

CITY COUNCIL MINUTES

City Council Chambers
August 27, 1996

The meeting was called to order at 5:15 p.m.

Present on roll call: 9 - Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Miller, Silas, and Mayor Ebersole.

The Flag Salute was led by Council Member Kirby.

CONSENT AGENDA

RESOLUTIONS

Resolution No. 33485

Setting Tuesday, September 10, 1996, at approximately 6:00 p.m. as the date for a public hearing by the City Council on the annexation of the Calvary Cemetery to the City of Tacoma and accepting a petition for annexation of said property.

Resolution No. 33486

Setting Tuesday, October 8, 1996, at 9:00 a.m., as the date for a hearing by the Hearing Examiner on the request to vacate South Puget Sound Avenue between South 15th and South 18th Streets. (Life Center; File No. 124.1039)

ASSESSMENT ROLL:

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

L.I.D. No. 7717 for the cost and expense of:

- Existing electrical primary, telephone and cable-TV systems to underground along:
- North 36th Street from approximately 100 feet west of Washington Street to Lawrence Street;
 - North 35th Street from the alley between Washington Street and Union Avenue to Puget Sound Avenue;
 - North 34th Street from Union Avenue to the alley between Washington Street and Union Avenue;
 - Washington Street from North 36th Street north approximately 100 feet;

- Puget Sound Avenue from the alley between North 36th and 37th Streets to North 34th Street;
- Warner Street from North 35th to the alley between North 36th and North 37th Streets;
- The alley between Washington Street and Union Avenue from North 36th Street to approximately 75 feet south of North 34th Street;
- The alley between Union Avenue and Puget Sound Avenue from approximately 300 feet north of North 36th Street to North 34th Street;
- The alley between North 36th Street and North 37th Street from Puget Sound Avenue to Warner Street;
- The alley between North 35th and 36th Streets from approximately Puget Sound Avenue to 100 feet west of Lawrence Street;
- The alley between North 34th and North 35th Streets from Puget Sound Avenue east approximately 50 feet.

Setting Monday, September 23, 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 August 27, 1996.
- b. Minutes of the meeting of the Environmental Commission, July 22, 1996.
- c. Minutes of the study session of June 26 and the meeting of July 3, 1996, of the Tacoma-Pierce County Board of Health.
- d. Minutes of the meeting of the LESA Executive Board, July 3, 1996.
- e. Minutes of the meeting of the Planning Commission, August 5, 1996.
- f. Minutes of the meeting of the Tacoma Area Task Force on Disabilities, July 25, 1996.
- g. Total service report of the Tacoma-Pierce County Humane Society, April 1996.
- h. Report of the Director of Finance, March 1996.

Council Member Evans moved that the Consent Agenda, including Resolution Nos. 33485 and 33486, be approved. Seconded by Deputy Mayor Silas. Voice vote was taken and carried. The Consent Agenda, including Resolution Nos. 33485 and 33486, was declared approved.

Mayor Ebersole presented a Certificate of Recognition to Mr. Tony Anderson and Mr. Joe Kosai for their involvement on the Tacoma-Pierce County High School Baseball Committee.

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REGULAR AGENDA

ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS

Mayor Ebersole presented a certificate and check to Mr. Jeffrey McVicker, Public Works Department, for his suggestion on cooling the Sewer Division building with protected water.

Council Member Miller wished Council Member Evans a happy birthday; Council Member Crowley wished his wife a happy 30th anniversary; and Council Member Evans wished Council Member Crowley a happy birthday.

Resolution No. 33487

Appointing individuals to the South End Neighborhood Center Advisory Committee, the Tacoma Public Utility Board, the Planning Commission, and the Tacoma Urban Network.

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

COMMUNICATIONS

- a. Hearing Examiner recommending approval of the proposed modification to a previously-approved reclassification of the property located at 7310 Hosmer Street for the removal of the reclassification restriction that limited the use of the "Floor Decorator" site to a retail home furnishing store or shop and the termination of the related Declaration of Land Use Restrictions. (Robert D. Paulson; File No. 120.0585)

Council Member Baarsma moved to concur in the Recommendations of the Hearing Examiner. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

- b. Hearing Examiner recommending approval of the proposed modification to a previously-approved reclassification of the property located along South J Street between South 15th and 16th Streets for removal and replacement of a diseased elm tree. (St. Joseph Medical Center; File No. 120.1395)

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Council Member Crowley moved to concur in the Recommendations of the Hearing Examiner. Seconded by Council Member McGavick. Voice vote was taken and carried. The motion was declared adopted.

Mayor Ebersole moved to convene to Executive Session to discuss potential litigation, for a period not to exceed 30 minutes. Seconded by Council Member Miller. Voice vote was taken and carried. The motion was declared adopted.

The Council convened to Executive Session at 5:40 p.m. and reconvened at 6:10 p.m.

PUBLIC HEARINGS AND APPEALS (BEGAN AT 6:10 P.M.)

- a. This is the date set for a public hearing by the City Council relative to the taxation of Internet access providers.

Speaking before the Council were:

<u>Name</u>	<u>Address/Affiliation</u>
Casey Cochrane	Tacoma-Pierce County Chamber of Commerce
Ralph Sims	10800 NE 8th St., Suite 802, Bellevue, WA 98004
Paul Gianatiasio	5433 154th Ave. NE, Redmond, WA
Kathy Wilcox	WA Software Digital Media
Robert Michnick	31849 Pacific Hwy. S., #172, Federal Way, WA 98003
Bill Richards	1406½ S. 8th St., Tacoma, WA
Daniel Harrison	4134 S. J St., Tacoma, WA
Tari Edwards	403 S. Garfield, #2, Tacoma, WA
Glenn Sawyer	2005 S. 331st St., Federal Way, WA
Vince Callaway	8304 19th Ave. Ct. E.
Terry Byington	825 5th Ave., #201, Kirkland, WA
Bruce Miller	P.O. Box 31124, Seattle, WA 98103
Ron Main	Executive Director, WA State Cable TV
Bob Dinse	702 NE 198th St., Shoreline, WA 98155
Joe Portman	2201 6th Ave., #1330, Seattle, WA 98121
Reuven Epstein	412 Mt. Kemble Ave., Morristown, NJ
Greg Pierce	2314 Columbia St. SW, Olympia, WA (AT&T)
Jonathan Kott	26544 99th Ave. SW, Vashon, WA
David Schattilly	P.O. Box 39045, Lakewood, WA
Jared Reimer	4317 8th NE, Seattle, WA
Mark Bickford	3602 S. Madison, Tacoma, WA
R. Vincent E. Egbert	7619 44th St. W., #1, Tacoma, WA
J. Travis Lauricella	7310 N. Skyview Pl., B-302, Tacoma, WA
Don Sowell	8318 Orchard St. SW, Lakewood, WA
Patrick J. Nugent	1133 19th St. NW, Washington, DC (MCI)
Michael Donn	P.O. Box 404, Lakebay, WA 98349
Bob Terrien	902 S. 7th St., #5, Tacoma, WA

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Ben Capoeman	8815 S. K St., Tacoma, WA
Lisa Wilkerson	300 E. Pike St., Seattle, WA
Denny Salatino	3008 S. Monroe St., Tacoma, WA
Shawn South	215 7th St. SE, E4, Puyallup, WA
Walt Waisanh III	4418 N. 29th St., Tacoma, WA
Larry Martin	5927 Ohio Avenue, Ft. Lewis, WA

The hearing was declared closed at 7:40 p.m.

Council Member Miller moved to suspend the rules to consider Ordinance No. 25948. Seconded by Council Member Crowley. Voice vote was taken and carried. The motion was declared adopted.

FIRST READING OF ORDINANCES

Ordinance No. 25948

Amending Chapter 6.66 of the Municipal Code by adding Section 6.66.045 to be known as "Internet Access Providers" and providing for suspension of taxation of Internet access provider activity.

Council Members McGavick and Evans requested their names be added as sponsors of Ordinance No. 25948.

The Ordinance was set over for final reading next week.

The Council recessed at 8:12 p.m. and reconvened at 8:20 p.m.

PUBLIC HEARINGS AND APPEALS (BEGAN AT 8:20 P.M.)

- b. This is the date set for a public hearing by the City Council relative to the number of allowable screens for existing and new movie theaters and proposed amendments to Chapter 13.06 of the Tacoma Municipal Code regarding mixed-use zoning districts.

Speaking before the Council were:

<u>Name</u>	<u>Address/Affiliation</u>
Bob Trotter	1320 Broadway Plaza, Tacoma, WA
King Cole	1114 Broadway Plaza, Tacoma, WA

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Ahnna Sethquist	4502 S. Steele, #415, Tacoma, WA
Bill Lynn	P.O. Box 1157, Tacoma, WA
Deanna Cleaveland	3716 N. 39th St., Tacoma, WA
Mark Wittington	1145 Broadway, Tacoma, WA
Kevin Phelps	President, Center City Council/Chamber of Commerce
Jim Bennett	6th Tacoma Avenue S., Tacoma, WA

The hearing was declared closed at 9:05 p.m.

Council Member Crowley moved to suspend the rules to consider Ordinance No. 25945. Seconded by Council Member Miller. Voice vote was taken and carried. The motion was declared adopted.

FIRST READING OF ORDINANCES

Ordinance No. 25945

Amending Chapter 13.06 of the Municipal Code relative to regulations for designation of mixed-use zoning districts and reaffirming, ratifying and readopting provisions pertaining to the number of allowable screens for movie theaters.

The Ordinance was set over for final reading next week.

FINAL READING OF ORDINANCES

Ordinance No. 25940

Amending Chapter 1.12 of the Municipal Code to delete and create classifications, establish rates of application, and implement rates of pay and compensation for represented and unrepresented employees.

Roll call vote was taken, resulting as follows:

Ayes: 9 – Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Miller, Silas, and Mayor Ebersole.

Nays: 0

The Ordinance was declared passed.

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Ordinance No. 25941

Amending Chapter 1.24 of the Municipal Code by amending Sections 1.24.620, 1.24.650, 1.24.660, 1.24.665, and 1.24.668, and repealing Section 1.24.670 to increase the number of eligibles to be considered from three to five, or the top ten percent of the list, and extend affirmative action consideration to promotional lists, and other revisions.

Roll call vote was taken, resulting as follows:

Ayes: 7 – Baarsma, Crowley, Evans, McGavick, Miller, Silas, and Mayor Ebersole.

Nays: 2 – De Forrest and Kirby.

The Ordinance was declared passed.

Council Member Kirby moved to suspend the rules to consider Amended Resolution No. 33484. Seconded by Council Member McGavick. Voice vote was taken and carried. The motion was declared adopted.

RESOLUTIONS

Amended Resolution No. 33484 (Continued from August 13, 1996.)

Providing policy guidance to the City Manager and the Director of Public Utilities regarding accountability for implementation of the City's Affirmative Action Plan.

Council Member Miller moved to suspend the rules to consider Substitute Resolution No. 33484. Seconded by Council Member McGavick. Voice vote was taken and carried. The motion was declared adopted.

Roll call vote was taken, resulting as follows:

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

Nays: 0

Absent: 1 – De Forrest.

The Substitute Resolution was declared adopted.

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FINAL READING OF ORDINANCES

Ordinance No. 25939

Approving and confirming the Assessment Roll for L.I.D. No. 8577 for the construction of permanent pavement with storm drainage on South 59th Street from Montgomery Street east 215 feet to the dead end.

Roll call vote was taken, resulting as follows:

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

Nays: 0

Absent: 3 – Crowley, De Forrest, and Silas.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES

Ordinance No. 25942

Vacating the westerly ten feet of White Street, north of North 30th Street, abutting 2603 North 30th Street, to allow construction of a carport or garage. (Wil and Joyce Hakala; File No. 124.1032)

Council Member Miller 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. 25943

Amending Title 6 of the Municipal Code by repealing and reenacting Chapter 6.39 to update provisions relative to public garages and parking lots.

The Ordinance was set over for final reading next week.

Ordinance No. 25944

Accepting, depositing and appropriating \$6,774 from the General Fund for costs relative to the Human Rights Housing Conference.

The Ordinance was set over for final reading next week.

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Ordinance No. 25946

Appropriating \$15,000 from the unreserved fund balance of the South End Neighborhood Trust Fund for South End Neighborhood Center activities; and declaring an emergency making necessary the passage of this ordinance.

The Ordinance was set over for final reading next week.

Ordinance No. 25947

Transferring \$56,744 from the Capital Improvements Summary Fund to the Tacoma Eastern Railroad Acquisition and Operating Fund; accepting \$1,346,279 from the Federal Emergency Management Agency and \$224,379 from the Washington State Military Department, Emergency Management Division; and appropriating \$1,627,402 from the Tacoma Eastern Railroad Acquisition and Operating Fund for the repair of storm damage to the Tacoma Eastern Railroad.

The Ordinance was set over for final reading next week.

RESOLUTIONS

Resolution No. 33456

Authorizing the execution of the Second Trust Amendment with the Metropolitan Park District to include the Harmon property in the Public Facility Development and Shoreline Lands Holding Trust Agreement.

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

Purchase Resolution No. 33488

Awarding contracts to:

1. Konica Business Machines in the amount of \$90,000 to increase and extend its contract for maintenance of Konica copiers - Washington State Contract No. 09292;
2. Brodsky's Uniforms and Equipment in the amount of \$40,000 to increase its contract for uniforms and equipment - OPO No. 3618;
3. Ceccanti, Inc., on its bid of \$548,196.90 for Waterview Street slide restoration - Specification No. G-238-96;
4. Lincoln Construction, Inc., on its bid of \$32,580.12 for the Tacoma Convention Center Gutter Modification and Wet Seal Glazing Project - Specification No. G-243-96;
5. Lincoln Construction, Inc., on its bid of \$96,229.36 for the Jones Building Window Re-paint Project - Specification No. G-244-96;
6. Stacy Plumbing Company, in the amount of \$25,000 to increase its contract for plumbing equipment, fixtures and supplies - OPO No. 3507;

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7. McPherson Supply Company in the amount of \$62,450 to increase its contract for a Type 1 Fire Department Ambulance - Specification No. G-058-94; and
8. Rejecting all bids for catch basin removal and curb ramp construction - Specification No. G-227-96.

Council Member Miller moved to waive further reading of the Purchase Resolution and that the Purchase Resolution, including waiving formal bidding procedures on Item Nos. 2 and 6, and rejecting the bid on Item No. 8, be adopted. Seconded by Deputy Mayor Silas. Voice vote was taken and carried. The Resolution was declared adopted.

Resolution No. 33489

Authorizing the execution of a Historic Preservation Special Valuation Covenant between the Tacoma Landmarks Preservation Commission and Leonard and Eloise Holden for the properties located at 802-804 South G Street and 708-710 South 8th Street.

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

Resolution No. 33490

Designating the Wilson/Ladenburg House located at 844 South State Street as a historic landmark and placing it on the Tacoma Register of Historic Places.

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

Resolution No. 33491

Authorizing the issuance of a Street Occupancy Permit to U.S. Oil and Refining Company for the continued maintenance and operation of those portions of the Buckeye Pipeline that are within the City's jurisdiction.

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

Resolution No. 33492

Submitting to the voters at the general election of November 5, 1996, amendments to the Initiative and Referendum Sections 2.18 through 2.25 of the City Charter under the following ballot title:

"Shall the Tacoma City Charter be amended to reduce the percentage of voters required to sign an initiative petition from 10 percent to 5 percent; to place a 180-day limit to collect signatures, from date

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of ballot title approval; to place a 75-word limit on the ballot title, and to require the City Attorney to formulate the ballot title in advance of signature gathering?"

Speaking before the Council were:

<u>Name</u>	<u>Address</u>
Wil Baker	809 S. I Street, Tacoma, WA
Jodi Dionne	640 N. Trafton, Tacoma, WA

Roll call vote was taken, resulting as follows:

Ayes: 2 – De Forrest and Kirby.

Nays: 6 – Baarsma, Evans, McGavick, Miller, Silas and Mayor Ebersole.

Absent: 1 – Crowley.

The Resolution was declared failed.

UNFINISHED BUSINESS

None.

REPORTS BY CITY MANAGER

None.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL

Council Member Kirby stated that he was looking forward to meeting with the new police chief.

Council Member Baarsma stated that on Monday he had the opportunity to attend the Environmental Commission meeting. He was very impressed by the work done by the Citizens for a Healthy Bay. He stated that Stephanie Lund, who is on staff there, brought with her two interns from Lincoln High School, Ben Sawyer and Sechia Shaw. These two students were involved in working with groups of citizens to mark the storm drains so that people would become aware of the fact that when they drain their oil and other toxins into the storm drains, it goes into Commencement Bay. Council Member Baarsma stated that the students presented a slide presentation to the Commission and that they will be recommended for a City of Destiny Award.

Council Member Evans reminded staff that he had asked for figures on the remodeling of the house on 21st and North Union for Faith Homes and noted that the remodeling

has cost \$97,000, \$20,000 of which is for a four-place parking lot and an extension on the alley. He questioned the amount of money spent and requested a detailed breakdown of costs. Council Member Evans also stated that the Chamber of Commerce met in Skamania County last week, where Dr. Mann from UPS, a respected economist, stated that he wanted to line the Thea Foss Waterway with 30-story high rises and said the project would be costly. Council Member Evans stated that he was not in agreement with this plan.

Council Member McGavick commented on the replica of the Nina, which is located on the Tacoma Waterfront. She stated that the replica is the one used in the movie "1492" and invited all citizens to participate in a historical experience by going down to see the replica.

Mayor Ebersole stated that he was pleased that Police Chief Arreola is coming to Tacoma.

On proper motion, the meeting was adjourned at 10:35 p.m.



BRIAN EBERSOLE, MAYOR

ATTEST: 

RICK ROSENBLADT, CITY CLERK

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