



# City Council Minutes

<http://www.cityoftacoma.org>

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

June 28, 2005

The meeting was called to order at 5:10 p.m.

Council Members Present: 9 – Anderson, Evans, Ladenburg, Lonergan, Manthou, Phelps, Stenger, Talbert, and Mayor Baarsma.

The Flag Salute was led by Council Member Anderson.

## ITEMS FILED IN THE OFFICE OF THE CITY CLERK

- a. Minutes of the Human Rights Commission, May 19, 2005.
- b. Minutes of the Economic Development Committee, May 17 and May 24, 2005.
- c. Minutes of the Environment and Public Works Committee, May 25, 2005.
- d. Minutes of the Neighborhoods and Housing Committee, June 6, 2005.
- e. Humane Society Animal and Service Delivery Reports, April 2005.

## CONSENT AGENDA

### RESOLUTIONS

#### **Resolution No. 36562**

Authorizing the execution of an Interlocal Agreement with the Tacoma Housing Authority to provide vehicle maintenance services to the Tacoma Housing Authority's vehicles.

Deputy Mayor Ladenburg moved that the Consent Agenda, including Resolution No. 36562, be approved. Seconded by Council Member Phelps. Voice vote was taken and carried. The Consent Agenda, including Resolution No. 36562, was declared approved.

**PROCLAMATIONS**

\*\*\*\*\*

Mayor Baarsma moved to suspend the rules to consider three proclamations. Seconded by Deputy Mayor Ladenburg. Voice vote was taken and carried. The motion was declared adopted.

\*\*\*\*\*

Mayor Baarsma proclaimed June 30 through July 5, 2005, as “Tacoma Tall Ships Days,” and presented the proclamation to Ms. Clare Petrich, Port of Tacoma, Commissioner, and Ms. Ruthie Reinert, Executive Director of the Tacoma Regional Convention & Visitor Bureau.

\*\*\*\*\*

Mayor Baarsma presented a proclamation to Council Member Phelps.  
 Council Member Talbert presented the City Seal to Council Member Phelps.  
 Council Member Anderson presented the “Three Domes of Tacoma” print to Council Member Phelps.

\*\*\*\*\*

Mayor Baarsma proclaimed June 30, 2005, as James L. Walton day and presented the proclamation to City Manager James L. Walton.

Council Member Lonergan presented the “Key to the City” to Mr. Walton.

Mayor Baarsma called on Ms. Marion Weed, Board Member of the Community Council, to present a plaque to Mr. Walton.

Mayor Baarsma presented Mr. Walton with a Magic Johnson plaque.

\*\*\*\*\*

**PUBLIC COMMENT**

This is the time set aside for public comment on items on the agenda. Speakers are asked to identify the specific agenda items they wish to address and comments will be limited to up to five minutes per person.

Public Comment began at 7:42 p.m.

Speaking before Council:

<b>Name</b>	<b>Address/Affiliation</b>	<b>Subject</b>
Harold Moss	Resident	Tacoma Dome
Stan Naccarotto	Stadium Way North	Tacoma Dome
Mike Dolan	Resident	Lease extension
Mike Miller	TPMA – Local 26	Resolution No. 36536
Mark Langford	TPMA – Local 26	Resolution No. 36536
Charles Creso	5501 Broadview Avenue NE	Ordinance No. 27379
Irene Fruzzetti	Spanaway	TACID

60

<b>Name</b>	<b>Address/Affiliation</b>	<b>Subject</b>
Alton McDonald	Resident	Resolution No. 36536
Dr. Eugene Wilgman	405 North Stadium Way	Police Accountability
Colleen Waterhouse	4417 South 12 <sup>th</sup> Street	Resolution No. 36536
Phyllis Barrett	912 South Cushman Avenue	Resolution No. 36562; Ordinance No. 27376
Maureen Loop	1418 Ferdinand Drive South	
Bobby White	1215 Martin Luther King Jr. Way	Economic Development
Dana Morrison	939 Ainsworth Avenue South	Upper Tacoma Business District
Reverend Bob Penton	1937 South G Street	Browne's property
Allen Douglass	University Place resident	Resolution No. 36536; Ordinance Nos. 27376 and 27379
Abdullah Al	Resident	Browne's Star and Grill
Timothy Smith	Resident	Resolution No. 36536
Dan Small	6501 South 19 <sup>th</sup> Street	Resolution Nos. 36567 and 36568
Janis Gall-Martin	Resident	
Larry Louture	1457 Union Avenue South	Resolution Nos. 36564 and 36565
Heather Lewis-Lechner	2410 North Stevens Street	Resolution No. 36536
John Webb	Tacoma	Ordinance No. 27379
Eric Alozie	1745 M Street	Ordinance No. 27379
Teri Wood	4527 East B Street	Resolution No. 36536
Tom Hilyard	4912 Scenic View Lane	Resolution No. 36536
Chuck Johnson	Resident	Resolution No. 36536
Marty Hilyard	Resident	Ordinance No. 27379
Sally Perkins	Resident	Ordinance No. 27379
Steve Apling	1401 South 14 <sup>th</sup> Street	Ordinance No. 27379
Mike Clark	Resident	Ordinance No. 27379

Public Comment closed at 9:30 p.m.

## **REGULAR AGENDA**

### **FINAL READING OF ORDINANCES**

#### **Ordinance No. 27364**

Amending Chapter 13.06 of the Municipal Code to reclassify the property located at the northwest corner of South 9<sup>th</sup> and J Streets from an "RCX" Residential Commercial Mixed-Use District to an "NCX" Neighborhood Commercial Mixed-Use District to remodel an existing 2,900-square-foot commercial building and adding a 900-square-foot second floor to be used as a professional office building and adding six off-street parking stalls. (Robert Denomy, d.b.a. Flying A, LLC; File No. 40000044503)

61

Roll call vote was taken, resulting as follows:

Ayes: 8 – Anderson, Evans, Ladenburg, Lonergan, Manthou, Stenger, Talbert, and Mayor Baarsma.

Nays: 0

Absent: 1 – Phelps.

The Ordinance was declared passed.

**Ordinance No. 27374**

Accepting equipment valued at \$39,000 and a cash donation, in the amount of \$43,539 from the Silver Cloud Hotel; and depositing said donation into the Public Works Streets Special Revenue Arterial Street Fund to construct wayside railroad crossing horns in the vicinity of McCarver Street and Ruston Way.

Ayes: 7 – Anderson, Evans, Ladenburg, Lonergan, Manthou, Stenger, and Mayor Baarsma.

Nays: 0

Absent: 2 – Phelps and Talbert.

The Ordinance was declared passed.

**Ordinance No. 27375**

Amending Chapter 13.06 of the Municipal Code, relating to the height limit in the CCX-Community Commercial Mixed-Use District, to increase the height limit to 60 feet for buildings that do not incorporate at least 25 percent residential use.

Roll call vote was taken, resulting as follows:

Ayes: 8 – Anderson, Evans, Ladenburg, Lonergan, Manthou, Stenger, Talbert, and Mayor Baarsma.

Nays: 0

Absent: 1 – Phelps.

The Ordinance was declared passed.

62

**FIRST READING OF ORDINANCES**

**Ordinance No. 27376**

Providing for the submission to the voters of the City at a special election to be held on Tuesday, September 20, 2005, a proposition authorizing the issuance of general obligation bonds in a total principal amount not to exceed \$45,000,000, for the purpose of providing improvements to the Tacoma Dome, to read as follows:

PROPOSITION NO. 1  
TACOMA DOME RENOVATION AND IMPROVEMENT

The Tacoma City Council passed Ordinance No. 27376 concerning a proposition relating to the Tacoma Dome.

If approved, this ballot proposition would allow the City to renovate and improve the Tacoma Dome, issue up to \$45,000,000 of general obligation bonds maturing within 25 years to finance such renovations and improvements, and levy annual excess property taxes to pay and retire the bonds, all as provided in Ordinance No. 27376. Should this proposition be:

APPROVED . . . . .

REJECTED. . . . .

The Ordinance was set over for final reading on July 12, 2005.

**Ordinance No. 27377**

Amending the Video Voters' Pamphlet Administrative Rules and Regulations for the primary, general, and special elections.

The Ordinance was set over for final reading on July 12, 2005.

**Ordinance No. 27378**

Amending Title 13 of the Municipal Code, by repealing Chapter 13.14 in its entirety, to sunset the Environmental Commission.

The Ordinance was set over for final reading on July 12, 2005.

63

**Ordinance No. 27379**

Designating the Hilltop Renaissance Project as a special project of limited duration; designating the geographic boundaries of the project area; authorizing the execution of purchase and sale agreements for properties located at 1110 through 1124 Martin Luther King Jr. Way for the project; authorizing and appropriating up to \$1,600,000 of Urban Development Action Grant repayment funds as needed to fund the acquisition of property for the project; and declaring an emergency, making necessary the passage of this Ordinance and its taking effect immediately upon publication.

Deputy Mayor Ladenburg moved to consider Substitute Ordinance No. 27379. Seconded by Council Member Talbert. Voice vote was taken and carried. The motion was declared adopted.

Council Member Lonergan moved to amend Substitute Ordinance No. 27379 as follows:

Amending page 4, lines 11 and 12 to read “purchase the 1114 Martin Luther King Jr. Way property for the Hilltop Project for the amount of \$540,000...” ; amending page 6, striking Sections 7 and 9 (referencing two of the three properties); and further amending Section 10 to read “that there is hereby appropriated from the UDAG Trust Fund the amount of \$600,000 or so much thereof as may be necessary,” reducing the amount from \$1.6 million; correcting the title to purchase only 1114 Martin Luther King Jr., Way; and appropriating up to \$600,000. Seconded by Council Member Talbert.

Speaking before Council:

<u>Name</u>	<u>Address/Affiliation</u>
Janis Gall-Martin	Resident
Sally Perkins	Resident
Allen Douglass	University Place resident
Dana Morrison	939 Ainsworth Avenue South
Dr. Antwon Johnson	Private Developer
Darrin Dressler	1815 Skyline Drive
Steve Apling	1401 South 14 <sup>th</sup> Street
Tyrone Fergeson	Browne’s Star and Grill Owner
Tom Forrick	1206 11 <sup>th</sup> Street
Larry Cutcher	Resident
Alton McDonald	Resident

Roll call vote on the motion to amend the Substitute was requested and taken, resulting as follows:

Ayes: 5 – Ladenburg, Lonergan, Stenger, Talbert, and Mayor Baarsma.  
(Mayor changed his vote from Nay to Aye)

Nays: 3 – Anderson, Evans, and Manthou.

Absent: 1 – Phelps.

64

The motion declared failed.

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

Ayes: 6 – Ladenburg, Lonergan, Manthou, Stenger, Talbert, and Mayor Baarsma.

Nays: 2 – Anderson and Evans.

Absent: 1 – Phelps.

The Substitute Ordinance was declared passed.

## RESOLUTIONS

### **Resolution No. 36494** (Continued from the meeting of May 10, 2005)

Authorizing the execution of a collective bargaining agreement negotiated with the Tacoma Firefighters Union, Local 31, which covers 388 employees, effective January 1, 2004, through December 31, 2005.

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

### **Resolution No. 36536** (Continued from the meeting of June 21, 2005)

Establishing a citizen police oversight committee as proposed by the Human Rights Commission; and directing the City Manager to begin the implementation process as soon as practicable.

Deputy Mayor Ladenburg moved that the Resolution be adopted. Seconded by Council Member Talbert.

Mayor Baarsma moved to amend line 21, after the word “proposal,” to insert “hereby direct the City Councils Public Safety Committee to review and incorporate where appropriate the best practice recommendations offered by City Attorney Tom Orr,” also, on line 1 on page 2, after the words “department and,” to insert the words, “upon completion after review of the Public Safety Committee the City Manager is hereby directed to begin the implementation process as soon as practicable.” Seconded by Deputy Mayor Ladenburg

Mayor Baarsma withdrew his motion.

Roll call vote was requested and taken, resulting as follows:

Ayes: 6 – Anderson, Evans, Ladenburg, Stenger, Talbert, and Mayor Baarsma.

Nays: 2 – Lonergan and Manthou.

Absent: 1 – Phelps.

The Resolution was declared adopted.

65

**Purchase Resolution No. 36563**

Awarding contracts to:

1. Olson Brothers Excavating, Inc., on its bid of \$3,391,977.48, including sales tax, for the South Tacoma Sanitary Trunk Line Replacement Project, Phase IV effective July 2005 through February 2006 – Specification No. PW05-0025F;
2. Northwest Cascade Inc., on its bid of \$2,881,430.29, including sales tax, for the South Tyler Street Arterial Street Improvement – Specification No. PW04-0001F;
3. Gerling & Associates, Inc., on its bid of \$200,140.00, plus sales tax, for a 2005 television production truck with options – Specification No. GF05-0183F;
4. Washington Rock Quarries, on its bid of \$242,000.00, plus sales tax, and Holroyd Company, on its bid of \$160,000.00, plus sales tax, for crushed aggregate for the period of July 1, 2005, through April 30, 2006 – Specification No. CT05-0363F;
5. The News Tribune, in the amount of \$550,000.00, sales tax not applicable, for advertisements and legal notices, for the period of April 1, 2005, through March 31, 2006 – Sole Source; and
6. Coast Rail, Inc., in the amount of \$80,000 to increase its contract for a cumulative total of \$658,650, plus sales tax, for unanticipated work relating to the construction of a railway siding network in Frederickson located near the intersection of 192<sup>nd</sup> Street and 38<sup>th</sup> Avenue East – Specification No. PW04-0880F.

\*\*\*\*\*

Deputy Mayor Ladenburg moved to waive further reading of the Purchase Resolution based on information provided. Seconded by Council Member Talbert. Voice vote was taken and carried. The motion was declared adopted.

\*\*\*\*\*

Deputy Mayor Ladenburg moved that the Purchase Resolution, including waiving formal bidding procedures on Item No. 5, be adopted. Seconded by Council Member Talbert.

Voice vote was taken and carried on the Purchase Resolution. The Purchase Resolution, including waiving formal bidding procedures on Item No. 5, was declared adopted.

66



**Resolution No. 36564**

Authorizing the execution of the Pantages Theatre Design and Construction Agreement with the Broadway Center for the Performing Arts, in the amount of \$300,000, and allowing said sum to be used for the renovation project, instead of the previously approved stage improvements at the Pantages Theater.

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

**Resolution No. 36565**

Authorizing the execution of an amendment to the professional services agreement with Korth Sunseri Hagey Architects, in the amount of \$250,000, for a cumulative total of \$460,000, for Phase II of the design services for the improvements to the lobby and other areas of the Pantages Theater.

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

**Resolution No. 36566**

Accepting \$3,750,000 of United States Department of Transportation Federal Section 117 funds through the State of Washington; and authorizing the execution of two grant agreements with the State of Washington for the Train to the Mountain Project.

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

**Resolution No. 36567**

Authorizing the execution of a lease with Tacoma Community College, for a half acre of property located at 6316 South 12th Street occupied by the Tacoma Learning Community building, through April 15, 2019.

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

**Resolution No. 36568**

Authorizing the execution of a lease with Tacoma Community College for two acres of property located at 6315 South 19th Street and occupied by the Tacoma Area Coalition of Individuals with Disabilities building, through April 15, 2019.

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

**Resolution No. 36569**

Authorizing the execution of Amendment No. 4 to the agreement for legal services with Gordon, Thomas, Honeywell, Malanca, Peterson and Daheim, in the amount of \$520,000, for a cumulative total of \$1,320,000, for ongoing litigation over insurance coverage for the Commencement Bay cleanup costs.

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

**Resolution No. 36570**

Adopting the Six-Year Comprehensive Transportation Program for the years 2006-2011 and Amended 2005 Transportation Program.

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

**Resolution No. 36571**

Authorizing the execution of an agreement with IBM Business Consulting Services of Seattle, Washington, in the amount of \$227,010, to conduct a performance audit of the SAP systems and the Business Information Systems Department.

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

**Resolution No. 36572**

Ratifying the agreement with the William M. Factory Small Business Incubator, in the amount of \$153,000, to administer the William M. Factory Small Business Incubator Program in accordance with the 2004-2005 Tacoma-Lakewood Consolidated Plan for Housing and Community Development..

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

**Resolution No. 36573**

Designating Puerto Vallarta, Jalisco, Mexico, as a Friendship City; and authorizing the execution of a Friendship Agreement with Puerto Vallarta, Jalisco, Mexico, to develop cooperation and friendship relations.

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

**UNFINISHED BUSINESS**

None.

68

**REPORTS BY CITY MANAGER**

City Manager James Walton gave thanks and appreciation to Ms. Caren Owens for her internship in the City Manager's office. Ms. Owens will return to her position as an Administrative Assistant, Human Resources Department, on June 30<sup>th</sup> and Mr. Matt Fengler, from the Public Works Department, Streets and Grounds will begin his internship on July 1st.

**COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL**

Mayor Baarsma reminded everyone that the City Council study session and meeting for Tuesday, July 4, 2005, have been canceled.

Council Member Manthou had questions regarding the appointment process of the vacated City Council Position No. 2.

Mayor Baarsma explained the process.

Council Member Anderson recently attended the Association of Washington Cities (AWC) Conference where the City of Tacoma was presented with the Municipal Achievement Award in recognition of the effort done on the Thea Foss Waterway Revitalization Project. She also stated that at this conference Deputy Mayor Ladenburg volunteered to chair an inter-jurisdictional task force regarding the fair share issues. She stated the AWC amended their legislative policy at this conference and added items to their legislative agenda, including State agencies to provide information and seek public input before citing facilities.

Council Member Evans mentioned the upcoming Tall Ships event.

Council Member Lonergan thanked Ms. Owens for her service in the City Manager's office.

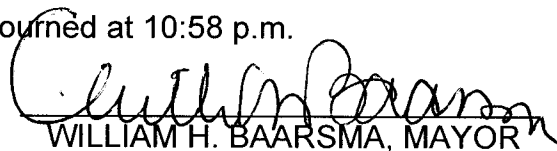
Deputy Mayor Ladenburg reminded everyone that the City Council study session and meeting for Tuesday, July 4, 2005, had been canceled


\*\*\*\*\*

Deputy Mayor Ladenburg moved to authorize the City's full and final settlement of all claims against the City in the case of Karen James v. City of Tacoma, Pierce County Superior Court, Cause No. 04-2-09758-0, upon payment by the City in the amount of \$135,000. Seconded by Mayor Baarsma. Voice vote was taken and carried. The motion was declared adopted.

\*\*\*\*\*

On proper motion, the meeting was adjourned at 10:58 p.m.

  
WILLIAM H. BAARSMA, MAYOR

ATTEST:   
DORIS SORUM, CITY CLERK

69