

CITY COUNCIL MINUTES

City Council Chambers
December 8, 1992

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

Present on roll call: 9 - Baarsma, Evans, McElliott, Miller, Moss, Mykland, Nielsen, Silas, and Mayor Vialle.

The Flag Salute was led by Council Member Silas.

CONSENT AGENDA

Approval of the minutes of the Tacoma City Council meeting of November 24, 1992 and study sessions of September 29 and October 6, 1992.

PETITIONS:

Triam, Inc., requesting the reclassification of the property located at 1830 South 84th Street from a "C-F-V" Freeway Commercial Vehicular Services District to a "C-2" Commercial District to modify the existing structure by adding 4500 square feet for a tavern and retail space. (Triam, Inc.; File No. 120.1361)

RESOLUTIONS:

Resolution No. 31992

Approving the final plat for KODIAK GLEN Division II for the property located on the north side of South 94th Street west from Ainsworth Avenue for seven residential building lots. (William Edwards Construction Company (KODIAK GLEN); File No. 125.312)

Resolution No. 31993

Setting Tuesday, January 12, 1993, at 1:30 p.m. as the date for a hearing by the Hearings Examiner on the request to vacate a portion of East 67th Street east of Sonia Street. (Jeff Christensen; File No. 124.969)

Resolution No. 31994

Authorizing the submittal of project prospectuses to Washington State Department of Transportation for improving railroad crossing signals at several locations under the 1991 Intermodal Surface Transportation Efficiency Act.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner Agenda for Tuesday, December 8, 1992.
- b. Minutes of the meeting of the Appointments Committee, November 16, 1992.
- c. Amended minutes of the meeting of the Environmental Commission, October 12, 1992 and minutes of October 26, 1992.
- d. Minutes of the meeting of the Human Rights Commission, October 15, 1992.
- e. Minutes of the meetings of the Public Utility Board study session and meeting, October 28, 1992.
- f. Minutes of the meetings of the Board of Administration of the Tacoma Employees' Retirement System, September 30, and October 29, 1992.
- g. Monthly Financial Reports of the Belt Line Division, Data Processing Fund, Fleet Services Fund, Light Division, Self-Insurance Claim Fund and Water Division, September 1992.

Deputy Mayor Mykland moved that the Consent Agenda, including Resolution Nos. 31992, 31993 and 31994, be approved. Seconded by Council Member Moss. Voice vote was taken and carried. The Consent Agenda was declared approved.

REGULAR AGENDA

ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS:

Resolution No. 31984 (Continued from the meeting of November 24, 1992.)

Appointing Mayor Karen L. R. Vialle and Randall Lewis to serve as City of Tacoma representatives on the Rainier Cable Commission.

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

Resolution No. 31995

Appointing citizens to various committees, boards and commissions.

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

COMMUNICATIONS:

Hearings Examiner submitting Shoreline Management Substantial Development Permit No. 141.531 to renovate the ferry docking facility located at Point Defiance Park on Dalco Passage. (Washington State Department of Transportation; File No. 141.531)

Mayor Vialle moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Nielsen. Roll call vote was taken, resulting as follows: Ayes 9 - Baarsma, Evans, McElliott, Miller, Moss, Mykland, Nielsen, Silas, and Mayor Vialle. Nays: 0. The motion was declared adopted.

FINAL READING OF ORDINANCES:

Ordinance No. 25200

Amending Chapter 13.06 of the Official Code to reclassify the property located approximately 75 feet east of the northeast corner of South 15th Street and Union Avenue from a "R-2" One-Family Dwelling District to a "R-2-T" Residential Commercial Transitional District to allow the development of 3,900 square feet of office space into two separate buildings. (Robyn and Rich Wilkerson; File No. 120.1352)

Roll call vote was taken, resulting as follows:

Ayes: 9 -- Baarsma, Evans, McElliott, Miller, Moss, Mykland, Nielsen, Silas, and Mayor Vialle.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 25214

Providing for the defeasance of \$5,000,000 of the principal amount of the 1985 City's Electric System Refunding Revenue Bonds.

Roll call vote was taken, resulting as follows:

Ayes: 9 -- Baarsma, Evans, McElliott, Miller, Moss, Mykland, Nielsen, Silas, and Mayor Vialle.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 25215

Amending the Pay and Compensation Plan to implement the 1991-1992 rates of pay for the International Brotherhood of Electrical Workers, Local 483, Clerical and Customer and Field Service Units and create a new classification; and declaring an emergency making necessary the passage of this ordinance.

Roll call vote was taken, resulting as follows:

Ayes: 9 -- Baarsma, Evans, McElliott, Miller, Moss, Mykland, Nielsen, Silas, and Mayor Vialle.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 25216

Accepting \$3,000 from Telecommunications, Inc.; and depositing in and appropriating said sum from the General Fund for developing and disseminating cooperative cable television productions over the City's Municipal channel.

Roll call vote was taken, resulting as follows:

Ayes: 9 -- Baarsma, Evans, McElliott, Miller, Moss, Mykland, Nielsen, Silas, and Mayor Vialle.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 25217

Approving the ad valorem tax levies for 1993.

Roll call vote was taken, resulting as follows:

Ayes: 9 -- Baarsma, Evans, McElliott, Miller, Moss, Mykland, Nielsen, Silas, and Mayor Vialle.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 25218

Accepting \$1,000 from Puget Sound Bank, \$500 from Pierce County Medical Bureau and \$250 from Pacific First Bank; depositing said sum in the Miscellaneous Grants Summary Fund; and appropriating \$5,071.93 from the Miscellaneous Grants Summary Fund for expenses related to Senior Citizen's Awareness Day.

Roll call vote was taken, resulting as follows:

Ayes: 9 -- Baarsma, Evans, McElliott, Miller, Moss, Mykland, Nielsen, Silas, and Mayor Vialle.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 25219

Accepting \$5,045 in booth rental fees and \$1,563 in asbestos removal reimbursements; and depositing in and appropriating \$6,608 from the General Fund for activities related to the City's senior program.

Roll call vote was taken, resulting as follows:

Ayes: 9 -- Baarsma, Evans, McElliott, Miller, Moss, Mykland, Nielsen, Silas, and Mayor Vialle.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 25220

Amending Chapter 8.106 of the Official Code relative to malicious harassment.

Mayor Vialle moved to suspend the rules to consider Substitute Ordinance No. 25220. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

Mayor Vialle moved to amend Substitute No. 2 to the Substitute Ordinance No. 25220 by striking the word "or" on the line 12 .

Mr. Barker explained that the Police Department indicated that there may be administrative reporting problems that would be created as a result of the passage of this ordinance. He explained that the Police Department uses the FBI statistical protocol for reporting hate crimes which does not include the category of sex. If the Council were to adopt the category of sex, it would create administrative difficulties in terms of reporting procedures, because most sex crimes such as rape and indecent liberties are committed because of sex and hate for the victim. Domestic violence would also be construed as a hate crime under that definition. Mr. Barker recommended that the Police Department should continue to report sex crimes and domestic violence as they have been. Only those cases which resulted in a charge under the misdemeanor malicious harassment ordinance shall be included as a malicious harassment hate crime for statistical purposes in order to simplify the reporting requirements.

Roll call vote was taken, resulting as follows:

Ayes: 8 -- Baarsma, Evans, Miller, Moss, Mykland, Nielsen, Silas, and Mayor Vialle.

Nays: 1 - McElliott.

The Amended Substitute No. 2 of the Ordinance was declared passed.

Ordinance No. 25221

Amending Chapter 5.20 and Title 12 of the Official Code relative to solid waste, recycling, and hazardous waste practices and standards.

Roll call vote was taken, resulting as follows:

Ayes: 9 -- Baarsma, Evans, Miller, McElliott, Moss, Mykland, Nielsen, Silas, and Mayor Vialle.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 25222

Providing for the formation of L.I.D. No. 8562 for placement of permanent paving on Sweet Street from Portland Avenue to East Q Street.

Roll call vote was taken, resulting as follows:

Ayes: 9 -- Baarsma, Evans, McElliott, Miller, Moss, Mykland, Nielsen, Silas, and Mayor Vialle.

Nays: 0.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 25223

Amending Chapter 13.06 of the Official Code to reclassify the property located on the northwest corner of Center Street and Union Avenue from a "R-3" Two- and Three-Family Dwelling District, a "R-3T" Residential-Commercial Transitional District and a "M-1" Light Industrial District to a "C-2" Commercial District to construct a 2,800 square foot grocery store with associated gas pumps. (Barghausen Engineers; File No. 120.1354)

Mayor Vialle moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

Final reading of the Ordinance was set over to a date to be determined.

Ordinance No. 25224

Vacating the alley between J and K Streets from South 5th Street to Sixth Avenue to incorporate the vacated area into an access for a proposed medical office building and parking structure. (MultiCare Construction Services; File No. 124.963)

Deputy Mayor Mykland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Miller. Voice vote was taken and carried. The motion was declared adopted.

Final reading of the Ordinance was set over to a date to be determined.

PUBLIC HEARINGS AND APPEALS: (Began at 5:50 p.m.)

This is the date set for a public hearing to consider proposed amendments to the 1993-1998 Six-Year Comprehensive Street Program and the Amended 1992 Street Program.

Speaking before the Council were:

Judy Cane

Bill Evans

Sandy Anderson

6th Avenue Merchants

Merchant

Lincoln Business District

The hearing was declared closed at 6:05 p.m.

Ordinance No. 25225

Amending Title 5 and 13 of the Official Code relating to annual permit fees for infectious waste, food service establishments, swimming pools and groundwater protection for 1993.

The Ordinance was set over for final reading next week.

Ordinance No. 25226

Appropriating \$129,595.41 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 1992.

The Ordinance was set over for final reading next week.

Ordinance No. 25227

Authorizing the execution of a grant award contract with the Department of Housing and Urban Development for a Special Purpose Grant in the amount of \$1,000,000; and depositing in and appropriating said sum from the Miscellaneous Grants Summary Fund for the Hilltop Neighborhood Development Program.

The Ordinance was set over for final reading next week.

Ordinance No. 25228

Designating November 18, 1992, as the effective date of the Tacoma City Charter amendments approved in the November 3, 1992 general election.

The Ordinance was set over for final reading next week.

Ordinance No. 25229

Providing for the method of operation for City-owned parking facilities.

Mayor Vialle moved to continue Ordinance No. 25229 to the meeting of December 15, 1992. Seconded by Deputy Mayor Mykland. Voice vote was taken and carried. The motion was declared adopted.

The Ordinance No. 25229 will be considered at the regular City Council meeting of December 15, 1992.

RESOLUTIONS:

Resolution No. 31979 (Continued from the meeting of November 24, 1992.)

Authorizing the execution of an agreement with Peninsula Ambulance, Inc., for the provision of emergency medical services for Public Assembly Facilities events.

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

Purchase Resolution No. 31996

Awarding contracts to:

1. Western Peterbilt, Inc., on their bid of \$710,270.48 for six automated refuse trucks - Specification No. G-044-92;
2. Elizabeth Magoon & Associates, in the amount of \$27,000 for Tacoma Police Department Supervisory Training Program;
3. Tacoma Computer Network, on their bid of \$41,519.17 to increase their contract for clone personal computers - Specification No. G-050-92;
4. Western Paper Company, on their bid of \$88,147.30, Nolan Fraser Paper Company, on their bid of \$34,305.90, West Coast Paper Company, on their bid of \$14,532.35, and The Unisource Corporation, on their bid of \$5,478.17 for annual paper supplies - Specification No. G-052-92; and
5. ESRI, Inc., on their bid of \$42,042 for one Sun Sparcstation 10 - Specification No. G-042-92.

Deputy Mayor Mykland moved that the Purchase Resolution, including waiving formal bidding procedures on Item No. 2, be adopted. Seconded by Council Member Nielsen.

9

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. 31997

Authorizing the execution of an agreement with Northwest Cascade, Inc., in the amount of 455,000 for co-composting yard and garden waste and biosolids.

Mayor Vialle moved to continue Resolution No. 31997 to the meeting of December 15, 1992. Seconded by Council Member Moss. Voice vote was taken and carried. The motion was declared adopted.

The Resolution No. 31997 will be considered at the regular City Council meeting of December 15, 1992.

Resolution No. 31998

Directing the City Manager to study, in cooperation with the community, the feasibility of creating a special review district in the Hilltop area for housing design standards.

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

Resolution No. 31999

Adopting the "1993 Legislative Action Plan."

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

Resolution No. 31948

Authorizing the submission of a request to the Washington State Department of Transportation State Traffic Engineer to rename I-705 "Martin Luther King, Jr. Way."

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

The Resolution was tabled.

10

Resolution No. 32000

Renaming K Street from 6th Avenue to South 28th Street "Martin Luther King, Jr. Way."

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

Speaking before the Council were:

Rev. E. S. Brazill	Resident
Gordon Monk	Resident

Roll call vote was taken, resulting as follows:

Ayes: 8 - Baarsma, Evans, Miller, Moss, Mykland, Nielsen, Silas, and Mayor Vialle.

Nays: 1 - McElliott.

The Resolution was declared passed.

Deputy Mayor Mykland moved to suspend the rules to consider a motion by Council Member Moss. Seconded by Council Member Baarsma. Voice vote was taken and carried. The motion was declared adopted.

Council Member Moss moved to refer the matter of renaming a portion of K Street to the Landmarks Preservation Commission for a public hearing to consider changing the name of that portion of K Street from Sixth Avenue to Division "Martin Luther King, Jr., Way" and to forward a recommendation to the City Council for consideration. Seconded by Mayor Vialle. Voice vote was taken and carried. The motion was declared and adopted.

Resolution No. 32001

Implementing parking rates for City-owned parking facilities.

Mayor Vialle moved to continue Resolution No. 32001 to the meeting of December 15, 1992. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

The Resolution No. 32001 will be considered at the regular City Council meeting of December 15, 1992.

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UNFINISHED BUSINESS

Mayor Vialle moved that the City Council approve the City's contributing to the settlement of the pending lawsuits of the Estate of Norwood and John Norwood against the City of Tacoma, Pierce County Cause Numbers 91-2-10052 and 92-2-08907-1, by contributing \$155,000.00 and \$17,500.00, respectively, toward settlement of those lawsuits, with third parties to contribute to the aggregate settlement totaling \$450,000.00. Seconded by Council Member Miller.

Council Member Moss indicated he would be abstaining because of his association with a former employee who is a recipient of this settlement. Voice vote was taken and carried with Council Member Moss abstaining. The motion was declared adopted.

REPORTS BY CITY MANAGER

Mr. Ray E. Corpuz, Jr., City Manager, commended participants of the Torch Light Parade last weekend.

Mr. Corpuz indicated that Len Simon will be available to meet with Council Members on Thursday and Friday, December 10 and 11, 1991.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Mayor Vialle announced that she attended a Memorial Service for those individuals recently lost.

Mayor Vialle also announced that the City received a third place for the Arts and Entertainment Award for the Municipal Television production of the Smarts Program.

Council Member McElliott reported on the conference she attended in New Orleans representing the City of Tacoma on the Policy Committee on Environmental and Natural Resources.

On proper motion, the meeting was adjourned at 7:25 p.m.

ATTEST:


GENELLE BIRK, CITY CLERK


KAREN L. R. VIALLE, MAYOR

12