

CITY COUNCIL MINUTES

City Council Chambers
August 9, 1994

The meeting was called to order at 5:05 p.m.

Present on roll call: 7 - Baarsma, Crowley, Evans, Kirby, McGavick, Miller, and Mayor Moss. Absent: 2 - De Forrest and Silas. (Council Members De Forrest and Silas arrived at 5:06 p.m.)

The Flag Salute was led by Council Member Evans.

Council Members De Forrest and Silas arrived at 5:06 p.m.

Mayor Moss proclaimed the month of August, 1994, to be "Paint Tacoma-Pierce Beautiful Month," and presented the proclamation to Ms. Sally Shawl of Associated Ministries.

CONSENT AGENDA

Approval of the minutes of the Tacoma City Council meeting of August 2, 1994; joint Council/Metropolitan Park District Board study sessions of April 14 and June 7, 1994; City Council study sessions of May 24 and June 14, 1994; City Council Strategic Planning Workshop of May 31, 1994; and joint Council/Tacoma School Board study session of June 9, 1994.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearing Examiner Agenda for Tuesday, August 9, 1994.
- b. Minutes of the meeting of the Airport Advisory Committee, July 21, 1994.
- c. Minutes of the meeting of the Fire Safety Education Advisory Committee, July 27, 1994.
- d. Minutes of the meeting of the Tacoma Planning Commission, July 6, 1994.
- e. Total Service Delivery Reports for the Tacoma-Pierce County Humane Society, April and May 1994.

- f. Monthly Financial Reports for Belt Line Division, Light Division, Water Division, Data Processing Fund, Fleet Services Fund, Self-Insurance Claim Fund and Geographic Information System Fund, June 1994.
- g. Final Six-Year Comprehensive Street Program, July 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.

REGULAR AGENDA

ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS:

Resolution No. 32721

Appointing citizens to various committees, boards and commissions.

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.

COMMUNICATIONS:

Hearing Examiner submitting Shoreline Management Substantial Development Permit No. 141.568 to allow a 45-slip expansion to an existing 37-slip marina located at 1900 East D Street. (City Waterway Investments, Inc.; File No. 141.568)

Mayor Moss moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner. Seconded by Council Member Evans. 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 motion was declared adopted.

REGULAR AGENDA

FINAL READING OF ORDINANCES:

Ordinance No. 25539

Vacating portions of South 50th and 52nd Streets east of Tyler Street and additional rights-of-way to unify the property into one parcel for the continuation of a fill operation and other improvements. (William Dickson Company; File No. 124.997)

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.

Ordinance No. 25549

Appropriating \$81,000 from the Right-of-Way Enhancement Fund and authorizing the execution of a supplemental agreement with the Washington State Department of Transportation for the construction of an illumination system for the SR-509 cable-stayed bridge; and declaring an emergency making necessary the passage of this ordinance.

Roll call vote was taken, resulting as follows:

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

Nays: 3 -- Baarsma, De Forrest and Kirby.

The Ordinance was declared passed.

Ordinance No. 25550

Approving and confirming the assessment roll for L.I.D. No. 3947 for the placement of sanitary sewers in Cascade Avenue from North 11th to North 13th Streets.

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.

FIRST READING OF ORDINANCES:

Ordinance No. 25551

Authorizing the execution of agreements with Seafirst Bank in the amount of \$119,546.12 for the provision of banking services and Retail Lockbox in the amount of \$267,624.34 for the provision of lockbox receipting of utility payments for a two-year period; appropriating \$96,800 from the Internal Service Summary Fund for said services; and declaring an emergency making necessary the passage of this ordinance.

Speaking before Council were:

Tom Potter
John Arbini
Greg Dawson

Seafirst Bank
Seafirst Bank
Retail Lockbox

The Ordinance was set over for final reading next week.

RESOLUTIONS:

Resolution No. 32622

Directing the Planning Commission to review proposed changes to the Land Use Regulatory Code regarding the definition of "family" living in single-family dwelling units.

Council Member Evans moved to suspend the rules to consider Substitute Resolution No. 32622. Seconded by Council Member Baarsma. Voice vote was taken and carried. The motion was declared adopted.

Council Member Evans moved that the Substitute Resolution be adopted. Seconded by Council Member Baarsma. Voice vote was taken and carried, with Council Member Silas voting in opposition. The Substitute Resolution was declared adopted.

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Resolution No. 32699 (Continued from the meeting of July 26, 1994.)

Establishing various projects and programs including the Geographic Information System; Marine View Drive Improvement; Pioneer Way and River Road Improvement; Public Safety Streetlighting; Ornamental Series Streetlighting; Hazardous Sidewalk Replacement; Pavement Management System; North 21st Street Bridge; and Fire Station No. 12 as Major Independent Construction Projects or Federally-Funded Projects or Programs as special projects of limited duration for the hiring of temporary employees.

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

Purchase Resolution No. 32722

Awarding a contract to:

Mowat Construction Co., in the amount of \$2,088,376 for rehabilitation of the North 21st Street Bridge - Specification No. G-219-94.

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

Resolution No. 32723

Authorizing the execution of a License Agreement with SSI Sports, Inc. for the use of the Tacoma Dome for the Seattle SuperSonics home games for the 1994-1995 National Basketball Association season.

Speaking before Council were:

Susan Mortenson
Sherry White

Representative of SuperSonics
Representative of SuperSonics

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

Resolution No. 32724

Authorizing the execution of an agreement between the Local Development Council and Candace Gray and Associates in the amount of \$60,000 for a promotion and marketing plan for the Downtown Business Improvement District.

Council Member Crowley and Deputy Mayor Miller announced that they would abstain from consideration of this matter and left the Council Chambers.

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

Resolution No. 32725

Authorizing the execution of agreements with Weyerhaeuser Company for the purchase of the Chehalis Western Railroad.

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

CITIZEN'S REQUEST TO BE HEARD: (Begin at 6:16 p.m.)

Mr. Bill J. Hand, requesting to speak regarding berthing cruise ships on the west shore of Commencement Bay.

Mr. Hand spoke to the Council regarding the berthing of cruise ships on Commencement Bay.

Mayor Moss then called on Ms. Janyce Griswold who spoke to the Council regarding cardroom taxes and security enforcement.

Mr. Ed Fisher and Mr. Lou Dales also spoke regarding their concerns about paying 20% of their gross income for gambling taxes.

PUBLIC HEARINGS AND APPEALS: (Begin at 6:59 p.m.)

This is the date set for a public hearing on the proposed "Human Services Strategic Plan."

There were no speakers before the Council.

The hearing was declared closed at 7:03 p.m.

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UNFINISHED BUSINESS:

Reconsideration of the Decision of the City Council in the matter of the appeal of William Ostruske relative to a Shoreline Management Substantial Development/Conditional Use Permit No. 141.534 to allow the development of an over-water, single-story, single-family, pile-supported residence with an attached carport and deck at 1516 Wilton Road. (George Lund; File No. 141.534)

Council Member Baarsma moved to continue reconsideration of the Decision of the City Council in the matter of the appeal of William Ostruske to the meeting of August 16, 1994. Seconded by Council Member McGavick. Voice vote was taken and carried. The motion was declared adopted. This item will be considered at the Council meeting of August 16, 1994.

REPORTS BY CITY MANAGER:

Mr. Ray E. Corpuz, Jr., City Manager announced that Senior Citizens' Awareness Day will be held at the Tacoma Dome on Wednesday, August 24, 1994, from 10:00 a.m. - 5:00 p.m.

Mr. Corpuz reminded the Council of the workshop on Thursday, August 11, 1994, at 5:00 p.m., to discuss the Council's study session and agenda process.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Council Member Silas reported that, at 3:00 p.m. today, she met with 25 - 30 individuals from the Oakland Madrona community regarding safety and traffic issues within their neighborhood. She indicated that she was pleased with the reaction and results of the meeting. She thanked staff from Public Works and Police for their assistance and the Oakland Madrona neighborhood for expressing their concerns.

Council Member McGavick stated that she received a call from an interested citizen, Bob Cleveland, who gave her some positive feedback on the Council's activities. Mr. Cleveland indicated that the City Council is working hard and doing some good things. He requested that she relay that information to the Council.

Council Member Baarsma indicated that some time back the Council had considered a malicious harassment ordinance. He stated that the events of the last couple weeks indicate that some of that is still going on in the community. Council Member Baarsma emphasized that the Council's action in passing the malicious harassment ordinance

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was to send a clear message that hate crimes would not be permitted in this community. He stated that the community must remain on guard and respond forthrightly to this kind of outrageous behavior in our community, which attacked not only the innocent victims in South Tacoma, but also a person who wished to step forward to run for public office.

Council Member Baarsma urged the Council to review the memorandum from Randy Lewis to Ray Corpuz, City Manager, concerning the gross earnings tax limitation. Council Member Baarsma indicated that the memo deals with Section 4.4 of the City Charter, which allows the City to levy a gross earnings tax on the utilities. Council Member Baarsma explained that this represents a shift of revenue from the utilities into the General Fund to provide for basic City services. The utility tax is the greatest source of funding for police, fire, public works and other necessary services. Council Member Baarsma further explained that all of the utilities had an eight percent tax which was authorized by the City Charter and approved by the citizens of Tacoma in 1952. In 1983 the Legislature took that home rule authority away from the City and reduced the light utility tax to six percent. Council Member Baarsma explained that this reduction costs the General Fund about \$3.4 million per year in lost revenues and nearly \$7 million in lost revenues for the biennium. Council Member Baarsma emphasized that the lost revenue could be used for public safety, Municipal Court concerns, public works and other issues if the City were given its home rule authority to levy the tax on light utility, the way the City levies its tax on every other utility. Council Member Baarsma expressed his desire to push this issue to the top of the priority list of actions before the Legislature so that the City can do what the citizens of Tacoma have granted the City the authority to do and use these resources for the betterment of the community. Council Member Baarsma requested that a strategy be devised to bring the home rule authority back to the City.

Mayor Moss reported on his recent trip to Washington, D.C. and the meeting with Mr. Cisneros, Secretary of HUD, on Tacoma's empowerment zone application. Mayor Moss thanked Juli Daniel, Assistant City Manager, Len Simon and the staff for their contribution in preparing and organizing the meetings that the delegation attended. Mayor Moss indicated that the meetings were productive and hopeful.

Council Member Crowley also thanked Juli Daniel for organizing and scheduling the meetings on empowerment zones. He thanked Keith Stone and Paul Jensen who represented the business community, George Hoyt who represented the youth in Tacoma and Abel Corpus, a city resident. Council Member Crowley indicated that Tacoma's Congressional delegation was very responsive and the meetings were meaningful and reassuring.

Council Member Evans also expressed the same concerns as Council Member Baarsma stating that everyone must fight together against hate crimes

Council Member Evans noted that the childrens' concert last Friday in Theatre Square was a remarkable evidence of people coming together and was a stimulating event.


Council Member De Forrest indicated that a couple weeks ago the Council passed a resolution adding the Albers Mill property to the trust agreement. He indicated that it was his understanding that the only action the Council took was to add the Albers Mill property to the trust agreement. Council Member De Forrest stated that on Sunday, he received a call from Metropolitan Park Commissioner Mulholland who indicated that the Metropolitan Park District Board was going to consider the amended trust agreement at their meeting on Monday. Commissioner Mulholland indicated that the amended trust agreement referenced the IAC funds and use of the property, substitute trustees, etc. Council Member De Forrest indicated that it was his understanding that the only action the Council took was to add the Albers Mill property to the trust agreement and that he was not aware that the Council was amending the trust agreement further. Council Member De Forrest stated that he attended the Metropolitan Park District's meeting on Monday and the amended trust agreement presented to the Park District by City staff indicated that the Council added the Albers Mill property to the agreement and that subparagraph "c" of the amended trust agreement referred to the IAC replacement property funds that will go from parcel 3 to parcel 9. It was also explained at the Metropolitan Park District Board meeting that parcel 3 will be two-thirds residential, that a portion of parcel 9 will be used for public access and there would be a touchdown point to connect a walkway from the waterfront to Union Station. Council Member De Forrest explained that it was his understanding that the touchdown was going to take place at the Morris property not at the Albers Mill property. Council Member De Forrest further explained that subparagraph "e" refers to a substitute trustee, where the Park District may be replaced as a trustee for this particular parcel and that the City could name a successor trustee. Council Member De Forrest indicated that when the Council considered the resolution on the Albers Mill property, it was his understanding that the action Council took was only to add the Albers Mill property to the trust agreement and not execute the amended trust agreement. Council Member De Forrest also indicated that the Park District Board received a better briefing on this matter than the Council did.

Council Member De Forrest thanked those who had an opportunity to attend the McKinley Hill Festival for their participation.

Deputy Mayor Miller moved to suspend the rules to amend the Council meeting minutes of August 2, 1994. Seconded by Council Member Baarsma. Voice vote was taken and carried. The motion was declared adopted.

Deputy Mayor Miller moved to amend the Council meeting minutes of August 2, 1994 to include that a motion was made, seconded and carried to excuse the absences of Mayor Moss and Council Member Crowley from the meeting of August 2, 1994. Seconded by Council Member Silas. Voice vote was taken and carried. The motion was declared adopted.

On proper motion, the meeting was adjourned at 7:28 p.m.



HAROLD G. MOSS, MAYOR

ATTEST: 

GENELLE BIRK, CITY CLERK

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