

CITY COUNCIL MINUTES

City Council Chambers
March 26, 1996

The meeting was called to order at 5:10 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 Deputy Mayor Silas .

CONSENT AGENDA

Approval of the minutes of the Tacoma City Council meeting of February 27, 1996.

ORDINANCES:

Ordinance No. 25877

Accepting a donation from DeBartolo Properties Management, Inc., and the Tacoma Mall of computer electronic components necessary for the operation of the Police Department's computer system for use at the temporary operations facility at 3737 South Puget Sound Avenue.

RESOLUTIONS:

Resolution No. 33334

Setting Tuesday, April 16, 1996, at approximately 6:00 p.m., as the date for a public hearing by the City Council on the proposed amendments to the Municipal Code to establish transit-supportive land use, transportation and development standards in mixed-use centers and transit corridors, and to rezone 15 mixed-use centers to the proposed zoning classifications.

Resolution No. 33335

Approving the final plat for STEEL'S SECOND ADDITION, located in the vicinity of North 23rd and North Villard Streets, for development of a 10-lot subdivision. (North Bay Development Corporation; File No. PLT96-00002)

ASSESSMENT ROLLS:

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

L.I.D. No. 8573 for the placement of permanent pavement on South Bell Street from South 46th to South 48th Streets.

L.I.D. No. 8574 for the placement of permanent pavement with storm drainage on the alley between North 26th and North 27th Streets from North Starr Street east 470 feet.

L.I.D. No. 8575 for the placement of permanent pavement with storm drainage on North 28th Street from North Carr to North Steele Streets.

L.I.D. No. 8570 for the placement of permanent pavement on North Visscher Street from North 42nd Street north 300 feet to the existing pavement.

Setting Monday, April 22, 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 the joint hearing with Pierce County on March 26, 1996.
- b. Minutes of the public hearing and meeting of the Planning Commission, January 31, and February 5, 1996.
- c. Minutes of the meeting of the Fuzhou Sister City Committee, February 21, 1996.
- d. Minutes of the meetings of the Tacoma Employes' Retirement Board, January 25, February 24, March 23, June 29, June 30, July 27, October 26, November 16, and November 30, 1995.
- e. Minutes of the meeting and study session of the Public Utility Board, February 28, 1996.
- f. Minutes of the joint study session of the Port of Tacoma Commissioners and the Public Utility Board, January 31, 1996.
- g. Annual 1995 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.

Council Member Miller moved to amend the time of the hearing by the Hearing Examiner on L.I.D. 8574 from 5:00 p.m. to 1:30 p.m. on Monday, April 22, 1996. Seconded by Council Member Crowley. A voice vote was taken and carried. The motion was declared adopted.

Council Member Miller moved that the Consent Agenda, as amended, including Resolution Nos. 33334 and 33335 and setting Ordinance No. 25877 over for final reading next week, be approved. Seconded by Council Member Crowley. Voice vote was taken and carried. The Consent Agenda, as amended, including Resolution Nos. 33334 and 33335 and setting Ordinance No. 25877 over for final reading next week, was declared approved.

Council Member Miller encouraged citizens to vote tonight.

REGULAR AGENDA

FINAL READING OF ORDINANCES:

Ordinance No. 25866

Amending Chapter 13.06 of the Municipal Code to reclassify the property located at 6820 Sixth Avenue from a "C-1" Commercial District to a "C-2" Commercial District to allow for the sale of alcoholic beverages at an existing restaurant. (Stanford E. Pulliam/Young Kwon, Machan Japanese Restaurant; File No. 120.1404)

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. 25874

Accepting a donation of \$3,538.54 plus interest from the Tacoma Area Task Force on Disabilities; depositing in and appropriating said sum from the Miscellaneous Trust Summary Fund, to support the activities of the Tacoma Area Task Force on Disabilities.

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. 25875

Authorizing the execution of a grant award agreement with the U.S. Equal Employment Opportunity Commission in the amount of \$50,600; depositing in and appropriating said

sum from the Miscellaneous Grants Summary Fund for processing 99 cases involving discrimination.

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. 25876

Authorizing the execution of a grant agreement with the Washington State Department of Ecology; accepting and depositing \$833,060 for recycling and hazardous waste programs.

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.

FIRST READING OF ORDINANCES:

Ordinance No. 25878

Amending the Municipal Code by repealing Sections 3.08.040 and 3.08.080 relative to fees for businesses having hazardous chemicals on site.

The Ordinance was set over for final reading next week.

Ordinance No. 25879

Appropriating \$47,893 from the General Fund; which sum was collected as admission taxes for the City by the Metropolitan Park District by reason of Meadow Park Golf Course operations during the fourth quarter of 1994 and all of 1995; to increase the City's contribution to the Metropolitan Park District for 1995; increasing the future annual appropriation of the City to the Park District by the amount of annual admission taxes collected at the Meadow Park Golf Course, for operations and improvements of the Meadow Park Golf Course; and declaring an emergency, making necessary the passage of this ordinance.

The Ordinance was set over for final reading next week.

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RESOLUTIONS:

Purchase Resolution No. 33336

Awarding a contract to:

Harbor Safety Products, on their bid of \$69,596.34, for emergency medical services (EMS) equipment and supplies - Specification No. G-004-96.

Council Member Evans moved that the Purchase Resolution be adopted. Seconded by Deputy Mayor Silas.

Voice vote was taken and carried on the Purchase Resolution. The Purchase Resolution was declared adopted.

Resolution No. 33337

Affirming and adopting the "Rules of Procedure for Proceedings Before the Hearing Examiner" as required by Engrossed Substitute House Bill 1724 - Regulatory Reform Act.

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

Resolution No. 33338

Authorizing the execution of a supplemental agreement between the Belt Line Division and the Port of Tacoma, in the amount of \$650,000, for Phase I, to expand the support and staging yard to accommodate existing and future intermodal rail traffic.

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

Resolution No. 33339

Amending Resolution No. 32408 relative to the "City of Tacoma City Council Policies Regarding City Committees, Boards, Commissions and Appointments" changing regularly scheduled meetings of the Appointments Committee to the fourth Monday and appointments considered by the City Council to the second Tuesday of each month.

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. 33340

Authorizing the execution of agreements with Centro Latino - Family Outreach, in the amount of \$10,000; Centro Latino - Adult Programs, in the amount of \$32,500; Centro Latino - Youth At Risk, in the amount of \$50,000; Centro Latino - Latchkey, in the amount of \$10,000; Boys and Girls Clubs of Pierce County - Delinquency/Food Service, in the amount of \$40,000; and Metropolitan Park District - Family Recreation, in the amount of \$78,000 to implement certain human services projects.

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. 33341

Authorizing the execution of an amended agreement with Lyon Corporation P.S., in the amount of \$80,000, to represent the City in the litigation or settlement of claims under the Federal Comprehensive Environmental Response, Cleanup, and Liability Act.

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

Resolution No. 33342

Authorizing the execution of an agreement with Dupre & Scott, Inc., in the amount of \$60,000, for advice on asset management strategies.

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.

PUBLIC HEARINGS AND APPEALS: (Began at approximately 5:45 p.m.)

- a. AMA Holdings appealing the decision of the Hearing Examiner on the request to reclassify the property located at the southwest corner of Sprague Avenue and South 15th Street from a "C-1" Commercial District to a "C-2" Commercial District to allow for the construction of a commercial/retail drive-through facility. (James A. Knight; File No. 120.1399) (Continued from the meeting of March 19, 1996)

Council Member Miller moved to concur in the Findings, Conclusions, and Decision of the Hearing Examiner and deny the appeal. Seconded by Council Member Crowley. Voice vote was taken and carried, with Council Member De Forrest voting in opposition. The motion was declared adopted.

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Council Member Miller requested staff review the Franklin area, the Central Plan, its intensity designation, intended uses and report preliminary findings to the City Council by May 15, 1996.

- b. Tacoma School District appealing the decision of the Hearing Examiner relative to the amount of the mitigation fee imposed for the preliminary plat located in the vicinity of 48th Avenue NE and 38th Street NE. (St. James Court; File No. 125.359)

Mayor Ebersole stated that the quasi-judicial hearing for the Preliminary Plat of St. James Court was now in session.

Mayor Ebersole further stated that it was the Council's intention that this hearing be fair in form and substance, as well as in appearance. He asked any Council Members who had a personal interest in the matter or has had any *ex parte* communication with the parties regarding this case to disclose that interest and those contacts at this time.

Hearing none, Mayor Ebersole called on Mr. Rod Kerslake, Hearing Examiner.

Mr. Kerslake spoke regarding his decision relative to the mitigation fee for the preliminary plat.

Ms. Mary Urback, attorney representing the Tacoma School District, presented reasons for the appeal.

Ms. Stephanie Arend, attorney representing Kerr Hanson Corporation, spoke in support of the Hearing Examiner's decision.

Council Member Crowley moved to concur in the Findings, Conclusions, and Decision of the Hearing Examiner and deny the appeal. Seconded by Council Member Miller. Voice vote was taken and carried. The motion was declared adopted.

UNFINISHED BUSINESS:

None.

REPORTS BY CITY MANAGER:

City Manager Ray E. Corpuz, Jr. stated that the results of the election tonight will be shown on TV Tacoma starting after the City Council meeting. Mr. Corpuz then

thanked Pat Yamashita, Special Assistant to the City Manager's Office this past quarter, for his service, company and professionalism.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Council Member Miller encouraged citizens, who had not taken the opportunity yet, to vote. He then stated that the Pierce County Jail Tax issue deserved the attention of everyone in Pierce County. Council Member Miller thanked Mr. Britt, the editorial cartoonist from *The News Tribune*, for an enjoyable week.

Council Member De Forrest stated that the City of Tacoma has experienced three deaths since December from domestic violence. He requested more details regarding the Eastside death and stated that according to the reporters from *The News Tribune*, there had been a history of domestic violence incidents in this case. Council Member De Forrest stated that he would be interested in funding ways to end domestic violence.

Mayor Ebersole stated that he spoke to the City Manager's Office regarding further investigation of ways in which the Police Department can work cooperatively with those people who handle domestic violence, particularly on the preventive side. Mayor Ebersole then stated that would mean joining social service providers with the Police Department in a formal way to attack these situations with swift and certain punishments and preventive efforts.

Council Member Baarsma commented on the issue of impact fees and the authority granted to the city by the Legislature. He suggested taking a look at this issue again and setting up our own plan, a certain level of service and requirements, with partners in growth management and make a determination or reconsider the level of service that we are requiring.

City Manager Ray E. Corpuz, Jr. responded that in 1994 there was a discussion on the effect of impact fees on Tacoma. He then discussed the competitive issue with Pierce County and other jurisdictions. Mr. Corpuz noted that a rate study was submitted in the fall of 1995. He then stated that more work can be done on this issue depending on the collective wish of the City Council and the direction in which to go.

Council Member Baarsma stated that he recalled that discussion and indicated that he understood the frustration of other municipal entities.

Council Member Miller expressed his concerns relative to the impact fees. He then stated that he felt there is clearly the potential to end up in a situation where it is not just a competitive disadvantage, it is the imposition of impact fees within the municipalities. He then stated that without comparable fees in Pierce County that it

would work contrary to what we would hope to accomplish with growth management, and that is to encourage centralized growth within the municipalities as opposed to unincorporated counties. He then stated that it would be absolutely essential to have a fee structure that was comparable or less than what is imposed in the County. Council Member Miller stated that the City should not do that until Pierce County makes a decision to move forward. Council Member Miller also stated that he felt we need to go back as part of our Comprehensive Plan amendments and review our level of service.

Council Member Evans stated that he agreed with the discussion on the impact fees. He then stated that in Northeast Tacoma the primary schools are at a great distance apart considering the amount of growth that has taken place between the two schools. Mr. Evans then encouraged the Tacoma School District to start looking at another primary school. Council Member Evans then stated that he has received many concerns and complaints regarding the Running Wolf Smoke Shop. He stated that the City is not neglecting the problem and that we are researching alternative properties which the City is exploring with the Tribal leaders. Council Member Evans then stated that he has noticed more signs posted on telephone and utility poles, as well as free-standing signs and requested Tacoma CARES to communicate with the owners of these illegal signs to have them removed or be fined.

Mayor Ebersole stated that an article in *The News Tribune*, talked about the City's new tax exemption program encouraging the purchase of residential housing units. He then complimented the City Council Members who worked on this program.

On proper motion, the meeting was adjourned at 6:47 p.m.


BRIAN EBERSOLE, MAYOR

ATTEST: 
RICK ROSENBLADT, CITY CLERK