

CITY COUNCIL MINUTES

City Council Chambers
November 29, 1994

The meeting was called to order at 5:08 p.m.

Present on roll call: 8 - Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Silas, and Mayor Moss. Absent: 1 - Miller.

The Flag Salute was led by Silas.

Mayor Moss expressed condolences to the family of Cecelia Funkhouser, who passed away on November 22, 1994 after a battle with cancer. Mayor Moss recognized the accomplishments of Ms. Funkhouser when she served as the City's International Affairs Coordinator.

Mayor Moss proclaimed the of Month of December 1994, to be "Drunk and Drugged Driving Prevention Month" and presented the proclamation to Ms. Sherry Byers.

Mayor Moss recognized the Neighborhood Councils and their non-profit incorporation by the state of Washington and presented a proclamation to Mr. Skip Vaughn and Mr. Elton Gatewood.

Council Member De Forrest presented Mr. David King with the Eastside Neighborhood Advisory Council's Articles of Incorporation

Council Member Kirby presented Mr. Skip Vaughn with the South Tacoma Neighborhood Advisory Council's Articles of Incorporation.

Council Member Baarsma presented Mr. Chris Thompson with the North End Neighborhood Advisory Council's Articles of Incorporation.

Council Member Evans presented Mr. Al Hampton with the North East Neighborhood Advisory Council's Articles of Incorporation.

Council Member Silas presented Mr. David Ladenburg with the Central Neighborhood Advisory Council's Articles of Incorporation.

Council Member Crowley presented the New Tacoma Neighborhood Advisory Council's Articles of Incorporation to Mr. Norris Bacho, who accepted them on behalf of Mr. Keith Stone.

Council Member McGavick presented Mr. John Hathaway with the South End Neighborhood Advisory Council's Articles of Incorporation.

Mayor Moss presented Ms. Brooke Felton with the West End Neighborhood Advisory Council's Articles of Incorporation.

CONSENT AGENDA

Approval of the minutes of the Tacoma City Council meeting of November 8, 1994.

ASSESSMENT ROLLS:

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

L.I.D. No. 8562 for the placement of permanent pavement with storm drainage on Sweet Street from Portland Avenue to East Q Street.

Setting Monday, January 9, 1995, 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 Tuesday, November 29, 1994.
- b. Minutes of the meeting of the Civil Service Board, October 17, 1994, as amended November 7, 1994.
- c. Minutes of the meeting of the Commission on Children, Youth and Families, September 8, 1994.
- d. Minutes of the meetings of the Environmental Commission, September 26 and October 10, 1994.
- e. Minutes of the meeting of the Airport Advisory Committee, November 3, 1994.
- f. Minutes of the meeting of the Tacoma Arts Commission, October 10, 1994.
- g. Minutes of the meeting of the Tacoma Community Redevelopment Authority, October 27, 1994.
- h. Minutes of the meeting of the Tacoma-Pierce County Board of Health, October 6, 1994.
- i. Minutes of the meeting of the Public Utility Board and study session, October 26, 1994.

- j. Minutes of the meeting of the Tacoma Planning Commission, November 7, 1994.
- k. Minutes of the meetings of the Tacoma Beautification Committee, September 14 and October 19, 1994.
- l. Tacoma Public Utilities Performance Report, Third Quarter 1994.
- m. General Purpose Financial Statements for the Law Enforcement Support Agency for the Year Ended December 31, 1993.

Council Member Evans moved that the Consent Agenda be approved. Seconded by Council Member Crowley. Voice vote was taken and carried. The Consent Agenda was declared approved.

REGULAR AGENDA

FINAL READING OF ORDINANCES:

Ordinance No. 25626

Vacating the northerly 21 feet and easterly 33 feet in the 4400 block of Browns Point Boulevard Northeast to utilize the property as a single-family residential building site. (Tom and Susan Kergil; File No. 124.1002)

Roll call vote was taken, resulting as follows:

Ayes: 8 – Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Silas, and Mayor Moss.

Nays: 0.

Absent: 1 – Miller.

The Ordinance was declared passed.

Amended Ordinance No. 25632

Amending Chapters 1 and 13 of the Official Code relative to shoreline management to achieve consistency with the Master Program for Shoreline Development, Thea Foss Waterway Design and Development Plan and other elements of the City's Land Use Management Plan.

Council Member Silas moved to suspend the rules to consider Substitute Ordinance No. 25632. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

Council Member Crowley moved to suspend the rules to allow public testimony on Substitute Ordinance No. 25632. Seconded by Council Member Baarsma. Voice vote was taken and carried. The motion was declared adopted.

Council Member Evans moved to amend Substitute Ordinance No. 25632 by amending sections 13.10.110 and 13.10.175.B.12 to provide interim regulations for Thea Foss Waterway Development, specifically by adding the words, "New marina development shall be prohibited on the west side of Thea Foss Waterway. Transient moorage shall be permitted," to page 51, line 6, after the word "permitted"; and by adding the words, "New marina development shall be prohibited on the west side of Thea Foss Waterway. Transient moorage shall be permitted." to page 101, line 19, after the word "permitted." Seconded by Council Member Kirby.

Speaking before the Council was:

Skip Vaughn

7634 So. Fife

Roll call vote was taken, resulting as follows:

Ayes: 7 -- Baarsma, De Forrest, Evans, Kirby, McGavick, Silas, and Mayor Moss.

Nays: 1 -- Crowley.

Absent: 1 -- Miller.

The motion was declared adopted.

Council Member Evans moved to amend Substitute Ordinance No. 25632 by amending section 13.10.110 to provide interim regulations for Thea Foss Waterway Development, specifically by adding the words, "on the east side of Thea Foss Waterway and 45 feet on the west side of the waterway," to page 51, line 8, after the words "100 feet." Seconded by Council Member Baarsma.

Speaking before the Council was:

Skip Vaughn

7634 So. Fife

Roll call vote was taken, resulting as follows:

Ayes: 7 -- Baarsma, De Forrest, Evans, Kirby, McGavick, Silas, and Mayor Moss.

Nays: 1 -- Crowley.

Absent: 1 -- Miller.

The motion was declared adopted.

Council Member Evans moved to amend Substitute Ordinance No. 25632 by amending section 13.10.110 to provide interim regulations for Thea Foss Waterway Development, specifically by deleting the words, "unless it is contained within the building structure," from page 52, lines 1 and 2, after the word "chapter" and by adding the words, "All parking on the west side of Thea Foss Waterway shall be contained within the footprint of the building" to page 52, line 4, after the word "chapter." Seconded by Council Member Baarsma.

Speaking before the Council was:

Skip Vaughn

7634 So. Fife

Roll call vote was taken, resulting as follows:

Ayes: 6 – Baarsma, De Forrest, Evans, Kirby, McGavick, and Silas

Nays: 2 – Crowley and Mayor Moss.

Absent: 1 – Miller.

The motion was declared adopted.

Mayor Moss asked if there were any public testimony on the Substitute Ordinance No. 25632, as amended.

Speaking before the Council were:

Jack McLaughlin

ASARCO

Jim Merritt

3201 North Madison

Casey Cochrane

Chamber of Commerce

Kevin Phelps

Resident

Jackie Skaught

Visitor & Convention Bureau

John La Fond

Resident

Anna Crawford

East Side Resident

Evelyn La Fond

Resident

Ola Leonard

Resident

Skip Vaughn

7634 So. Fife

Dave Mitchell

Property Owner on Ruston Way

Les Neil

602 North McCarver Street

Forrest Boil

Resident

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Dan Mulholland	Resident
Anita Preston	Old Town Resident
Ms. Lyon	Resident
Cliff Vantuff	Old Town Resident
Craig LaFlemme	Planning Commission

Council Member De Forrest moved to reconsider the Amended Ordinance No. 25632. Seconded by Council Member Kirby.

Roll call vote was taken, resulting as follows:

Ayes: 4 -- Crowley, De Forrest, Silas and Mayor Moss.

Nays: 4 -- Baarsma, Evans, Kirby, and McGavick

Absent: 1 -- Miller.

The motion was declared failed.

Roll call vote was taken on Substitute Ordinance No. 25632, as amended, resulting as follows:

Ayes: 8 -- Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Silas, and Mayor Moss.

Nays: 0.

Absent: 1 -- Miller.

The Amended Substitute Ordinance was declared passed.

PUBLIC HEARINGS AND APPEALS: (Began at approximately 5:58 p.m.)

This is the date set for a public hearing by the City Council concerning the proposed Concurrency Management ordinance.

Speaking before the Council was:

Skip Vaughn	7634 So. Fife Street
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The hearing was declared closed at 7:06 p.m.

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Ordinance No. 25633

Adopting amendments to the Land Use Management Plan, pursuant to the Growth Management Act of the State of Washington, including the Generalized Land Use Plan, Housing Plan and Program, Transportation Plan and Program, Capital Facilities Plan and Program, Environmental Policy Plan, Master Program for Shoreline Development, Thea Foss Waterway Design and Development Plan, and Recreation and Open Space Facilities Plan.

Council Member Baarsma moved to allow public testimony on Ordinance No. 25633. Seconded by Council Member Kirby. Voice vote was taken and carried. The motion was declared adopted.

Speaking before the Council were:

- | | |
|-----------------|--|
| Jan Bejarano | 3023 South Durango (Oakland-Madrona Neighborhood Group |
| Laurie Bouscher | 3066 South Adams Street |
| Darlene Woolery | 3315 South Monroe Street |
| Gary Heselwood | Tyler Street |
| Catherine Lucas | South Durango Street |
| Marie Landry | South Adams Street |
| Shirley Matheis | Oakland-Madrona Neighborhood Group |
| Floyd Harris | 3006 South Proctor Street |
| Will Crockett | 2922 Adams Street |
| Skip Vaughn | 7634 South Fife Street |
| Dan Mulholland | Resident |
| Pat Cunningham | 3921 South 30th Street |

Council Member McGavick moved to reconsider the Council's motion of last week on the moratorium within the Oakland-Madrona Neighborhood Group. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

Council Member McGavick moved to direct staff to prepare a resolution for next week's Council Agenda to place a moratorium within the Oakland-Madrona Neighborhood Group. Seconded by Council Member Baarsma. Voice vote was taken and carried. The motion was declared adopted.

Council Member De Forrest moved to recess for 10 minutes. Seconded by Council Member Kirby. Voice vote was taken and carried. The motion was declared adopted.

Council recessed at 8:15 p.m. and reconvened at 8:35 p.m.

Roll call vote was taken on Ordinance No. 25633, resulting as follows:

Ayes: 7 – Baarsma, Crowley, De Forrest, Evans, McGavick, Miller, Silas, and Mayor Moss.

Nays: 0.

Absent: 2 – Kirby and Miller.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 25634

Amending Chapter 13.06 of the Official Code to reclassify the property located from South 7th to South 8th Streets and from South L to South Grant Streets from a "R-4" Multiple-Family Dwelling District to a "R-2SRD" Residential Special Review District to be consistent with the 1993 Generalized Land Use Plan. (City of Tacoma; File No. 120.1371A)

Mayor Moss moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner. Seconded by Council Member Baarsma. 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. 25635

Vacating a portion of the alley between East 26th and East 27th Streets east of East N Street to combine the abutting properties in order to accommodate future site improvements for the existing business. (Northwest Meats, Inc.; File No. 124.1005)

Council Member Evans moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner. Seconded by Council Member Baarsma. 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. 25636

Establishing and confirming a 6.8 percent rate increase and charges for railway switching by the Tacoma Municipal Belt Line Railway effective January 1, 1995.

The Ordinance was set over for final reading next week.

Ordinance No. 25637

Appropriating \$42,689.41 from the Labor Management Health Care Trust Fund to pay Pierce County Medical Bureau, Inc., for recovery of underwriting losses for the third quarter of 1994.

The Ordinance was set over for final reading next week.

Ordinance No. 25638

Accepting \$1,726.47 from the Sister Cities Baseball Exchange Program; depositing in and appropriating said sum from the General Fund for the Sister City television coverage provided by Municipal Television.

The Ordinance was set over for final reading next week.

Ordinance No. 25639

Accepting \$5,700 from the Metropolitan Park District of Tacoma; depositing in and appropriating said sum from the General Fund for video production expenses of the Titlow Beach Interpretative project.

The Ordinance was set over for final reading next week.

Ordinance No. 25640

Accepting \$2,500 from Video Voter's Pamphlet candidates' fees; depositing in and appropriating said sum from the General Fund for the Video Voter's Pamphlet.

The Ordinance was set over for final reading next week.

Ordinance No. 25641

Amending Chapter 12.09 of the Official Code relative to refuse collection and disposal rates for residential and commercial services effective January 1, 1995.

Speaking before the Council were:

H. W. Klein
Skip Vaughn
Evan McCord

4841 South D Street
7634 South Fife Street
South Bell Street

The Ordinance was set over for final reading next week.

RESOLUTIONS:

Resolution No. 32812 (Continued from the meeting of November 15, 1994.)

Adopting amendments to the Legislative Policy Manual for the 1995 Session of the Washington State Legislature.

Mayor Moss moved to suspend the rules to consider Substitute Exhibit A of Resolution No. 32812. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

Council Member Silas moved that the Substitute Resolution be adopted. Seconded by Council Member De Forrest.

Council Member De Forrest noted for the record the following items of objection:

On the policy regarding public records and open meetings, he strongly objected to any changes in existing public records and open meetings act that will make it more difficult for citizens to access records. Council Member De Forrest stated he was in favor of recording executive sessions as a method of making sure that executive session laws were not being violated.

Council Member De Forrest stated that he was opposed to subsidizing downtown housing for a ten year exemption for developers and for neighborhood improvement housing and business districts. He did not feel citizens had to subsidize builders and developers to encourage residences in the downtown and business districts.

Council Member De Forrest indicated that he disagreed with the policy for melting down guns. He explained that in the original law, legitimate guns should be auctioned. He further explained that the new policy is making the stockholders of those that build guns more happy and if not, then the black market will meet the demand. This will cause more crime for those criminals to get those guns.

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Speaking before the Council was:

Skip Vaughn

7634 South Fife Street

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

Resolution No. 32814 (Continued from the meeting of November 15, 1994.)

Approving the Tacoma Community Redevelopment Authority's establishment of the Housing Development Committee and Economic Development Committee.

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

Speaking before the Council were:

Kathleen Barrett

T.C.R.A.

Evan McCord

South Bell Street

Kenneth Norby

T.C.R.A.

Council Member De Forrest moved to remove Resolution No. 32814 from the Agenda. Seconded by Council Member McGavick. Voice vote was taken with Council Member Crowley voting in opposition. The motion was declared adopted.

The Resolution was removed from the Agenda.

Purchase Resolution No. 32823

1. North Coast, Inc., on their bid of \$51,116.46 for District 10 Fire Station Remodel - Phase 1 - Specification No. G-235-94;
2. Streich Brothers, Inc., in the amount of \$24,000 to increase their contract for equipment, supplies and machine shop work - Open Purchase Order No. 2868;
3. PC Professional, Inc., on their bid of \$89,746 for surveillance and image enhancement systems for crime scene investigation - Specification No. G-046-94; and
4. Mar-Jon Contractors, Inc., on their bid of \$255,346 for improvements to the Sector 4 Police Substation - Phase 1 - Specification No. G-234-94.

Council Member De Forrest announced that he may have a conflict of interest with one of the items for consideration and left the Council Chambers.

Council Member Evans moved that the Purchase Resolution, including waiving formal bidding procedures on Item No. 2, be adopted. Seconded by Council Member Baarsma.

Voice vote was taken and carried on the Purchase Resolution. The Purchase Resolution, including waiving formal bidding procedures on Item No. 2, was declared adopted.

Resolution No. 32824

Authorizing the release of an easement to clear the title on the property located in the vicinity of the easterly margin of East 11th Street, approximately 200 feet southwesterly of Port of Tacoma Road.

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.

Resolution No. 32825

Authorizing the release of an easement to clear the title on the property located approximately 200 feet northeast of the intersection of East 11th Street and Port of Tacoma Road.

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.

Resolution No. 32826

Authorizing the release of an easement to clear the title on the property located at four separate sites, all bordering on the easterly margin of Port of Tacoma Road approximately 200 to 500 feet northerly of Marshall Avenue.

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

Resolution No. 32827

Authorizing the release of an easement to clear the title on the property located approximately 200 feet southeasterly from East 11th Street and Marine View Drive.

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

Resolution No. 32828

Authorizing the execution of a Labor-Management Agreement with the Joint Labor Committee for fringe benefits for all applicable City employees from January 1, 1995 through December 31, 1997.

Council Member 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. 32829

Authorizing the execution of a Collective Bargaining Agreement with the International Brotherhood of Electrical Workers, Local 483, Custodial and Building Maintenance Unit effective January 1, 1995 through December 31, 1997.

Council Member 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. 32830

Authorizing the execution of a Collective Bargaining Agreement with the Warehouse, Automotive, Food, Public Employees, Driver Sales and Special Services Union, Local 599 General Unit effective January 1, 1995 through December 31, 1997.

Council Member 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. 32831

Authorizing the execution of a Letter Agreement with the King County Department of Metropolitan Services in the amount of \$34,000 for developing a mass media water quality education program.

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

Resolution No. 32832

Authorizing the execution of an agreement with the City of Vladivostok, Russia in the amount of \$139,719.75 for the sale of up to 39 surplus police patrol vehicles.

Speaking before the Council was:

Dan Mulholland

Resident

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

Resolution No. 32833

Authorizing the execution of an Interlocal Agreement with Pierce County for the design and engineering of the Puyallup River Levee Trail from East 11th Street to the Puyallup City limits.

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

Resolution No. 32834

Establishing the appointment process for the vacant Municipal Court Judge position.

Mayor Moss moved that the Resolution be adopted. Seconded by Council Member Silas.

Council Member Silas moved to amend the Resolution to reflect that all Municipal Court judge candidates will be presented to the Council along with recommendations from the Bar Association as to their preferences; and that the City Council will make the final judgment. Seconded by Council Member McGavick. Voice vote was taken and carried. The motion was declared adopted.

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

Resolution No. 32835

Authorizing the execution of a "Settlement Agreement and Release" with Great American Insurance Companies for attorney's fees and litigation costs for defending third party claims and lawsuits involving the Landfill and Commencement Bay sites.

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

UNFINISHED BUSINESS:

None.

REPORTS BY CITY MANAGER:

None.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Council Member Kirby noted that he had distributed copies of the 1995-1996 biennial budget to Council Members. He explained that the budget he distributed was prepared in a different format using the figures of the 1995-1996 preliminary budget as submitted by the City Manager.

Council Member Silas moved to excuse the absence of Deputy Mayor Miller. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

Council Member Evans reported that he, Council Members Baarsma and Crowley met with the Metropolitan Park District and the Boys & Girls Club to discuss the joint use of the North End Community Center facility.

Mayor Moss moved to authorize the appropriation of \$55,000 in full and final settlement of Gibson v City of Tacoma and State of Washington, Pierce County Cause No. 87-2-03201-4. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

On proper motion, the meeting was adjourned at 10:55 p.m.


HAROLD G. MOSS, MAYOR

ATTEST: 
GENELLE BIRK, CITY CLERK

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