



# City Council Minutes

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

August 27, 2002

The meeting was called to order at 5:09 p.m.

Present on roll call: 8 – Evans, Lonergan, McGavick, Miller, Moss, Phelps, Talbert, and Mayor Baarsma. Absent: 1 – Ladenburg.

The Flag Salute was led by Council Member Moss.

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## ITEMS FILED IN THE OFFICE OF THE CITY CLERK

- a. Minutes of the Human Rights Commission, June 20 and July 18, 2002, and special meeting, June 27, 2002.
- b. Minutes of the Planning Commission, August 7, 2002.
- c. Minutes of the Public Utility Board study session and meeting, July 10, 2002.
- d. Minutes of the Tacoma-Pierce County Board of Health, July 3, 2002.
- e. Citizens' petitions opposing the proposed rezone and sale of the Tacoma Water property at South 19<sup>th</sup> and South Meyers Streets.
- f. Monthly Financial Reports for the Conservation Project Fund, Data Processing Fund, Fleet Services Fund, Geographic Information System Fund, Self-Insurance Claim Fund, Tacoma Power, Tacoma Rail, and Tacoma Water, June 2002.
- g. Report of the Finance Director, June 2002.

## C O N S E N T   A G E N D A

Approval of the minutes of the City Council meeting and study session, August 13, 2002, and corrected and regular minutes of the Committee of the Whole, August 6 and August 13, 2002, respectively.

## RESOLUTIONS

### **Resolution No. 35604**

Approving the final plat for CLIFFORD CREST, a nine-lot subdivision located between South 90<sup>th</sup> Street Court and South 92<sup>nd</sup> Street, west of South L Street. (Crest Builders, Inc.; File No. PLT2002-00005)

20

Deputy Mayor McGavick moved that the Consent Agenda, including Resolution No. 35604, be approved. Seconded by Council Member Miller. Voice vote was taken and carried. The Consent Agenda, including Resolution No. 35604, was declared approved.

Mayor Baarsma corrected the City Council minutes of August 13, 2002 to reflect that Council Member Ladenburg was absent on Resolution No. 35573 and Council Member Lonergan stated he had recused himself on Ordinance No. 26979.

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**PROCLAMATION**

Mayor Baarsma proclaimed September 2-6, 2002, to be "National Payroll Week" and presented the proclamation to Mr. Ron Rosi, Financial Manager, Payroll Division.

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**R E G U L A R   A G E N D A**

**COMMUNICATION**

City Clerk advising that the petitions entitled "Repeal Special Rights Again" submitted by the committee "Help Us Take Back Tacoma Again!" contained the necessary signatures and have been verified as to sufficiency.

Mayor Baarsma advised that this is informational only and no action is required.

**FINAL READING OF ORDINANCES**

**Ordinance No. 26942**

Vacating the west 20 feet of White Street north of North 31<sup>st</sup> Street to the alley between North 31<sup>st</sup> and North 32<sup>nd</sup> Streets to provide additional space for parking and landscaping and to allow the home to be placed farther away from the abutting street. (Arthur Broback; File No. 124.1159)

Roll call vote was taken, resulting as follows:

Ayes: 8 – Evans, Lonergan, McGavick, Miller, Moss, Phelps, Talbert, and Mayor Baarsma

Nays: 0

Absent: 1 – Ladenburg

The Ordinance was declared passed.

21

**FIRST READING OF ORDINANCES**

**Ordinance No. 26982**

Amending Chapter 13.06 of the Municipal Code to reclassify 13 parcels of property from an “R-2 SRD” Residential Special Review District and 3 parcels of property from an “R-3” Two-Family Dwelling District to a “C-2” General Community Commercial District, located west of A Street between South 38<sup>th</sup> and South 37<sup>th</sup> Streets, to allow construction of a 44,649-square-foot Albertsons grocery store, a 6,250-square-foot retail commercial building, and off-street parking. (Pacific Land Design; File No. REZ2002-00002)

Deputy Mayor McGavick recused herself.

Council Member Phelps moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner. Seconded by Council Member Miller. 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. 26983**

Vacating South George Street west of A Street and the alley rights-of-way north of South 38<sup>th</sup> Street and west of A Street to combine the vacated property with the abutting property for construction of a large grocery store and general retail commercial building, along with associated off-street parking and landscaping. (Independent Development Company; File No. 124.1166)

Deputy Mayor McGavick recused herself.

Council Member Phelps moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner. Seconded by Council Member Miller. 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. 26984**

Establishing a street improvement area within a portion of the Tacoma Mall retail area, bounded by South 35<sup>th</sup> and South 38<sup>th</sup> Streets and Pine Street and Interstate 5, requiring the construction of new roads or improvements to existing roads when the development of commercial property adds to traffic congestion within said area.

Speaking before the Council was:

| <u>Name</u>   | <u>Address/Affiliation</u>            |
|---------------|---------------------------------------|
| Allen Douglas | 612 South 18 <sup>th</sup> Street, #5 |

The Ordinance was set over for final reading on September 10, 2002.

**Ordinance No. 26985**

Authorizing the execution of a grant agreement with the Washington State Department of Ecology, in the amount of \$32,812; accepting, depositing in, and appropriating said sum from the Solid Waste Fund for partial reimbursement of costs related to the Green Building Program project accepted under Ecology’s Coordinated Prevention Grant Pilot Program.

The Ordinance was set over for final reading on September 10, 2002.

**RESOLUTIONS**

**Purchase Resolution No. 35605**

Awarding contracts to:

1. Mid-Mountain Contractors, Inc., on its bid of \$1,180,048.86, for alley paving, storm drainage, and sanitary sewer replacement – Specification No. G-218-02;
2. Paramount Electric Company, on its bid of \$383,596.00, for replacement of the fire alarm system at the Tacoma Municipal Building – Specification No. G-232-02;
3. Tacoma Daily Index Inc., on its bid of \$120,000, for official City legal printing – Specification No. G-024-02; and
4. U.S. Oil & Refining Co., in the amount of \$155,000.00, to increase and extend its contract for asphalt products – Washington State Contract No. 14399.

Deputy Mayor McGavick moved to adopt Purchase Resolution No. 35605.  
 Seconded by Council Member Miller.

Speaking before the Council were:

| <b>Name</b>  | <b>Address/Affiliation</b>                         |
|--------------|--|
| Mike Menotti | HUB Contractor                                     |
| Tim Welborn  | Operations Manager, Mid-Mountain Contractors, Inc. |

Deputy Mayor McGavick moved to consider Item No 1 separately. Seconded by Mayor Baarsma. Voice vote was taken and carried, with Council Member Talbert voting in opposition. The motion was declared adopted.

Deputy Mayor McGavick moved that Item Nos. 2, 3, and 4 of Purchase Resolution No. 35605 be adopted. Seconded by Council Member Miller.

Speaking before the Council was:

| <b>Name</b>   | <b>Address/Affiliation</b>            |
|---------------|---------------------------------------|
| Allen Douglas | 612 South 18 <sup>th</sup> Street, #5 |

Voice vote was taken and carried. Item Nos. 2, 3, and 4 of the Purchase Resolution were declared adopted.

Deputy Mayor McGavick moved that Item No. 1 of Purchase Resolution No. 35605 be adopted. Seconded by Council Member Miller.

Council Member Phelps moved to move Item No. 1 of Purchase Resolution No. 35605 to the end of the tonight’s Agenda. Seconded by Council Member Miller. Voice vote was taken and carried. The motion was declared adopted.

23

**Resolution No. 35606**

Approving the Click! Network Tacoma Power 2002 Business Plan.

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

Speaking before the Council were:

| <u>Name</u>        | <u>Address/Affiliation</u>  |
|--------------------|---|
| Dr. Stan Flemming  | Member of University Place City Council; President, Rainier Communications Commission |
| Janean Polkinghorn | Assistant City Attorney, City of University Place                                     |
| Doug Richardson    | Member of Lakewood City Council   |
| Catherine Rudolph  | Tacoma-Pierce County Association of Realtors  |
| Bob Neil           | Resident  |
| Rick Hite          | Business Manager, International Brotherhood of Electrical Workers                     |
| Allen Douglas      | 612 South 18 <sup>th</sup> Street, #5   |

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

**Resolution No. 35607**

Authorizing the execution of a revised Second Supply Project Agreement, which removes the City of Seattle as a participant in said project.

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

**Resolution No. 35608**

Authorizing the execution of an agreement with the William M. Factory Small Business Incubator, in the amount of \$106,250, to administer the Eastside Small Business Incubator Program in accordance with the Tacoma-Lakewood Consolidated Plan for Housing and Community Development Annual Action Plan 2002-2003.

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

Speaking before the Council was:

| <u>Name</u> | <u>Address/Affiliation</u>                                      |
|-------------|---|
| Tim Strege  | Executive Director, William M. Factory Small Business Incubator |

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

**Resolution No. 35609**

Adopting the Financial and Budget Policy Statement for the City of Tacoma.

Deputy Mayor McGavick moved that the Resolution be adopted. Seconded by Council Member Phelps.

24

Speaking before the Council was:

| <b>Name</b>   | <b>Address/Affiliation</b>            |
|---------------|---------------------------------------|
| Allen Douglas | 612 South 18 <sup>th</sup> Street, #5 |

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

**Resolution No. 35610**

Authorizing the execution of a Consent Decree with the Environmental Protection Agency for implementation of the Remedial Action Plan and a Settlement and Escrow Agreement with the Funding Parties for cleanup of the Thea Foss and Wheeler-Osgood Waterways, and authorizing the submittal of a grant application for remedial action grant funds.

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

Speaking before the Council was:

| <b>Name</b>     | <b>Address/Affiliation</b>                        |
|-----------------|---|
| Leslie Ann Rose | Senior Policy Analyst, Citizens for a Healthy Bay |

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

**Resolution No. 35611**

Appointing Hap M. Butler, Douglas A. Delin, and Steve Rodli to the Pro Committee advocating voters' approval and The Reverend David Alger, Thomas Dixon, and Dr. Pamela Transue to the Con Committee advocating voters' rejection of the measure regarding the prohibition against discrimination on the basis of gender identity and/or sexual orientation.

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

Speaking before the Council were:

| <b>Name</b>    | <b>Address/Affiliation</b>                                     |
|----------------|--|
| Julie Anderson | Campaign Manager, Tacoma United for Fairness                   |
| Hap Butler     | Co-founder, Help Us Take Back Tacoma Again Initiative Campaign |
| Allen Douglas  | 612 South 18 <sup>th</sup> Street, #5                          |

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

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Council Member Phelps moved to convene to Executive Session to discuss potential litigation, the session not to exceed 15 minutes. Seconded by Deputy Mayor McGavick. Voice vote was taken and carried. The motion was declared adopted.

Council convened to Executive Session at 8:06 p.m. and reconvened at 8:21 p.m.

Deputy Mayor McGavick moved to remand Item No. 1 of Purchase Resolution No. 35605 to the Contracts and Awards Board and request the Contract Compliance Supervisor to conduct a compliance audit and that Board reconsider its recommendations and provide the Council with its written findings and conclusions. Seconded by Mayor Baarsma.

Roll call vote was requested and taken resulting as follows:

Ayes: 3 – McGavick, Moss, and Mayor Baarsma

Nays: 5 – Evans, Lonergan, Miller, Phelps, and Talbert

Absent: 1 – Ladenburg

The motion to remand was declared failed.

Deputy Mayor McGavick moved to adopt Purchase Resolution No. 35605, Item No. 1. Seconded by Council Member Miller. Voice vote was taken and carried, with Mayor Baarsma and Council Member Moss voting in opposition. Item No. 1 of Purchase Resolution No. 35605 was declared adopted.

**UNFINISHED BUSINESS**

None.

**REPORTS BY CITY MANAGER**

City Manager Ray Corpuz requested an Executive Session to discuss labor negotiations, the session not to exceed 30 minutes.

**COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL**

Mayor Baarsma reminded everyone that the City Council study session and meeting of September 3, 2002 have been canceled and that the next regularly scheduled study session and meeting will be held on Tuesday, September 10, 2002, at noon and 5 p.m., respectively.

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Deputy Mayor McGavick moved to excuse Council Member Ladenburg from tonight's meeting. Seconded by Council Member Miller. Voice vote was taken and carried. The motion was declared adopted.

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Deputy Mayor McGavick stated there was an excellent article in the *Seattle Times* about the resurgence of Tacoma's waterfront area, which included a beautiful picture of Thea's Landing.

Mayor Baarsma stated he met last week with the Library Board to discuss budget issues and concerns.

Mayor Baarsma stated last weekend was the Mayor's reading event at Point Defiance where awards were given to many children who spent 21 hours, 30 minutes a day, reading through the summer months.

26

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Council Member Phelps moved to convene to Executive Session to discuss labor negotiations, the session not to exceed 30 minutes. Seconded by Deputy Mayor McGavick. Voice vote was taken and carried. The motion was declared adopted.

Council convened to Executive Session at 8:45 p.m. and reconvened at 9:15 p.m.

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Mayor Baarsma moved to authorize full and final settlement of the claim against the City of Tacoma by Larry Reda in the amount of \$93,869.00. Seconded by Deputy Mayor McGavick. Voice vote was taken and carried. The motion was declared adopted.

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On proper motion, the meeting was adjourned at 9:20 p.m.

  
WILLIAM H. BAARSMA, MAYOR

ATTEST:   
DORIS SORUM, CITY CLERK

27