

CITY COUNCIL MINUTES

City Council Chambers
May 3, 1994

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

Present on roll call: 8 - Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Miller, and Silas. Absent: 1 - Mayor Moss. (Mayor Moss arrived at 6:05 p.m.)

The Flag Salute was led by Council Member Evans.

Approval of the minutes of the Tacoma City Council meeting of April 26, 1994; joint City Council/Public Utility Board study session of January 26, 1994; joint City Council/Tacoma Housing Authority study session of March 8, 1994; City Council workshop of March 25 and 26, 1994; joint City Council/Planning Commission study session of March 29, 1994; study sessions of February 17, March 15 and 22, 1994; and Town Hall meeting of March 30, 1994.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearing Examiner Agenda for Tuesday, May 3, 1994.
- b. Minutes of the meeting of the Landmarks Preservation Commission, April 13, 1994.
- c. Minutes of the Tacoma Employees' Retirement Board and Quarterly Manager's meetings, February 24, 1994.
- d. Minutes of the meeting of the Environmental Commission, April 11, 1994.
- e. Minutes of the meeting of the Human Rights Commission, March 17, 1994.
- f. Minutes of the meeting of the Tacoma-Pierce County Board of Health, March 2, 1994.
- g. Report of the Director of Finance, March 1994.

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

Deputy Mayor Miller welcomed Leonid Ignatenko, Annatoli Chupanof and Natalia Popova from Tacoma Sister City Vladivostok, Russia who were visiting for the international judo competition.

REGULAR AGENDA

Deputy Mayor Miller proclaimed the week of May 6-12, 1994, to be "Nurses Week" and presented the proclamation to Ms. Patricia Palms and Ms. Luella Hefty of the Pierce County Nurses Association.

Deputy Mayor Miller encouraged the purchase of buddy poppies during the month of May 1994, and presented a proclamation to Mr. Ray Murphy, Ms. Mary Peterson, Ms. Natalie Pepin and Mr. Tony Thrall of the Veterans of Foreign War.

ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS:

Resolution No. 32594

Appointing City Council Members to various committees, boards and commissions.

Council Member Baarsma moved to suspend the rules to consider Substitute Exhibit 'A' of Resolution No. 32594. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

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

Resolution No. 32595

Appointing citizens to various committees, boards and commissions.

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.

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COMMUNICATIONS:

- a. Hearing Examiner submitting Shoreline Management Substantial Development Permit No. 141.565 to allow the development of a temporary, upland, pedestrian walkway together with associated interpretive kiosks, security fencing, and an irrigation system located between Thea Foss Waterway and Dock Street and between East 15th and East 19th Streets, extended. (Public Works Department; File No. 141.565)

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

- b. City Clerk advising that the Civil Service Board has filed a proposed amendment to Section 1.24.940 of the Civil Service and Personnel Rules making the willful violation of the Ethics Code cause for disciplinary action.

Deputy Mayor Miller indicated that the proposed amendment to the Civil Service and Personnel Rules is an informational item and that no action was necessary at this time.

FINAL READING OF ORDINANCES:

Ordinance No. 25419

Vacating the east 10 feet and the west 10 feet of Wilkeson Street between South 41st and South 42nd Streets to accommodate the existing encroachments on both sides of the 70-foot wide right-of-way. (Jerry L. Gettmann, et al; File No. 124.989)

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 -- Mayor Moss.



The Ordinance was declared passed.

Ordinance No. 25477

Appropriating \$93,250 from the Health Care Trust Fund for an enhanced Employee Wellness program.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 -- Mayor Moss.

The Ordinance was declared passed.

Ordinance No. 25478

Amending Section 8.12.120.A of the Official Code relative to the destruction of property to comply with the U. S. Constitution.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 -- Mayor Moss.

The Ordinance was declared passed.

Ordinance No. 25479

Amending Sections 8.66.080 and 8.66.090 of the Official Code relative to the unlawful use of weapons.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 -- Mayor Moss.

The Ordinance was declared passed.

Ordinance No. 25480

Amending Chapter 1.46 of the Official Code relative to the standards, enforcement procedures, and civil and criminal penalties enumerated in the Ethics Code.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 -- Mayor Moss.

The Ordinance was declared passed.

Ordinance No. 25481

Amending Sections 1.23.070 and 8.70.010 of the Official Code relative to the jurisdiction of the Municipal Court and the powers of the Hearing Examiner to be consistent with changes to the Ethics Code.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 -- Mayor Moss.

The Ordinance was declared passed.

Ordinance No. 25482

Amending the Official Code by creating Chapter 1.60 relative to public corporations with regard to the Municipal Authority.

Deputy Mayor Miller moved to suspend the rules to consider Substitute Ordinance No. 25482. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 -- Mayor Moss.

The Substitute Ordinance was declared passed.

Ordinance No. 25483

Approving and confirming the assessment roll for L.I.D. No. 6968 for the installation of streetlighting on Aurora Avenue from Hegra Road to South 12th Street and Karl Johan Avenue from 6th Avenue to South 12th Street.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 -- Mayor Moss.

The Ordinance was declared passed.

Ordinance No. 25484

Approving and confirming the assessment roll for L.I.D. No. 6969 for the installation of streetlighting along Fernside Drive from Hegra Road to South 12th Street.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

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Absent: 1 -- Mayor Moss.

The Ordinance was declared passed.

Ordinance No. 25485

Approving and confirming the assessment roll for L.I.D. No. 7710 for the conversion of existing overhead electrical primary, telephone, and cable television lines to underground along North Adams Street from North 37th Street to approximately North 38th Street and North 38th Street from approximately North Adams Street to North Union Avenue.

Council Member Baarsma moved to continue Ordinance No. 25485 and Ordinance No. 25486 to no sooner than the meeting of May 17, 1994. Seconded Council Member Kirby. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 25486

Approving and confirming the assessment roll for L.I.D. No. 7711 for the conversion of existing overhead electrical primary, telephone, and cable television lines to underground along the alley between North 29th and North 30th Streets from Cedar to Junett Streets.

Ordinance Nos. 25485 and 25486 will be considered at a regular City Council meeting no sooner than May 17, 1994.

Ordinance No. 25487

Approving and confirming the assessment roll for L.I.D. No. 7712 for the conversion of existing overhead electrical primary, telephone, and cable television lines to underground along Junett Street from North 32nd Street to the alley between North 33rd and North 34th Streets; Cedar Street from North 31st to North 33rd Streets; the alley between North 31st and North 32nd Streets from Junett to Alder Streets; North 32nd Street from Junett to Cedar Streets; and the alley between North 33rd and North 34th Streets from Junett Street westerly 150 feet, more or less.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 -- Mayor Moss.

The Ordinance was declared passed.

Mayor Moss arrived at 6:05 p.m.

Ordinance No. 25488

Approving and confirming the assessment roll for L.I.D. No. 7713 for the placement of underground electrical primary, telephone, and cable television lines along Alaska Street from a point 200 feet, more or less, south of South 87th Street to a point 250 feet, more or less, north of South 86th Street east 325 feet, more or less; South 86th Street from Ainsworth to Alaska Streets; and Asotin Street from South 86th Street south 420 feet, more or less.

Roll call vote was taken, resulting as follows:

Ayes: 9 -- Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Miller, Silas, and Mayor Moss.

Nays: 0.

The Ordinance was declared passed.

PUBLIC HEARINGS AND APPEALS: (Will begin at approximately 6:00 p.m.)

Obren and Helen Keckemet, appealing the decision of the Hearing Examiner relative to a Wetland/Stream Development Permit to allow the demolition of an existing single-family residential structure and the construction of two new, single-family residences located within a wetland/stream area and the placement of fill within a small portion of the stream and associated wetlands located west of North Carr Street and north of North 26th Street. (Donald F. McKay; File No. 110.031) (Continued from the meeting of April 26, 1994.)

Deputy Mayor Miller moved to dismiss the appeal by request of the appellants. Seconded by Council Member Silas. Voice vote was taken and carried. The motion was declared adopted.

FIRST READING OF ORDINANCES:

Ordinance No. 25489

Authorizing the sale and issuance of 1994 Electric System Revenue and Refunding Bonds in an amount not to exceed \$250,000,000 for additions and improvements to the electric system.

The Ordinance was set over for final reading next week.

Ordinance No. 25490

Accepting \$1,000 from TCI Cablevision of Washington, Inc.; depositing in and appropriating said sum from the General Fund for the National Academy of Cable Programming's Annual Local CableACE Awards Ceremony on May 24, 1994.

The Ordinance was set over for final reading next week.

Ordinance No. 25491

Authorizing the sale and issuance of 1994 Limited Tax General Obligation Building and Refunding Bonds in the amount of \$10,500,000 for acquiring and rehabilitating the Center Plaza Building and rehabilitating the Municipal Building.

The Ordinance was set over for final reading next week.

RESOLUTIONS:

Purchase Resolution No. 32596

Awarding contracts to:

1. Murton International, in the amount of \$27,032 for traffic line paint - Washington State Contract No. 110-93; and
2. Konica Business Machines, in the amount of \$90,000 for the copier maintenance agreement - Sole Source.

Deputy Mayor Miller moved that the Purchase Resolution, including waiving formal bidding procedures on Item No. 2, be adopted. Seconded by Council Member Silas. Voice vote was taken and carried.

The Purchase Resolution, including waiving formal bidding procedures on Item No. 2, was declared adopted.

Resolution No. 32597

Authorizing the execution of a purchase agreement with Theodore A. Anderson in the amount of \$91,000 for a six-acre site along the south property line of the Water Division's Headworks Road for the Green River Watershed.

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

Resolution No. 32598

Authorizing the execution of a grant award agreement with the Washington State Department of Community Development in the amount of \$35,000 for an environmental impact statement for future development of the Thea Foss Waterway.

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

Resolution No. 32599

Authorizing the submittal of a loan application to the Washington State Department of Community Development in the amount of \$1,794,700 for for the reconstruction of Taylor Way between East 11th Street and Lincoln Avenue.

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

Resolution No. 32600

Approving the issuance of revenue bonds by the Pierce County Economic Development Corporation in an amount not to exceed \$2,500,000 for T.C. Products, Inc. to finance a new facility for manufacturing bleach and other cleaning products.

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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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 7:05 p.m. and reconvened at 7:16 p.m.

CITIZENS' FORUM:

Speaking before Council were:

		<u>Topic</u>
Peter Birmingham	1207 South Mason	Storm Sewers
Pat Magill	4550 South 9th	Fluoridation
Wini Silko	1507 North Fife	Fluoridation
Charlean Eigner	5011 East L Street	DSHS Food Stamp Program
Wayne Bates	3828 South J Street	Fireworks
Mel Jackson	1101 So. Yakima	Prevention Programs
Doug Delin	3515 East T Street	Empowerment Zones

UNFINISHED BUSINESS:

None.

REPORTS BY CITY MANAGER:

Ray E. Corpuz, Jr., City Manager, reported that the Council Workshop on May 26, with Bruno Freschi, architect, will be rescheduled to another date.

Mr. Corpuz announced that the first meeting of the Community Council will be held on May 9, at 6:30 p.m., in the Cascade Room, at the Tacoma Main Library. Mr. Corpuz stated the purpose of the meeting is to discuss the duties and responsibilities of the Community Council. He encouraged Council Members to attend.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Deputy Mayor Miller announced that in last week's Friday Letter, there was a list of 50 businesses who contributed to the gun buy-back program. Deputy Mayor Miller expressed his appreciation for those businesses who supported this program.

Deputy Mayor Miller noted that staff was slipping into old habits on how to address the Council (i.e. "Mr. Mayor, Council Members, Mr. Crowley").

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Deputy Mayor Miller requested staff to look into alternatives regarding the audio sound system in the Council Chambers and its transmission. Deputy Mayor Miller indicated that there seems to be a lag in the audio transmission over the Municipal Channel.

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

Council Member Silas expressed concern that the Citizens' Forum is intended for the Council to listen to what the people want to speak about, whether the Council likes it or not. Council Member Silas also noted that if speakers will be limited to three minutes, then Council Rule 10(B) should reflect a three-minute limitation per speaker.

Council Member Silas thanked staff for their efforts in working on cleaning up the Hilltop area. Council Member Silas indicated that alternative methods must be found to keep the area clean.

Council Member Kirby expressed concern about the dialogue between the Council and citizens during Citizens' Forum. Council Member Kirby indicated that the dialogue tonight may prevent citizens from participating and that the Council should allow citizens to just speak.

Council Member Kirby noted that he had recently received mail from Senator Slade Gorton addressed to Council Member McGavick at his home address. Council Member McGavick expressed assurance that she lived in the north end and not the south end.

Council Member De Forrest reported that in a recent news release on the Planning Commission vacancies, the boundaries for District No. 3 was incorrect.

Council Member De Forrest requested the names of the individuals who owned Albers Mill and requested staff to provide an estimate on what the environmental cleanup costs would be for the site. Council Member De Forrest indicated that if the property is appraised at \$450,000, it does not include the environmental cleanup; and if the cost for the site is \$500,000, then does this constitute a gift of public funds.

Council Member De Forrest requested Finance staff to provide a total of the City's outstanding bonds, including the bonds of Public Utilities and their debt service.

Council Member De Forrest requested staff to respond to Mr. Binkley's letter regarding restitution.

In reference to the Emmanuel Church appeal, Council Member De Forrest noted that it was his hope that the Council would consider the motion to reconsider so that the parties involved could have resolved the issue.

Council Member Evans spoke regarding recent articles in the *Morning News Tribune* on growth management overlaps. He requested staff to provide the points of contention between the County and the City.

On proper motion, the meeting was adjourned at 8:30 p.m.


HAROLD G. MOSS, MAYOR

ATTEST: 
GENELLE BIRK, CITY CLERK

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