roll call vote on the Substitute Resolution, as amended, was taken, resulting as follows:

Ayes: 9 – Evans, Ladenburg, Lonergan, McGavick, Miller, Moss, Phelps, Talbert, and Mayor Baarsma

Nays: 0

The Substitute Ordinance, as amended, was declared passed.

FIRST READING OF ORDINANCES

Ordinance No. 27029

Vacating the south 20 feet of 31st Street NE located at the southeast corner of the intersection of Norpoint Way NE and 31st Street NE at 2921 Norpoint Way for the construction of three duplex units. (Lancaster Associates, L.L.C.; File No. 124.1160)

Deputy Mayor McGavick moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner. Seconded by Council Member Miller. 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. 27030

Amending Chapter 13.06 of the Municipal Code to reclassify the property located at the southeast corner of the intersection of Norpoint Way NE and 31st Street NE at 2921 Norpoint Way, from an "R-2" One-Family Dwelling District to a "T" Transitional District for the construction of three duplex units. (Landmark Homes, Inc.; File No. REZ2002-00001)

Deputy Mayor McGavick moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner. Seconded by Council Member Miller. 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. 27031

Accepting \$3,500 from the Washington State Military Department; depositing in and appropriating said sum from the General Fund for researching, writing, and publishing a Terrorism Annex to the City's Comprehensive Emergency Management Plan; and amending the 2001-2002 Biennial Budget.

Speaking before the Council was:

<u>Name</u>	<u>Address/Affiliation</u>
Allen Douglass	612 South 18 th Street, Apt. 5

The Ordinance was set over for final reading next week.

Ordinance No. 27032

Accepting \$280,000 from the United States Department of Justice, Office of Justice Programs; depositing in and appropriating said sum from the Miscellaneous Grants Summary Fund for specialized equipment to enhance the Police and Fire Departments' capability to respond to potential incidents involving terrorism or weapons of mass destruction; and amending the 2001-2002 Biennial Budget.

The Ordinance was set over for final reading next week.

Ordinance No. 27033

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

Speaking before the Council was:

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

The Ordinance was set over for final reading next week.

Ordinance No. 27034

Amending the 2001-2002 Biennial Budget by appropriating funds for additional contract obligations, transfers, and other budget adjustments; authorizing the extension of interfund loans; creating a petty cash fund; and declaring an emergency making necessary the passage of this Ordinance.

Speaking before the Council were:

Name	Address/Affiliation
Phyllis Barrett	912 South Cushman
Allen Douglass	612 South 18 th Street, Apt. 5

The Ordinance was set over for final reading next week.

RESOLUTIONS

Resolution No. 35695 (Continued from the meeting of November 19, 2002)

Authorizing the execution of agreements with Davis Wright Tremaine LLP, in the amount of \$60,000, to provide legal services; Denver Investment Advisors LLC, in the amount of \$438,000, Deutsche Asset Management, in the amount of \$217,000, Lend Lease Rosen Real Estate Securities, in the amount of \$866,000, and TT International, in the amount of \$742,000, to provide investment services; Milliman USA, in the amount of \$182,500, to provide actuarial consultation services; The Northern Trust Company, in the amount of \$110,000, to provide custodial services for the period of January 1, 2003 through December 31, 2003; and Russell/Mellon Analytical Services, in the amount of \$42,000, to provide portfolio verification services for the period of January 1, 2003 through December 31, 2004.

Council Member Phelps moved to waive further reading of the Resolution. Seconded by Council Member Miller. Voice vote was taken and carried. The motion was declared adopted.

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

Purchase Resolution No. 35715

Awarding contracts to:

1. Western Peterbilt, Inc., in the amount of \$176,554.00, for two off-road terminal tractors – Specification No. G-040-02;
2. General Chemical Corporation, in the amount of \$150,000.00, to renew its contract for liquid aluminum sulfate for sewage treatment – Specification No. G-025-00;
3. American Building Maintenance Company-West, d.b.a. ABM Janitorial Services, in the amount of \$446,722.20, to renew its contract for janitorial services – Specification No. F-005-98; and
4. Randles Sand & Gravel, Inc., in the amount of \$112,000.00, to renew its contract for asphalt paving sand – Specification No. G-028-00.

Council Member Miller moved to waive further reading of the Resolution. Seconded by Deputy Mayor McGavick. Voice vote was taken and carried. The motion was declared adopted.

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

Resolution No. 35716

Authorizing the issuance of Regional Water Supply System Revenue Bonds 2002, in the amount of \$87,000,000, for capital improvements associated with the Regional Water Supply System.

Deputy Mayor McGavick moved to suspend the rules to consider Substitute Resolution No. 35716. Seconded by Council Member Miller. Voice vote was taken and carried. The motion was declared adopted.

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

Resolution No. 35717

Authorizing the execution of a purchase and sale agreement, in the amount of \$231,700, for the acquisition of a 1.29-acre parcel of land, located south of the southwest corner of North 37th and Pearl Streets, for use as a neighborhood community center.

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

Speaking before the Council were:

<u>Name</u>	<u>Address/Affiliation</u>
Ginny Eberhardt	Chair, West End Neighborhood Council
Louise Batchelor	Resident of North 46 th Street
Darin Dressler	1857 North Skyline Drive; Executive Board Member of the West End Neighborhood Council
Carol Sloman	Chair, North End Neighborhood Council

Council Member Lonergan moved to continue Resolution No. 35717 to a date to be determined. Seconded by Council Member Phelps.

Council Member Miller moved to continue Resolution No. 35717 to the meeting of December 17, 2002. Seconded by Deputy Mayor McGavick. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 35717 will be considered at the regular City Council meeting of December 17, 2002.

Resolution No. 35718

Authorizing the execution of a statutory warranty deed and two temporary construction easements to Burlington Northern Santa Fe Railway for certain property and property rights adjacent to the railroad at Eels Avenue, relative to the Commuter Rail Project, for a total amount of \$13,726.

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

Resolution No. 35719

Declaring surplus and authorizing the execution of a Release of Easement for two 20-foot sanitary sewer easements located at Narrows Glen, 8201 Sixth Avenue and at Laurel House, 802 Laurel Lane North.

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

Resolution No. 35720

Authorizing the execution of a 30-year lease with the Washington State Department of Natural Resources, in the annual amount of \$7,045.49, to govern the City's environmental maintenance and monitor work on the Olympic View Restoration Area site.

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

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Resolution No. 35721

Authorizing the execution of a Disposal Option Agreement with Simpson Tacoma Land Company (Simpson), in the amount of \$1,300,000, to set the terms and conditions for selecting and constructing a disposal option for contaminated sediments dredged during the Thea Foss and Wheeler-Osgood Waterway cleanup.

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

Speaking before the Council were:

Name	Address/Affiliation
Dave McEntee	Simpson Tacoma Land Company
Allen Douglass	612 South 18 th Street, Apt. 5

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

PUBLIC HEARINGS (Began at 9:37 p.m.)

This is the date set for a public hearing by the City Council regarding recommendations for programs funded through the United States Department of Justice Local Law Enforcement Block Grant funds.

Speaking before the Council were:

Name	Address/Affiliation
Jeanie Peterson	1230 South I Street; Hilltop Action Coalition
Allen Douglass	612 South 18 th Street, Apt. 5
Janis Martin	1215 South 12 th Street, Safe Homes Transition Program
Phyllis Barrett	912 South Cushman

The public hearing was declared closed at 10:04 p.m.

UNFINISHED BUSINESS

None.

REPORTS BY CITY MANAGER

None.


COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL

Council Member Phelps expressed his hope that the Council will be able to work out a solution regarding funding for the Hilltop Action Coalition. He congratulated Office of Management, Budget, and Analysis Director Diane Super and her staff for the great job they did preparing the budget.

Council Member Talbert asked the City Manager for a response concerning the closing of the Portland Avenue Community Center by Metro Parks, since he had agreed to increase funding to Metro Parks contingent on that center remaining open until a funding partner could be found.

On proper motion, the meeting was adjourned at 10:07 p.m.


WILLIAM H. BAARSMA, MAYOR

ATTEST: 
DORIS SORUM, CITY CLERK