

# CITY COUNCIL MINUTES

City Council Chambers  
June 4, 1996

The meeting was called to order at 5:14 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 Miller

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## CONSENT AGENDA

Approval of the minutes of the Tacoma City Council meeting of May 14, 1996.

### ORDINANCES

#### **Ordinance No. 25914**

Accepting the donation of a sculpture entitled "Ben B. Cheney" by artist Paul Michaels from the Ben B. Cheney Foundation into the City's Public Art Collection.

### RESOLUTIONS

#### **Resolution No. 33396**

Setting Monday, June 24, 1996, at 5:00 p.m., as the date for a hearing by the Hearing Examiner on L.I.D. No. 6974 for the installation of street lighting along Ferdinand Street from South 56th to South 62nd Streets and along South 58th Street from Ferdinand Street west approximately 120 feet to the dead end.

### ITEMS FILED IN THE OFFICE OF THE CITY CLERK

- a. Hearing Examiner agenda for June 4, 1996.
- b. Minutes of the meeting of the Public Utility Board, May 8, 1996.
- c. Monthly Financial Reports for Light Division, Water Division, Belt Line Division, Conservation Project Fund, Data Processing Fund, Fleet Services Fund, Geographic Information System Fund and Self-Insurance Claim Fund, April 1996.

Council Member Miller moved to suspend the rules to consider Substitute Ordinance No. 25914. Seconded by Deputy Mayor Silas. Voice vote was taken and carried. The motion was declared adopted.

Council Member Miller moved that the Consent Agenda, including Resolution No. 33396 and setting Substitute Ordinance No. 25914 over for final reading next week, be approved. Seconded by Deputy Mayor Silas. Voice vote was taken and carried. The Consent Agenda, including Resolution No 33396 and setting Substitute Ordinance No. 25914 over for final reading next week, was declared approved.

**PROCLAMATION**

Mayor Ebersole proclaimed the day of June 16, 1996, as "Corel Great Race Day" and presented a proclamation to Ms. Nancy Watkins, Executive Director of the Visitor and Convention Bureau.

Council Member Baarsma presented a slide show featuring the Pine Street Development in Long Beach, California, and the Promenade in Santa Monica, California.

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**REGULAR AGENDA**

**FINAL READING OF ORDINANCES**

Mayor Ebersole moved to suspend the rules to defer consideration of Ordinance No. 25893 pending receipt of additional paperwork and continue with the agenda. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

**Ordinance No. 25910**

Accepting donations of \$1,000 from Viacom Cable and \$1,000 from TAPCO Credit Union; and depositing in and appropriating \$2,000 from the General Fund for the video productions of the 1996 Daffodil Coronation and the 1996 Junior Daffodil Parade.

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.

2

**Ordinance No. 25913**

Amending Chapter 3.09 of the Municipal Code by amending Section 3.09.040 relative to services and fees charged by the Fire Department.

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.

**Ordinance No. 25915**

Providing for the formation of L.I.D. No. 8596 for the placement of permanent pavement on the alley between J and K Streets from South 35th to South 36th Streets.

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.

Council Member Miller moved to suspend the rules to consider Ordinance No. 25893. Seconded by Council Member Crowley. Voice vote was taken and carried. The motion was declared adopted.

**Ordinance No. 25893** (Continued from the meeting of May 21, 1996.)

Amending Chapters 10.14, 11.05, 13.04 and 13.06 of the Municipal Code relative to zoning and transit-supportive land use and development.

Council Member Crowley moved to suspend the rules to consider Substitute Ordinance No. 25893. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

Council Member Evans moved to amend Substitute Ordinance No. 25893 by removing Subsections L.6.a and b. of Section 13.06.552 which refer to allowing billboards in the Community Mixed-Use Centers and replacing them with:

13.06.552.L.6 Billboards -X Districts. Billboard signs, as defined in Section 13.06.55.C.5, shall be prohibited.

Council Member Crowley moved to amend Council Member Evans amendment by removing the period after the word "prohibited" and inserting the words "except in the CIX zone." Seconded by Council Member De Forrest.

Council Member De Forrest moved to suspend the rules to allow public testimony on the amendments. Seconded by Council Member Kirby. Voice vote was taken and carried. The motion was declared adopted.

Speaking before the Council on Council Member Crowley's amendment were:

<b>Name</b>	<b>Affiliation/Address</b>
Paul Cyr	Land Use Consultant, Sun Media
Ann Snitzer	Sun Media

Roll call vote was taken on Council Member Crowley's motion to amend Substitute Ordinance No. 25893, resulting as follows:

Ayes: 4 – Crowley, De Forrest, McGavick, and Miller.

Nays: 5 – Baarsma, Evans, Kirby, Silas, and Mayor Ebersole.

The motion was declared failed.

Speaking before the Council on Council Member Evans' amendment were:

<b>Name</b>	<b>Affiliation/Address</b>
Anita Preston	Resident
Gary Davis	Developer
Robert Evans	Resident

Roll call vote was taken on Council Member Evans' motion to amend Substitute Ordinance No. 25893, resulting as follows:

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

Nays: 3 – Crowley, De Forrest, and McGavick.

The motion was declared passed.

Council Member De Forrest moved to amend Substitute Ordinance No. 25893 with the amendment submitted by Council Member De Forrest as written and before the City Council. Seconded by Council Member Kirby. Voice vote was taken and carried.

Mayor Ebersole moved to amend Substitute Ordinance No. 25893 with Amendment A as written and before the City Council. Seconded by Council Member Evans.

4

Council Member De Forrest moved for a five-minute recess. Seconded by Mayor Ebersole. Voice vote was taken and carried. The motion was declared adopted.

The Council recessed at 7:03 p.m. and reconvened at 7:10 p.m.

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CITIZENS' FORUM (Began At Approximately 7:11 p.m.)

Speaking before the Council were:

<u>Name</u>	<u>Topic</u>
Robert A. Evans	Abatement of Property
Martin Sutherland	Neighborhood Development
Ray Calvindo	Fence and Trees at Hanks Tavern

Citizens' Forum ended at approximately 7:35 p.m.

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The City Council returned to consideration of Substitute Ordinance No. 25893.

Voice vote was taken and carried on the motion to amend Substitute Ordinance No. 25893 with Amendment A as written and before the City Council. The motion was declared adopted.

Council Member Miller moved to amend Substitute Ordinance No. 25893 with Amendment B as written and before the City Council. Seconded by Council Member Evans.

Speaking before the Council was:

<u>Name</u>	<u>Affiliation/Address</u>
William Lynn	DeBartolo Corporation

Voice vote was taken and carried on the motion to amend Substitute Ordinance No. 25893 with Amendment B as written and before the City Council, with Council Members Evans and Baarsma voting in opposition. The motion was declared adopted.

Council Member Baarsma moved to amend Substitute Ordinance No. 25893 with Amendment C as written and before the Council. Seconded by Deputy Mayor Silas. Voice vote was taken and carried. The motion was declared adopted.

Council Member Miller moved to amend Substitute Ordinance No. 25893 with Amendment D as written and before the Council. Seconded by Deputy Mayor Silas. Council Member Crowley moved a friendly amendment to change the number of square feet to 140,000. Seconded by Council Member Baarsma. Council Member Miller accepted the friendly amendment.

Speaking before the Council was:

<b>Name</b>	<b>Affiliation/Address</b>
William Lynn	DeBartolo Corporation

Roll call vote was taken on the motion to amend Substitute Ordinance No. 25893 with Amendment D as amended, resulting as follows:

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

Nays: 1 – De Forrest.

The motion was declared adopted.

Speaking before the Council were:

<b>Name</b>	<b>Affiliation/Address</b>
Ted Johnson	JSJ James Center Limited Partners
William Lynn	DeBartolo Corporation
John Finke	National Development Council

Council Member De Forrest moved to remove Council Member Crowley's amendment to Substitute Ordinance No. 25893 which concerns the theaters in the downtown area, and to refer the language, concerning theaters in the downtown area, back to the Planning Commission. Seconded by Council Member Kirby.

Roll call vote was taken on Council Member De Forrest's motion to remove Council Member Crowley's amendment to Substitute Ordinance No. 25893, resulting as follows:

Ayes: 2 – De Forrest and Kirby,

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

The motion was declared failed.

Roll call vote was taken on Substitute Ordinance No. 25893 as amended, resulting as follows:

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

Nays: 1 – Kirby.

Abstaining: 1 – De Forrest.

The Ordinance was declared passed.

Mayor Ebersole moved that the City Council direct the Planning Commission to prepare, for the Council's consideration, an ordinance amending our billboard regulations to establish an amortization process over time that will reduce the presence of billboards in the City and the ordinance should include provisions to fund such an effort if necessary and that the City Manager present to the Council a plan to work to prevent additional billboards on Indian Trust property in the City. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

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FIRST READING OF ORDINANCES

**Ordinance No. 25916**

Amending Chapter 8.12 of the Municipal Code by repealing Section 8.12.100 relative to indecent liberties and the penalties thereof to be consistent with Washington State law.

Council Member McGavick moved to remove Ordinance No. 25916 from the agenda, per the request of staff. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 25916 was removed from the agenda.

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RESOLUTIONS

**Resolution No. 33397**

Authorizing the submittal of an Airport Aid Grant application to the Washington State Department of Transportation, Division of Aviation in the amount of \$8,000 for maintenance to runways and taxiways at the Tacoma Narrows Airport.

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.

**Resolution No. 33398**

Amending the Rules of Procedure of the Council of the City of Tacoma to prevent the use of the City Council meetings for speakers promoting or opposing a ballot proposition.

Council Member Miller moved that the Resolution be adopted. Seconded by Council Member Evans.

Speaking before the Council was:

<u>Name</u>	<u>Affiliation/Address</u>
Will Baker	809 South I Street

The Resolution was set over for second reading on June 11, 1996.

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UNFINISHED BUSINESS

None.

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REPORTS BY CITY MANAGER

City Manager Ray E. Corpuz Jr. announced that, as part of the new local law block grant and appropriation, the City will be receiving an amount of \$752,750 this year for the first step in the block grant for public safety. He stated that the money is coming through the Bureau of Justice and will be available by September 30, 1996.

Mr. Corpuz stated that a number of issues had been raised at the May 28, 1996, study session regarding General Fund allocations to human services or to community services. Mr. Corpuz handed out a memorandum to the City Council, indicating that an attempt had been made to capture the sense of the principles suggested by the City Council at that study session.

Mr. Corpuz requested an Executive Session, not to extend beyond 10:00 p.m., to consider pending litigation and the acquisition of real estate.

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COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL

Council Member Kirby stated that he will be sponsoring an Ordinance amending a previous Ordinance regarding the having and keeping of reptiles. He stated that the amendment will allow lizards and small reptiles for pets in the City of Tacoma. He requested that the Ordinance be brought before the Council for the June 11, 1996, City Council meeting.

Council Member Evans remembered a time when he sponsored an Ordinance regarding Vietnamese pet pigs and the discussion that the City Council had regarding pet pigs. He indicated that he was looking forward to the discussion next week on



lizards and small reptiles and suggested a possible combination of Vietnamese pet pigs with lizards and small reptiles.

Council Member De Forrest thanked Mr. Bill Pugh, Public Works Director, for the excellent job regarding the clean up of graffiti in the rest room at McKinley Park and in the street.

Council Member Crowley thanked Juli Wilkerson, Planning and Development Services Director, Martha Anderson, Economic Development Division Manager, and Donna Stenger, Urban Planner III, for their hard work this last week.

Mayor Ebersole stated that a local institution, the restaurant operated by Arts Commissioner Red Kelly, has fallen on rough times. Mayor Ebersole encouraged citizens to support this restaurant, located across from the Tacoma Public Library, and enjoy the very best jazz in the Northwest.

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Mayor Ebersole moved to convene to Executive Session, not to exceed 45 minutes, to discuss pending litigation and the acquisition of real property. Seconded by Council Member Miller.

The Council convened to Executive Session at 9:10 p.m.

The Council reconvened at 10:01 p.m.

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Council Member Miller moved that the legal department be authorized to accept the plaintiff's settlement demand of \$223,011.19 in the pending matter of Kienast vs. Tacoma Police Department & D. Hensley. Seconded by Council Member De Forrest. Voice vote was taken and carried. The motion was declared adopted.

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On proper motion, the meeting was adjourned at 10:03 p.m.

  
BRIAN EBERSOLE, MAYOR

ATTEST:   
RICK ROSENBLADT, CITY CLERK