

## CITY COUNCIL MINUTES

City Council Chambers  
September 27, 1994

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

Present on roll call: 7 - Baarsma, Crowley, De Forrest, Kirby, McGavick, Silas, and Mayor Moss. Absent: 2 - Evans and Miller (Deputy Mayor Miller arrived at 5:07 p.m.).

Deputy Mayor Miller arrived at 5:07 p.m.

The Flag Salute was led by Council Member De Forrest.

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### CONSENT AGENDA

Approval of the minutes of the Tacoma City Council meeting of September 13, 1994; study sessions of July 19 and 26 and August 2, 9 and 16, 1994; and joint City Council/Public Utility Board/Civil Service Board study session of July 20, 1994.

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

- a. Hearing Examiner Agenda for Tuesday, September 27, 1994.
- b. Minutes of the meeting of the Tacoma Planning Commission, September 7, 1994.
- c. Minutes of the meeting of the Human Rights Commission, August 18, 1994.
- d. Minutes of the meeting of the Tacoma Area Task Force on Disabilities, August 25, 1994.
- e. Minutes of the meeting of the Tacoma-Pierce County Board of Health, August 4, 1994.

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

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**REGULAR AGENDA**

**ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS:**

Presentation of suggestion awards.

Mayor Moss presented a certificate of appreciation to Kenneth Buck for his suggestion concerning the identification of emergency scene safety officer.

**FINAL READING OF ORDINANCES:**

Substitute Ordinance No. 25583 (Continued from the meeting of September 20, 1994.)

Amending Title 12 of the Official Code relative to the collection of solid wastes and rates for disposal.

Deputy Mayor Miller moved to continue Substitute Ordinance No. 25583 to the meeting of October 4, 1994. Seconded Council Member Baarsma. Voice vote was taken and carried. The motion was declared adopted.

Substitute Ordinance No. 25583 will be considered at the regular City Council meeting of October 4, 1994.

Ordinance No. 25584 (Continued from the meeting of September 20, 1994.)

Amending Sections 8.70.010 and 1.23.070 of the Official Code relative to the jurisdiction of the Municipal Court.

Deputy Mayor Miller moved to continue Ordinance No. 25584 to the meeting of October 4, 1994. Seconded Council Member Silas. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 25584 will be considered at the regular City Council meeting of October 4, 1994.

Ordinance No. 25585 (Continued from the meeting of September 20, 1994.)

Amending Section 1.23.070 of the Official Code relative to the powers of the Hearing Examiner.

Deputy Mayor Miller moved to continue Ordinance No. 25585 to the meeting of October 4, 1994. Seconded Council Member Baarsma. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 25585 will be considered at the regular City Council meeting of October 4, 1994.

Ordinance No. 25589

Authorizing the execution of an amendment to the grant award contract with the State of Washington Department of Social and Health Services in the amount of \$4,000; depositing in and appropriating said sum from the Miscellaneous Grants Summary Fund for the design and implementation of a Child Care Resource System; and extending a non-interest-bearing loan from the General Fund in the amount of \$4,000 to be repaid by December 31, 1997.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 -- Evans.

The Ordinance was declared passed.

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FIRST READING OF ORDINANCES:

Ordinance No. 25590

Vacating a portion of East 11th Street at the southeasterly corner of its intersection with relocated Marine View Drive. (John and Doris King and Donald McGoldrick; File No. 124.998)

Deputy Mayor Miller 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. 25591

Authorizing the execution of an Interlocal Agreement with the Port of Tacoma in the amount of \$1,930,000 for the State Route 509 Project; creating the Fire Capital Projects Fund; and depositing in and appropriating said sum from said fund for Capital Facilities Improvement Projects of the Fire Department.

The Ordinance was set over for final reading next week.

Ordinance No. 25592

Amending Section 6.89.050 of the Official Code relative to tax rates on cardrooms.

Speaking before the Council was:

Ed Dales

Tower Inn

The Ordinance was set over for final reading next week.

Ordinance No. 25593

Repealing Chapter 8.90 of the Official Code relative to witness tampering.

The Ordinance was set over for final reading next week.

Ordinance No. 25594

Repealing Chapter 8.50 of the Official Code relative to the regulation of playing and singing the national anthem.

The Ordinance was set over for final reading next week.

Ordinance No. 25595

Repealing Section 8.44.140 of the Official Code relative to bomb threats.

The Ordinance was set over for final reading next week.

Ordinance No. 25596

Repealing Chapter 8.14 of the Official Code relative to the display of red and black flags and the display of the American flag at street meetings.

The Ordinance was set over for final reading next week.

Ordinance No. 25597

Repealing Chapter 8.09 of the Official Code relative to the regulation of the lighting of cold storage lockers.

The Ordinance was set over for final reading next week.

Ordinance No. 25598

Amending Chapter 13.06 of the Official Code to modify height and area requirements in residential dwelling districts to promote residential infill development within the City consistent with the mandate of the State Growth Management Act and the City's Land Use Management Plan.

Speaking before the Council was:

Tyler Gazecki

1022 North K Street

The Ordinance was set over for final reading next week.

RESOLUTIONS:

Purchase Resolution No. 32763

Awarding contracts to:

1. Woodworth & Company, Inc., on their bid of \$414,170 for the fugitive dust program, shoulder paving and road rehabilitation at various locations in the Tacoma Tideflats - Specification No. G-222-94;
2. Tee's Plus Screen Printing Factory, on their bid of \$31,840 for DARE t-shirts and bags - Specification No. G-034-94; and
3. Pierce County Central Maintenance Shop, on their bid of \$15,373 for the sale of a surplus 1993 Ford cab and chassis.

Council Member De Forrest moved to continued Item No. 2 of the Purchase Resolution to the meeting of October 4, 1994. Seconded by Council Member Miller. Voice vote was taken and carried. The motion was declared adopted.

Item No. 2 of the Purchase Resolution will be considered at the regular Council meeting of October 4, 1994.

Council Member Kirby moved that Item Nos. 1 and 3 of the Purchase Resolution be adopted. Seconded by Council Member Crowley. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 32764

Approving the preliminary plat of STEELE'S SECOND ADDITION for ten single-family building lots in the vicinity of North 23rd and Villard Streets. (Northwest Investment Partners, Inc.; File No. 125.344)

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

Resolution No. 32765

Authorizing the execution of an amendment to the agreement with Disciplined Investment Advisors to increase their 1993-1994 contract amount for equity investment services from \$246,250 to \$280,000.

Council Member De Forrest moved to amend Resolution No. 32765, line 8 to read \$246,250 instead of \$246,230 and line 10 to read \$33,750 instead of \$43,000. Seconded by Council Member Baarsma. Voice vote was taken and carried. The motion was declared adopted.

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

Resolution No. 32766

Authorizing the execution of an amendment to the agreement with Disciplined Investment Advisors to increase their 1994-1995 contract amount for equity investment services from \$265,000 to \$308,000.

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. 32767

Authorizing the execution of an amendment to the agreement with Edinburgh Fund Managers to increase their 1994 contract amount for active international investment services from \$165,000 to \$225,000.

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. 32768

Authorizing the execution of an agreement with the Washington State Criminal Justice Training Commission to provide the services of a full-time police officer for its Basic Law Enforcement Academy Program.

Deputy Mayor Miller 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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PUBLIC HEARINGS AND APPEALS: (Began at 6:03 p.m.)

City of Federal Way, appealing the decision of the Hearing Examiner relative to the reclassification and preliminary plat of Harbor Ridge Estates for 193 residential building lots located in the vicinity of Norpoint Way Northeast and Northshore Parkway. (Lowe Enterprises N.W., Inc.; File No. 125.328)

Mr. Rod Kerlake, Hearing Examiner, spoke regarding his decision relative to the reclassification and preliminary plat of Harbor Ridge Estates for 193 residential building lots.

Mr. Mike Smith, attorney representing the appellant, City of Federal Way, presented reasons for the appeal.

Mr. Bill Lynn, attorney representing the applicant, Lowe Enterprises N.W., Inc., spoke in support of the decision of the Hearing Examiner.

Deputy Mayor Miller moved to concur in the Findings, Conclusions and Decision of the Hearing Examiner and deny the appeal. Voice vote was taken and carried. The motion was declared adopted.

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Resolution No. 32769

Authorizing the purchase of property located in the Marine View Drive Slope area in the amount of \$28,250 for Open Space purposes.

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

Resolution No. 32770

Authorizing the execution of an Amendatory Operation and Use Agreement and Amendatory Guarantee Agreement with the Tahoma Center Association to provide an additional \$32,500 in Community Development Block Grant Funds for the purchase of equipment for certain feeding programs.

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

Resolution No. 32771

Authorizing the execution of a Consent Decree with the State Department of Ecology and the Metropolitan Park District for the environmental cleanup of the Thea Foss Upland Area; and further authorizing the execution of a Memorandum of Understanding with the Metropolitan Park District for reimbursement of costs associated with said Decree.

Deputy Mayor Miller moved to suspend the rules to consider Substitute Resolution No. 32771. Seconded by Council Member Crowley. Voice vote was taken and carried. The motion was declared adopted.

Speaking before Council was:

Cheryl Miller

Resident

Council Member De Forrest moved to continue Resolution No. 32771 to the meeting of October 4, 1994. Seconded by Council Member Kirby.

Roll call vote was taken, resulting as follows:

Ayes: 2 -- De Forrest and Kirby.

Nays: 6 -- Baarsma, Crowley, McGavick, Miller, Silas, and Mayor Moss.

Absent: 1 -- Evans.

The motion was declared failed.

Deputy Mayor Miller moved that the Substitute Resolution be adopted. Seconded by Council Member Crowley.

Roll call vote was taken on resulting as follows:



Ayes: 6 -- Baarsma, Crowley, McGavick, Miller, Silas, and Mayor Moss.

Nays: 2 -- De Forrest and Kirby.

Absent: 1 -- Evans.

The Substitute Resolution was declared adopted.

Resolution No. 32772

Expressing support for a Pierce County ballot proposition for the November 8, 1994 election to issue \$33,000,000 in bonds and levy excess property taxes for a new correctional facility.

Deputy Mayor Miller moved that the Resolution be adopted. Seconded by Council Member Crowley.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 -- Evans.

The Resolution was declared adopted.

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UNFINISHED BUSINESS:

None.

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REPORTS BY CITY MANAGER:

Ray E. Corpuz, Jr., City Manager, announced that the sale of the Sewer Utility mini-bonds will be available in denominations of \$1,000 and each person can purchase up to \$10,000. He indicated that the bonds are tax free and are available for purchase through the City's Finance Department starting October 5, 1994. Interested parties can call the 24-hour hotline at 594-7999 for updated information on the mini-bond sales.

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COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Deputy Mayor Miller moved to excuse the absence of Council Member Evans from tonight's Council meeting. Seconded by Council Member De Forrest. Voice vote was taken and carried. The motion was declared adopted.

Deputy Mayor Miller expressed with sadness that County Council Member Barbara Skinner's father had shot and killed himself in a gun accident. He extended his best wishes and prayers to Barbara for such a tragic accident.

Council Member Kirby asked when the agreement with TACID would be finalized for signatures. He asked staff to provide him with a copy of the most recent resolution that TACID is currently operating under. He also asked that he be provided with a status report concerning TACID holding executive sessions, having their own bank account and 501(c)3 application. Council Member Kirby expressed concern about City advisory committees operating similar to an agency.

Council Member Kirby mentioned that in Randy Lewis' memorandum on membership in the Association of Washington Cities (AWC), Mr. Lewis indicated that office space is available by the AWC at a reduced rate for the lobbyist in Olympia. Council Member Kirby requested staff to provide information on how much money is being spent for the office space. He also requested information on what other lobbying contracts the City anticipates to have in the coming year. Council Member Kirby requested information on the justification for the amount of rent (\$14 per square foot) that is collected for office space in the Municipal Building, what funds those monies are allocated to and what that money is used for.

Council Member Silas wished Mayor Moss a happy birthday. She announced that Mayor Moss will be having a birthday on Saturday.

Council Member De Forrest indicated that the Neighborhood Councils will soon be having elections for their respective boards for the coming year. He explained that the ordinance that established Neighborhood Councils clearly states that members are elected by majority vote. He stated that last year 17 out of 21 members from the Eastside Neighborhood Council were elected by plurality. Council Member De Forrest requested legal clarification on the definition of "majority." Council Member De Forrest mentioned that a memo in the Friday Letter packet indicated that the 11th Street boat launch project will not proceed. Council Member De Forrest asked if the Council would have to rescind the resolution that authorized the submittal of a grant for that project. City Manager Corpuz replied that the Council would not need to take further action. He explained that the resolution adopted by Council authorized to submit an application for funding only. Since no grant award will be made to implement a contract, there is no further action required. Council Member De Forrest indicated that he received another 500 signatures from the ACORN organization and other concerned citizens to keep the Mottet Library branch open. Council Member De Forrest indicated that he will be

presenting the petitions to the Library Board at their next meeting on October 19 at 5:00 p.m. at the Tacoma Main Library. He encouraged concerned citizens to attend.

In response to Council Member De Forrest's concerns about the Neighborhood Councils elections, Council Member Baarsma explained that during the first year of forming the Neighborhood Councils, the Councils were operating somewhat on a trial basis in order to get up and running and then work out some of the difficulties. Council Member Baarsma stated that it is the intent that the election of the Neighborhood Councils Board members would be on a majority basis.

Mayor Moss reminded the Council to review the memorandum before them regarding the tipping fees ordinance and to provide their concerns to Gary Pederson.

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On proper motion, the meeting was adjourned at 8:20 p.m.

  
HAROLD G. MOSS, MAYOR

ATTEST:   
GENELLE BIRK, CITY CLERK

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