



City Council Minutes

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City Council Chambers, 747 Market Street, First Floor, Tacoma, Washington 98402

January 13, 2004

SWEARING IN CEREMONY

Mayor Baarsma welcomed everyone to the first City Council meeting of 2004, which includes items continued from the January 6, 2004, meeting that was canceled. He began with the Swearing in Ceremony of the newly elected and re-elected Council Members.

Mayor Baarsma called on the Honorable Brian Tollefson, Superior Court Judge, who swore in Council Member Spiro Manthou, who was accompanied by his wife Sandy.

He then called on Council Member Tom Stenger who was also sworn in by the Honorable Brian Tollefson.

Mayor Baarsma thanked the Honorable Brian Tollefson for participating in the ceremony.

Mayor Baarsma called on City Clerk Doris Sorum.

Ms. Sorum swore in Council Member Julie Anderson, accompanied by her husband Ian Wedmore and her father Donald Anderson.

Ms. Sorum then swore in Council Member Evans, accompanied by his wife Ann.

The meeting was called to order at 5:27 p.m.

Council Members Present: 9 – Anderson, Evans, Ladenburg, Lonergan, Manthou, Phelps, Stenger, Talbert, and Mayor Baarsma.

The Flag Salute was led by Council Member Anderson.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK

- a. Minutes of the Civil Service Board, December 1, 2003.
- b. Minutes of the Economic Development Committee, December 9, 2003.
- c. Minutes of the Human Rights Commission, November 20, 2003.

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- d. Minutes of the Planning Commission, December 3, 2003.
- e. Minutes of the Board of Commissioners of the Tacoma Housing Authority, November 19, 2003, and Special Session, December 3, 2003.
- f. Minutes of the Tacoma Public Library, November 19, 2003.
- g. Humane Society Animal and Field Services Reports, 2003.

C O N S E N T A G E N D A

Approval of the minutes of the Committee of the Whole meetings, October 7, November 4, and December 16, 2003.

RESOLUTIONS

Resolution No. 36059 (Continued from the City Council Agenda of January 6, 2004)

Setting Monday, January 26, 2004, at 5:00 p.m., as the date for a hearing by the Hearing Examiner on LID No. 7723 for the conversion of the overhead primary electrical distribution, utilities, telephone and cable-TV systems to underground along the alley between North 29th and North 30th Streets from White to Junett Streets and North 30th Street east of White Street to Junett Street.

Resolution No. 36060 (Continued from the City Council Agenda of January 6, 2004)

Setting Tuesday, February 3, 2004, at 9:30 a.m., as the date for a hearing by the Hearing Examiner, on the request to vacate a 30-foot section of the air rights above Port of Tacoma Road located immediately north of the Erdahl Ditch and a portion of right-of-way outside the constructed roadway of Port of Tacoma Road for the construction of an overpass for the safe transport of imported automobiles during the "Marshall Avenue Auto Facility Bridge - Phase 2" project. (Port of Tacoma; File No. 124.1199)

Resolution No. 36061 (Continued from the City Council Agenda of January 6, 2004)

Setting Tuesday, February 3, 2004, at 9:30 a.m., as the date for a hearing by the Hearing Examiner, on the request to vacate portions of the following platted streets: Alder, North 35th, Cedar, North 34th, Junett, North 33rd, and Pine, for railway improvements in conjunction with Washington State Department of Transportation. (Burlington Northern and Santa Fe Railroad Company; File No. 124.1198).

Resolution No. 36062 (Continued from the City Council Agenda of January 6, 2004)

Setting Tuesday, February 3, 2004, at 9:30 a.m., as the date for a hearing by the Hearing Examiner, on the request to vacate portions of the street and alley right-of-way between East B through East F Streets, abutting Burlington Northern railroad, for railway improvements and fiber optic conduit in conjunction with the Sound Transit Commuter Rail Project. (Burlington Northern and Santa Fe Railroad Company; File No. 124.1175)

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Resolution No. 36068

Setting Tuesday, February 10, 2004, at 9:30 a.m., as the date for a hearing by the Hearing Examiner, on the request to vacate a portion of North Ferdinand Street between North 9th and North 10th Streets to increase the landscaping areas and construct a garage. (Bernard and Janet Paul; File No. 124.1204)

Resolution No. 36069

Setting Tuesday, February 10, 2004, at 9:30 a.m., as the date for a hearing by the Hearing Examiner, on the request to vacate a portion of Mason Avenue southwest of the Center Street right-of-way for the installation of an entry gate for the Overlook Rim Apartments. (George Petrie; File No. 124.1205)

Resolution No. 36070

Setting Tuesday, February 10, 2004, at 9:30 a.m., as the date for a hearing by the Hearing Examiner, on the request to vacate a portion of Bay Street contained within the plat of the "Indian Addition" for the creation of additional yard space for expanded business operations. (Joseph and Laurie Sunnen; File No. 124.1200)

Council Member Phelps moved that the Consent Agenda, including Resolution Nos. 35059 through 35062 and 36068 through 36070, be approved. Seconded by Council Member Talbert. Voice vote was taken and carried. The Consent Agenda, including Resolution Nos. 35059 through 35062 and 36068 through 36070, was declared approved.

Council Member Phelps moved to amend Resolution No. 36059 to change the hearing date from Monday, January 26, 2004, to Monday, February 9, 2004. Seconded by Council Member Anderson. Voice vote was taken and carried. The motion was declared adopted.

Mayor Baarsma moved to suspend the rules to consider Resolution No. 36063 at this time. Seconded by Council Member Phelps. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 36063 (Continued from City Council Agenda of January 6, 2004)

Electing Bill Evans as Deputy Mayor for a one-year term through December 31, 2004.

Council Member Phelps moved that the Resolution be adopted. Seconded by Council Member Talbert.

Speaking before Council:

<u>Name</u>	<u>Address/Affiliation</u>
Allen Douglass	University Place
Charles Creso	5501 Broadview

Voice vote was taken and carried. The Resolution was declared adopted.

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Mayor Baarsma called on Council Members Stenger, Manthou, Anderson, and Evans for remarks.

Council Member Stenger stated it is an honor to be back on the Council.

Council Member Manthou extended his appreciation to everyone who helped him become a council member.

Council Member Anderson thanked the hundreds of people who helped her secure her council seat and stated she was honored to have this position.

Deputy Mayor Evans thanked his family and citizens.

Mayor Baarsma moved to recess. Seconded by Council Member Phelps. Voice vote was taken and carried. The motion was declared adopted. Council recessed at 5:35 p.m. and reconvened at 5:50 p.m.

PROCLAMATIONS

None.

PUBLIC COMMENT

This is the time set aside for public comment on items on the agenda. Speakers are asked to identify the specific agenda items they wish to address and comments will be limited to up to five minutes per person.

Public Comment began at 5:53 p.m.

Mayor Baarsma read the rules relative to Public Comment.

Speaking before the Council were:

<u>Name</u>	<u>Address/Affiliation</u>	<u>Subject</u>
Charles Creso	5501 Broadway	Ordinance No. 27178, Resolution No. 36063 and others; pay rates, appointments
Will Baker	www.piercecountyinsider.com	Ordinance No. 27187; disorderly conduct, domestic violence; Standard Agendas; no contact laws
Allen Douglass	University Place	Resolution Nos. 36063, 36064, 36066, and Ordinance Nos. 27185, 27162, 27887, and 27188; appointments,
Michele Reich Larry Wright	E.S. Brazill Street 5125 No. 46 th Street	Ordinance No. 27178; military pay Ordinance No. 27162; fines on cars left running
Janis Martin	2121 Martin Luther King, Jr. Way	Substitute Ordinance No. 27178; military pay

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Public Comment closed at 6:14 p.m.

REGULAR AGENDA

ANNOUNCEMENTS, PRESENTATIONS, AND APPOINTMENTS

Resolution No. 36063 (Continued from City Council Agenda of January 6, 2004)

Electing Bill Evans as Deputy Mayor for a one-year term through December 31, 2004.
Resolution No. 36063 was considered earlier in the meeting.

Resolution No. 36064 (Continued from City Council Agenda of January 6, 2004)

Appointing individuals to the Human Rights Commission and the Tacoma Arts Commission.

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

FINAL READING OF ORDINANCES

Substitute Ordinance No. 27178 (Continued from City Council Agenda of January 6, 2004)

Amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to implement an adjustment in the rate of pay for employees ordered to active duty in the military reserves or the National Guard effective January 1, 2004.

Deputy Mayor Evans moved to suspend the rules to consider Substitute No. 2 of Ordinance No. 27178. Seconded by Council Member Phelps. Voice vote was taken and carried. The motion was declared adopted.

Roll call vote was taken, resulting as follows:

Ayes: 9 – Anderson, Evans, Ladenburg, Lonergan, Manthou, Phelps, Stenger, Talbert, and Mayor Baarsma

Nays: 0

Substitute No. 2 of Ordinance No. 27178 was declared passed.

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Ordinance No. 27185 (Continued from the City Council Agenda of January 6, 2004)

Accepting \$786,795 from Sound Transit; and appropriating \$929,408 from the Arterial Street Fund for streetscape improvements on Pacific Avenue, Commerce Street, and the transition area between Pacific Avenue and Commerce Street; and for pedestrian access improvements on South 9th, 13th, and 15th Streets all related to the Tacoma Link; and further authorizing the execution of a memorandum of agreement with Sound Transit for said purpose.

Roll call vote was taken, resulting as follows:

Ayes: 9 – Anderson, Evans, Ladenburg, Lonergan, Manthou, Phelps, Stenger, Talbert, and Mayor Baarsma

Nays: 0

The Ordinance was declared passed.

Ordinance No. 27097

Vacating a portion of South Warner Street lying between South 9th and South 10th Streets for landscaping purposes. (Steven J. Berken; File No. 124.1182)

Roll call vote was taken, resulting as follows:

Ayes: 9 – Anderson, Evans, Ladenburg, Lonergan, Manthou, Phelps, Stenger, Talbert, and Mayor Baarsma

Nays: 0

The Ordinance was declared passed.

FIRST READING OF ORDINANCES

Ordinance No. 27162 (Continued from the City Council Meeting of November 4, 2003)

Amending Chapter 11.05 of the Municipal Code, relating to traffic, by adding a new section to be known and designated as Section 11.05.565, "Unattended Vehicle Left Idling," to prohibit leaving a vehicle unattended with the engine running.

Deputy Mayor Evans moved to amend page 2, line 5, of Ordinance No. 27162 by adding a new Section 2, reading as follows: "This Ordinance shall become effective on July 26, 2004." Seconded by Council Member Phelps. Voice vote was taken and carried. The motion was declared adopted.

The Ordinance, as amended, was set over for final reading next week.

Ordinance No. 27186 (Continued from the City Council Agenda of January 6, 2004)

Accepting \$170,421 from the Washington State Juvenile Accountability Incentive Block Grant program; depositing said amount in the Human Rights and Human Services Special Revenue Fund; transferring \$18,936 from the General Fund to the Human Rights and Human Services Special Revenue Fund; and appropriating \$189,357 from the Human Rights and Human Services Special Revenue Fund for the Truancy and Gang Reduction Moderate/Offender programs.

The Ordinance was set over for final reading next week.

Ordinance No. 27187

Amending Chapters 8.12 and 8.105 of the Municipal Code, relating to disorderly conduct and domestic violence, by declaring the act of stalking a crime consistent with state law.

The Ordinance was set over for final reading next week.

Ordinance No. 27188

Amending Chapter 8.74 of the Municipal Code, relating to criminal misuse of the telephones, to remove the word "profane" to be consistent with the opinion of the Supreme Court of Washington in the case of City of Bellevue vs. Lorang, and to make other minor changes.

The Ordinance was set over for final reading next week.

PUBLIC HEARING

This is the date set for a public hearing by the City Council on the proposed sale of the City's 8 percent share in the Skookumchuck Dam Facilities located in Thurston County, 11 miles northeast of the City of Centralia.

Public Hearing began at 7:00 p.m.

Speaking before Council:

<u>Name</u>	<u>Address/Affiliation</u>
Charles Creso	5501 Broadview
Michele Reich	1205 E.S. Brazill Street
Allen Douglass	University Place

Public Hearing ended at 7:08 p.m.

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RESOLUTIONS

Purchase Resolution No. 36065 (Continued from the City Council Agenda of January 6, 2004)

Awarding contracts to:

1. Harris Isuzu, Inc., dba Harris Ford, Inc., in the amount of \$138,990.50, plus sales tax, for eleven 2004 Ford Taurus sedans for the Police Department – Washington State Contract No. 05103;
2. The CEI Group, Inc., in the amount of \$125,000, plus sales tax, to renew the contract for auto accident management services through December 31, 2004 - Washington State Contract No. 31800;
3. Western Peterbilt, Inc., in the amount of \$160,371.27, plus sales tax, to renew the contract for one front loader refuse collection truck through November 13, 2004 – Specification No. FLT-210-01;
4. Financial Consultants International, Inc., in the amount of \$144,780.00, plus sales tax, to increase the contract for the set-up of 30 Crown Victoria sedans as police patrol vehicles - Specification No. FLT-201-01;
5. Pacific Torque, Inc., in the amount of \$75,000.00, plus sales tax, to renew the contract for rebuilt Allison transmissions through December 10, 2004 – Specification No. FLT-211-02;
6. American Building Maintenance Co. West dba AMB Janitorial Services, in the amount of \$72,128.00, plus sales tax, to extend janitorial services for various City buildings for two months – Specification No. F-005-98; and
7. Authorizing the execution of an interlocal agreement with the City of Burlington for cooperative purchasing.

Council Member Phelps moved to waive further reading of the Purchase Resolution. Seconded by Deputy Mayor Evans. Voice vote was taken and carried. The motion was declared adopted.

Deputy Mayor Evans moved to amend Exhibit A of Purchase Resolution No. 36065 by removing Item No. 6 and renumbering the exhibit. Seconded by Council Member Phelps. Voice vote was taken and carried. The motion was declared adopted.

Council Member Phelps moved to adopt Purchase Resolution No. 36065, as amended. Seconded by Deputy Mayor Evans. Voice vote was taken and carried on the Purchase Resolution, as amended. The Purchase Resolution, as amended, was declared adopted.

Purchase Resolution No. 36071

Awarding a contract to:

Sea-Western, Inc., in the amount of \$73,500.00, to upgrade equipment used by the Fire Department for MSA self-contained breathing apparatus equipment – Sole Source.

Deputy Mayor Evans moved that the Purchase Resolution, including waiving formal bidding procedures, be adopted. Seconded by Council Member Phelps. Voice vote was taken and carried on the Purchase Resolution. The Purchase Resolution was declared adopted.

Resolution No. 36066 (Continued from the City Council Agenda of January 6, 2004)

Ratifying the amendment to the interlocal agreement between the City of Fife, the City of Lakewood, the City of Tacoma, and the City of University Place for the addition of Pierce County to the Greater Tacoma Regional Convention Center Public Facilities District to reflect Pierce County's participation, generating \$8,000,000 in funding for the Convention Center over 20 years.

Council Member Talbert recused himself.

Deputy Mayor Evans moved that the Resolution be adopted. Seconded by Council Member Phelps. Voice vote was taken and carried, with Council Member Talbert recusing himself. The Resolution was declared adopted.

Resolution No. 36067 (Continued from the City Council Agenda of January 6, 2004)

Authorizing the execution of an agreement with Barnard Dunkelberg & Company, Inc., in the amount of \$66,083, to conduct the National Environmental Policy Act environmental study required to support the Tacoma Narrows Airport runway safety area improvement.

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

Resolution No. 36072

Authorizing the execution of an agreement with Aluminum Marine Construction, Inc., dba Almar, in the amount of \$278,022, for the construction of a marine patrol boat for the Police Department; and further committing up to \$19,788 from the Special Revenue Fund in matching funds.

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

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Resolution No. 36073

Accepting \$381,000 from the Washington State Department of Ecology for recycling and hazardous waste programs of Solid Waste Management Division; and further committing up to \$95,250 from the Solid Waste Management Fund in matching funds.

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

PUBLIC HEARING

This is the date set for a public hearing by the City Council on the proposed sale of the City's 8 percent share in the Skookumchuck Dam Facilities located in Thurston County, 11 miles northeast of the City of Centralia.

The Public Hearing was considered earlier in the meeting.

UNFINISHED BUSINESS

None.

REPORTS BY CITY MANAGER

City Manager James Walton welcomed Chas Hilton as the new Special Assistant to the City Manager for this quarter through March 2004. Mr. Hilton is the City's franchise administrator. Mr. Walton thanked Ms. Paula Anderson for all her work during the past quarter.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL

Council Member Lonergan announced the opening of Harborstone Credit Union in the Oakland-Madrona business district. He stated he had toured the new \$40 million Marshall Avenue Auto Facility in the Port District and congratulated the Port for receiving the one millionth Mazda vehicle to be imported to the United States through the Port. He also congratulated the Auto Warehousing Company for the 2004 RX-8, which is one of the 3.2 million vehicles imported.

Deputy Mayor Evans stated next Monday is the Martin Luther King, Jr. Day celebration at the Tacoma Dome, from 11 a.m. to 1 p.m. He invited everyone to attend.

Council Member Phelps announced that Pat Flynn, Community Relations, retired last December and thanked her for her many contributions.

Mayor Baarsma mentioned the City Council's Workshop held last weekend. He stated five standing committees were created: Economic Development Committee, Committee on Neighborhoods and Housing, Committee on Government Performance and Finance, Public Safety Committee, Committee on the Environment and Public Works. He stated each committee is eager for citizen advice and involvement.

Mayor Baarsma stated he and Council Member Lonergan attended the ribbon-cutting for three new buildings at the University of Washington Tacoma Campus.

CITIZENS' FORUM

Citizens' Forum began at 7:38 p.m.

Mayor Baarsma read the rules relative to Citizens' Forum.

Mayor Baarsma stated that Dr. McGroaty had to leave. He then read the welcome Dr. McGroaty had prepared.

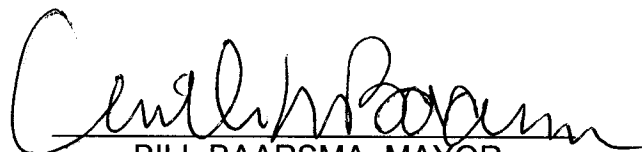
Speaking before the Council were:

<u>Name</u>	<u>Address/Affiliation</u>	<u>Topic</u>
Charles Creso	5501 Broadview	2004 Legislative Agenda
Rick Cvitanich	2808 No. 8 th Street	Charter, Tacoma Police Department
Jon Abels	3723 So. 8 th Street; Central Neighborhood Council	Snake Lake
Will Baker	www.piercecountyinsider.com	Crystal Brame's murder
Allen Douglass	University Place	First Night, Martin Luther King Day
Michele Reich	E.S. Brazill Street	Council accountability
Janis Martin	2121 Martin Luther King, Jr. Way	Town Hall Meeting
Floyd Harris	3006 So. Proctor Street	30-foot CB tower interference; Ordinance No. 26851
Denise Pouliot	3010 So. Proctor Street	Neighborhood threatened by user of CB
Judsen W. Morris III	2023 So. 8 th Street; FCC licensed amateur radio operator	Ordinance No. 26851; CB tower; non-FCC accepted equipment
Dennis Hickey	3011 So. Proctor	CB nuisance
Steven Feyedelem	3002 So. Proctor Street	CB nuisance

Citizens' Forum closed at 8:29 p.m.

Council Member Stenger and Mayor Baarsma requested the replay of the Council meeting be edited to remove the last five citizens for safety and security reasons.

On proper motion, the meeting was adjourned at 8:29 p.m.


 BILL BAARSMA, MAYOR

ATTEST: 
 DORIS SORUM, CITY CLERK

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