

## CITY COUNCIL MINUTES

City Council Chambers  
August 16, 1994

The meeting was called to order at 5:06 p.m.

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

The Flag Salute was led by Deputy Mayor Miller.

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### CONSENT AGENDA

Approval of the minutes of the Tacoma City Council meeting of August 9, 1994; study sessions of June 21 and 28 and July 12, 1994; and City Council Budget Workshop of June 30, 1994.

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

- a. Minutes of the meeting of the Tacoma-Pierce County Board of Health, July 7, 1994.
- b. Minutes of the meeting of the Commission on Children, Youth and Families, July 14, 1994.
- c. Minutes of the meeting of the Tacoma Arts Commission, July 19, 1994.
- d. Minutes of the meeting of the Landmarks Preservation Commission, July 27, 1994.

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

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### REGULAR AGENDA

#### ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS:

Presentation of Police citizens' awards.

Mayor Moss and Police Chief Ray Fjetland presented certificates of appreciation to Kenneth P. Smith, Sr. and Kenneth P. Smith, Jr. for their assistance during a burglary.

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On behalf of the Council, Council Member Silas proclaimed the week of August 14, 1994, to be "Tacoma-Pierce County Kitakyushu High School Baseball Exchange Week," and presented the proclamation to Mr. Pak Ikeda and Mr. Roy Young.

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COMMUNICATIONS:

Hearing Examiner submitting Shoreline Substantial Development Permit No. 141.570 to allow for the reconfiguration of an existing marina located at 1940 East D Street, including the replacement of existing open and covered moorage slips from the alignment of the proposed SR 509 freeway with new covered moorage slips at the northern end of the site, the temporary relocation of three covered moorage slips to the southerly side of the freeway alignment, the development of parking areas within the freeway alignment after freeway construction is completed and the construction of a new steel pile launchway at the north end of the site to serve its existing dry boat storage area. (Pick's Cove Marine Center; File No. 141.570)

Deputy Mayor Miller moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner. Seconded by Council Member Evans. Roll call vote was taken, resulting as follows: Ayes: 8 - Baarsma, Crowley, De Forrest, Evans, Kirby, Miller, Silas, and Mayor Moss. Nays: 0. Absent: 1 - McGavick. The motion was declared adopted.

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Council Member De Forrest moved to suspend the rules to consider Unfinished Business at this time. Seconded by Council Member Baarsma. Voice vote was taken and carried. The motion was declared adopted.

UNFINISHED BUSINESS:

Reconsideration of the Decision of the City Council in the matter of the appeal of William Ostruske relative to a Shoreline Management Substantial Development/Conditional Use Permit No. 141.534 to allow the development of an over-water, single-story, single-family, pile-supported residence with an attached carport and deck at 1516 Wilton Road. (George Lund; File No. 141.534) (Continued from the meeting of August 9, 1994.)

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Council Member De Forrest moved to reconsider the Council action of August 2, 1994 to concur in the findings, conclusions and recommendations of the Hearing Examiner with the additional condition that five-foot setbacks are allowed. Seconded by Council Member Evans.

Council Member Evans disclosed that following the last meeting on this matter, he had a brief discussion with one of the attorneys involved on a procedural question and that no substantive discussion took place. Council Member De Forrest disclosed that he did talk with one of the attorneys in Olympia on another matter, but stated that he was planning to move to reconsider a procedural motion. Mayor Moss ruled that Council Member Evans and De Forrest were properly seated for voting on this matter.

Voice vote was taken and carried. The motion was declared adopted with Deputy Mayor Miller voting in opposition.

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FINAL READING OF ORDINANCES:

Ordinance No. 25551

Authorizing the execution of agreements with Seafirst Bank in the amount of \$119,546.12 for the provision of banking services and Retail Lockbox in the amount of \$267,624.34 for the provision of lockbox receipting of utility payments for a two-year period; appropriating \$96,800 from the Internal Service Summary Fund for said services; and declaring an emergency making necessary the passage of this ordinance.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 -- McGavick.

The Ordinance was declared passed.

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**FIRST READING OF ORDINANCES:**

**Ordinance No. 25552**

Accepting program revenues in the amount of \$2,870 from a Housing Conference; depositing in and appropriating said sum from the General Fund for unbudgeted costs of said conference.

The Ordinance was set over for final reading next week.

**Ordinance No. 25553**

Accepting \$1,200 from the Washington Commission for the Humanities, \$300 from the United Nations Association of the USA, \$100 from Fred and Dorothy Haley, \$60 from Ward and Alice Miles, \$3,400 from an anonymous donor and program revenues of \$1,151 from the "Creating a More Equitable Economy In a Sustainable Environment" conference; depositing in and appropriating \$3,825 from the General Fund for expenditures associated with said conference and to reimburse the anonymous donor in the amount of \$2,386.

The Ordinance was set over for final reading next week.

**Ordinance No. 25554**

Accepting \$4,500 from McDonald's Corporation, \$3,000 from the Weyerhaeuser Company Foundation, \$1,000 from Pierce County, \$500 from Washington Mutual, \$500 from Public Utilities, \$300 from the Washington State Human Rights Commission and the donation of goods and services from The News Tribune, Northwest Dispatch, Pierce Transit, Crane's Creations, Inc., Peninsula Ambulance, Inc., Tacoma Public Schools, the Tacoma Police Department and the Tacoma Dome; depositing in and appropriating \$9,800 from the General Fund for the Martin Luther King Day Celebration which was held on January 17, 1994.

The Ordinance was set over for final reading next week.

**Ordinance No. 25555**

Accepting program revenues of \$1,645 from an Employers' Conference; depositing in and appropriating said sum from the General Fund for unbudgeted expenditures of said conference.

The Ordinance was set over for final reading next week.

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**Ordinance No. 25556**

Amending Chapter 5.38 of the Official Code relative to rat prevention to add progressive penalties for violations of said code.

Mayor Moss moved to suspend the rules to consider Substitute Ordinance No. 25556. Seconded by Council Member Silas. Voice vote was taken and carried. The motion was declared adopted.

The Substitute Ordinance was set over for final reading next week.

**Ordinance No. 25557**

Amending the Official Code by repealing and reenacting Sections 5.20.320, 5.24.030, 5.30.040, 5.32.020, 5.34.020, 8.02.020 and 8.10.030 to add progressive penalties for violations involving abandoned iceboxes, deposit of trash in or around charitable donation boxes, garbage, rubbish and pollution, domestic fowl, apiaries, hogs and rabbits.

Mayor Moss moved to suspend the rules to consider Substitute Ordinance No. 25557. Seconded by Council Member Baarsma. Voice vote was taken and carried. The motion was declared adopted.

The Substitute Ordinance was set over for final reading next week.

**Ordinance No. 25558**

Amending the Official Code by repealing and reenacting Section 5.23.030 to add progressive penalties for violations regarding the keeping of animals.

Council Member Baarsma moved to remove Ordinance No. 25558 from the agenda. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 25558 was removed from the agenda.

**Ordinance No. 25559**

Amending the Official Code by repealing and reenacting Section 5.02.070 to add progressive penalties for the violation of codes administered by the Health Department.

Mayor Moss moved to suspend the rules to consider Substitute Ordinance No. 25559. Seconded by Council Member Baarsma. Voice vote was taken and carried. The motion was declared adopted.

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The Substitute Ordinance was set over for final reading next week.

Ordinance No. 25560

Amending the Official Code by repealing and reenacting Sections 2.01.130, 2.02.500, 2.06.060, 2.07.060, 5.46.260, 8.30.040 and 13.06.510 to add progressive penalties for violations of codes administered by the Building and Land Use Services Division of the Public Works Department.

Mayor Moss moved to suspend the rules to consider Substitute Ordinance No. 25560. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

The Substitute Ordinance was set over for final reading next week.

Ordinance No. 25561

Amending the Official Code by repealing and reenacting Sections 3.02.040 and 3.05.240 to add progressive penalties for violations of the Fire and Supplementary Life Safety Codes.

Mayor Moss moved to suspend the rules to consider Substitute Ordinance No. 25561. Seconded by Council Member Silas. Voice vote was taken and carried. The motion was declared adopted.

The Substitute Ordinance was set over for final reading next week.

Ordinance No. 25562

Authorizing the issuance and sale of Sewer Revenue Refunding Bonds, 1994 in an amount not to exceed \$50,000,000 to refund portions of the outstanding sewer revenue bonds.

The Ordinance was set over for final reading to a date to be determined

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RESOLUTIONS:

Purchase Resolution No. 32726

Awarding contracts to:

1. Mallon Ford, Inc., on their bid of \$37,549.20 for two Ford Aerostar extended cargo vans;

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2. Madsen Electric, Inc., on their bid of \$176,623.52 for traffic signalization on Oakes Street from South 54th to South 56th Streets - Specification No. G-209-94;
3. T. Miller Construction, on their bid of \$49,475 for Dome District ornamental streetlighting - Specification No. G-224-94; and
4. Rejecting all bids for the Cheney Stadium re-roof - Specification No. G-210-94.

Council Member Evans moved that the Purchase Resolution, including waiving formal bidding procedures on Item No. 1, be adopted. Seconded by Council Member Crowley.

Voice vote was taken and carried on the Purchase Resolution. The Purchase Resolution, including waiving formal bidding procedures on Item No. 1, was declared adopted.

Resolution No. 32727

Authorizing the execution of an agreement with Wilshire Associates in the amount of \$105,000 for pension consulting services for the period October 1, 1994 through September 30, 1995.

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

Resolution No. 32728

Authorizing the execution of an agreement with Disciplined Investment Advisors in the amount of \$265,000 for equity investment services for the period October 1, 1994 through September 30, 1995.

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

Resolution No. 32729

Adopting the "Draft Human Services Resource Plan" as the Human Services Strategic Plan for the City of Tacoma.

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

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REPORTS BY CITY MANAGER:

Mr. Ray E. Corpuz, Jr., City Manager, reminded the Council that the Environmental Protection Agency (EPA) has submitted their proposed cleanup plan for the ASARCO smelter site. The 60 day comment period is August 12 - October 11, 1994. There are two community meetings scheduled by EPA on August 30 and September 19, from 7:00 p.m. to 9:00 p.m. at the Mason Middle School auditorium.

Mr. Corpuz announced that the Kitakyushu baseball games will be held at 7:00 p.m. on Wednesday, August 17 at Cheney Stadium, Saturday, August 20 and Sunday, August 21. Mr. Corpuz reminded Council Members of a welcoming party tonight at the Port of Tacoma and a Sayonara party on Sunday evening.

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COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Council Member Kirby reported that several members of the Council had the pleasure of being hosted by the Police union and department at the northeast Tacoma range for a barbecue and to try out some of the new equipment purchased by donations and in-kind services from other agencies.

Council Member De Forrest expressed his appreciation of staff for their work at a Safe Streets meeting on Tacoma Avenue regarding a building problem. Council Member De Forrest indicated that at times it is difficult for staff to follow through on items like this mainly because of limited funding. He thanked Michele Skanes, of Safe Streets for putting together a nice gathering. He also thanked Jim Walton, Deputy City Manager and Gary Pederson of Public Works, for their presentations and work. Council Member De Forrest indicated that he would like to see an increase in the budget for this activity.

Council Member Baarsma referenced Randy Lewis' memorandum on the utility tax for the Light Division. He pointed out that in 1983 the Legislature took the City's home rule authority away, and ramped down the rates on the telephone, natural gas and the City's municipal Light utility and replaced them with a 1/2 of one percent sales tax. Council Member Baarsma indicated that he has discussed this matter with Carl Virgil, Public Utility Board Member and Steve Klein, Public Utilities. Council Member Baarsma stated that Mr. Klein indicated that the forecasted revenue loss for the City's General Fund is \$4.5 million in 1995 and \$9 million for the biennium. Council Member Baarsma noted that Council Member Crowley pointed out to him earlier that the difference between the lost revenues from the utilities and the additional revenues from the 1/2 of one percent sales tax, there is actually a net gain; however, looks can be deceiving. Council Member Baarsma indicated that since 1983, a series of unfunded mandates amount to far in excess of any net revenue that the City may have gained from the 1/2 of one percent sales tax. Council Member Baarsma asked staff to look at the cost of

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the unfunded mandates placed on the City. Council Member Baarsma made note of the potential rate implications, however, stressed that this is something the voters provided in 1952 per Charter Section 4.4. Council Member Baarsma explained that he is seeking to ask the Legislature to return the basic vested right of the City in order to consider utilizing some of the revenues to provide some basic city services. Council Member Baarsma said that the unfunded mandates burden on the General Fund more than makes up the net difference between the 1/2 of one percent sales tax that is essentially gained.

Council Member Evans asked when staff would be able to provide the options concerning cardroom taxes for Council's consideration. Mr. Corpuz replied that a specific proposal would be available in a couple of weeks.

Mayor Moss reported on a very uplifting and heart warming celebration that he attended for the 49th anniversary of South Korea's independence at Tacoma Community College.

Mayor Moss moved to excuse the absence of Council Member McGavick. 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 6:50 p.m.

  
HAROLD G. MOSS, MAYOR

ATTEST:   
GENELLE BIRK, CITY CLERK