

# CITY COUNCIL MINUTES

City Council Chambers  
December 9, 1997

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

Present on roll call: 9 - Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Miller, Silas, and Mayor Ebersole.

The Flag Salute was led by Council Member Evans.

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## CONSENT AGENDA

Approval of the Tacoma City Council minutes of November 12 and 18, 1997, and study session minutes of November 4, 1997.

## RESOLUTIONS

### **Resolution No. 33891**

Setting Tuesday, January 20, 1997, at 9:00 a.m., as the date for a hearing by the Hearing Examiner, on the request to vacate a portion of Olympic Boulevard north of Fire Station No. 16. (Tacoma Fire Department; File No. 124.1064)

## ITEMS FILED IN THE OFFICE OF THE CITY CLERK

- a. Hearing Examiner's Agenda, December 9, 1997.
- b. Minutes of the Arts Commission, November 10, 1997.
- c. Minutes of the Civil Service Board, October 20, 1997.
- d. Agenda of the Foss Waterway Development Authority, November 18, 1997.
- e. Minutes of the Foss Waterway Development Authority, October 29, 1997.
- f. Minutes of the Human Rights Commission, October 16, 1997.
- g. Minutes of the Landmarks Preservation Commission, November 12, 1997.
- h. Minutes of the Planning Commission, November 5 and 19, 1997.
- i. Minutes of the Tacoma Public Library Board of Trustees, October 15, 1997.
- j. Minutes of the Transportation Committee, October 9, 1997.

- k. Report of the Director of Finance, October 1997.
- l. Monthly Financial Reports for Belt Line Division, Conservation Project Fund, Data Processing Fund, Fleet Services Fund, Geographic Information System Fund, Light Division, Self-Insurance Claim Fund, and Water Division, September 1997.

Council Member Evans moved that the Consent Agenda, including Resolution No. 33891, be approved. Seconded by Deputy Mayor Baarsma. Voice vote was taken and carried. The Consent Agenda, including Resolution No. 33891, was declared approved.

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## REGULAR AGENDA

### COMMUNICATION

Hearing Examiner recommending approval of the request to modify a previously approved reclassification seeking removal of Condition P regarding methane gas mitigation for an automotive service center, which was never built on the property, located at the southeast corner of Huson and Center Streets. (Diane Randecker for McDonald's Corporation; File No. REZ97-00014)

Council Member Miller moved to concur in the recommendations of the Hearing Examiner. Seconded by Council Member Crowley. Voice vote was taken and carried. The motion was declared adopted.

### FINAL READING OF ORDINANCES

#### **Ordinance No. 26159**

Amending Title 6 of the Municipal Code by adding a new chapter entitled "Adult Entertainment" regulating adult entertainment establishments.

Council Member Miller moved to suspend the rules to consider Substitute Ordinance No. 26159. Seconded by Council Member Kirby. Voice vote was taken and carried. The motion was declared adopted.

Roll call vote was taken on Substitute Ordinance No. 26159, resulting as follows:

Ayes: 9 – Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Miller, Silas, and Mayor Ebersole

Nays: 0

The Substitute Ordinance was declared passed.

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**Ordinance No. 26160**

Amending Chapter 13.06 of the Municipal Code relative to brewpubs and microbreweries.

Roll call vote was taken, resulting as follows:

Ayes: 9 – Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Miller, Silas, and Mayor Ebersole

Nays: 0

The Ordinance was declared passed.

**Ordinance No. 26161**

Authorizing the execution of an agreement with the State of Washington Department of Social and Health Services, in the amount of \$263,696; depositing in and appropriating said sum from the Miscellaneous Grants Summary Fund for the continued operation of the Tacoma-Pierce County Child Care Resource and Referral Service.

Roll call vote was taken, resulting as follows:

Ayes: 9 – Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Miller, Silas, and Mayor Ebersole

Nays: 0

The Ordinance was declared passed.

**Ordinance No. 26162**

Modifying the Biennial Budget for 1997-1998; and adopting the 1997-1998 Mid-Biennial Modification.

Council Member Evans moved to suspend the rules to consider Substitute Ordinance No. 26162. Seconded by Deputy Mayor Baarsma. Voice vote was taken and carried. The motion was declared adopted.

Council Member De Forrest moved to postpone consideration of Substitute Ordinance No. 26162 until after the consideration of Resolution No. 33901. Seconded by Council Member Kirby. Voice vote was taken and carried. The motion was declared adopted.

Substitute Ordinance No. 26162 was considered later in the agenda.

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**FIRST READING OF ORDINANCES**

**Ordinance No. 26163**

Amending Chapter 1.30 of the Municipal Code relative to the Retirement Code and extending the opportunity to repay previously withdrawn contributions to December 31, 1998.

The Ordinance was set over for final reading next week.

**Ordinance No. 26164**

Authorizing the extension of the cable television franchise agreement with TCI of Tacoma, Inc., through March 31, 1998.

Speaking before the Council were:

<u>Name</u>	<u>Address/Affiliation</u>
Will Baker	809 South I Street
Chris Lunn	President, Creative Community Access Television
N.C. Griffin	Director, Starting Teenage Responsibility in Video Environment (STRIVE)

The Ordinance was set over for final reading to the meeting of January 6, 1998.

**Ordinance No. 26165**

Authorizing the extension of the cable television franchise agreement with Cable TV Puget Sound, Inc., through March 31, 1998.

Speaking before the Council was:

<u>Name</u>	<u>Address/Affiliation</u>
Will Baker	809 South I Street

The Ordinance was set over for final reading to the meeting of January 6, 1998.

**Ordinance No. 26166**

Amending Chapter 6.88 of the Municipal Code by adding a new section to be known as Section 6.88.090, entitled "Ratification or reimposition of tax."

The Ordinance was set over for final reading next week.

**Ordinance No. 26167**

Amending Chapter 8.66 of the Municipal Code relative to public safety and morals regarding the carrying of firearms.

Council Member Crowley moved to continue Ordinance No. 26167 to a date to be determined. Seconded by Council Member McGavick. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 26167 will be considered at a date to be determined.

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**Ordinance No. 26168**

Amending Chapter 8.109 of the Municipal Code relating to public safety and juvenile curfew, and extending the effectiveness of the curfew through December 31, 1999.

Speaking before the Council was:

<b>Name</b>	<b>Address/Affiliation</b>
Will Baker	809 South I Street

The Ordinance was set over for final reading next week.

**Ordinance No. 26169**

Authorizing the execution of a grant award contract with the United States Department of Justice, Office of Justice Programs, in the amount of \$820,958; depositing said sum in the Miscellaneous Grants Summary Fund; transferring \$91,218 from the General Fund to the Miscellaneous Grants Summary Fund; and appropriating \$912,176 from the Miscellaneous Grants Summary Fund to provide activities under said grant projects.

The Ordinance was set over for final reading next week.

**Ordinance No. 26170**

Amending Chapter 6.68 of the Municipal Code relative to reporting requirements and tax rate for motor carriers of freight for hire.

Speaking before the Council were:

<b>Name</b>	<b>Address/Affiliation</b>
James Tutton, Jr.	Vice President, Washington Trucking Association
Dan Gatchet	Owner, trucking company
Gary Yellets	Immediate past Chairman, Intermodel Conference of the American Trucking Association
Mike Jonson	Attorney, Jonson and Jonson
Mike Durkee	Director, Intermodel Services Port of Tacoma

The Ordinance was set over to next week for final reading with public testimony.

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**CITIZENS' FORUM (BEGAN AT 6:20 P.M.)**

<b>Name</b>	<b>Address</b>	<b>Topic</b>
Dick Sonntag	6262 South Cheyenne	Police Department Issues
Will Baker	809 South I Street	Court Hearing
Phyllis Barrett	912 South Cushman	Police/Internal Affairs
Mozella Pooley	8041 East Sherwood	Thanked Council Member Evans; Street Signage

The Citizens' Forum was declared closed at 6:36 p.m.

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**Ordinance No. 26171**

Approving the ad valorem tax levies for 1998.

Council Member Miller moved to suspend the rules to consider Substitute Ordinance No. 26171. Seconded by Deputy Mayor Baarsma. Voice vote was taken and carried. The motion was declared adopted.

Speaking before the Council was:

<u>Name</u>	<u>Address/Affiliation</u>
Phyllis Barrett	912 South Cushman

The Substitute Ordinance was set over for final reading next week.

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Council Member Miller moved to suspend the rules to consider Resolution No. 33901 at this time. Seconded by Deputy Mayor Baarsma. Voice vote was taken and carried. The motion was declared adopted.

**Resolution No. 33901**

Authorizing the limit factor for the 1998 property tax levy at 104.967 percent above 1997.

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

Speaking before the Council was:

<u>Name</u>	<u>Address/Affiliation</u>
Phyllis Barrett	912 South Cushman

Roll call vote was requested and taken, resulting as follows:

Ayes: 8 – Baarsma, Crowley, Evans, Kirby, McGavick, Miller, Silas, and Mayor Ebersole

Nays: 1 – De Forrest

The Resolution was declared adopted.

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Council Member Miller moved to suspend the rules to consider Substitute Ordinance No. 26162 at this time. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

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**Substitute Ordinance No. 26162**

Modifying the Biennial Budget for 1997-1998; and adopting the 1997-1998 Mid-Biennial Modification.

Roll call vote was taken, resulting as follows:

Ayes: 9 – Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Miller, Silas, and Mayor Ebersole

Nays: 0

The Substitute Ordinance was declared passed.

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**Ordinance No. 26172**

Accepting donations in the amount of \$14,499 from the Tacoma Housing Authority and \$1,000 from Key Bank; depositing in and appropriating \$15,499 from the General Fund for the construction of the Salishan Gathering Place project within the City's Public Art Program.

The Ordinance was set over for final reading next week.

**Ordinance No. 26173**

Adopting amendments to the Land Use Management Plan and the City's Comprehensive Plan relative to the Capital Facilities Program 1998-2003, Generalized Land Use Plan, Thea Foss Waterway Design and Development Plan and the Transportation Program.

The Ordinance was set over for final reading next week.

**Ordinance No. 26174**

Amending Chapter 13.06 of the Municipal Code relative to zoning by adding and deleting certain described property from zoning classifications; and amending Chapter 13.10 relative to the Master Program for Shoreline Development and "S-8" Shoreline regulations for the Thea Foss Waterway.

The Ordinance was set over for final reading next week.

**Ordinance No. 26175**

Adopting amendments to Section 13.10 of the Municipal Code relative to the "S-3" Shoreline District Western Slope North, the "S-5" Shoreline District Point Defiance Conservancy and procedural changes, which are part of the Master Program for Shoreline Development.

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Speaking before the Council was:

<b>Name</b>	<b>Address/Affiliation</b>
Frank Pribbenow	Salmon Beach Resident

The Ordinance was set over for final reading next week.

**Ordinance No. 26176**

Amending Chapter 12.09 of the Municipal Code to establish restructured solid waste collection and disposal rates, effective April 1, 1998.

Speaking before the Council were:

<b>Name</b>	<b>Address/Affiliation</b>
Angie Pribbenow	Salmon Beach Resident
Phyllis Barrett	912 South Cushman
Sally Guthrie	3860 Center Street

The Ordinance was set over for final reading next week.

**Ordinance No. 26177**

Extending the moratorium on the acceptance of special property use permits and building permits for support structures of telecommunication facilities for an additional 90-days; and setting Tuesday, February 10, 1998, at approximately 6:00 p.m., as the date for a public hearing by the City Council on the extension of the moratorium.

The Ordinance was set over for final reading next week.

**Ordinance No. 26178**

Accepting various donations in the amount of \$7,228.39; depositing in and appropriating said sum from the Miscellaneous Trust Summary Fund; transferring and appropriating \$15,500 from the Miscellaneous Trust Summary Fund in support of the DARE Program.

Speaking before the Council was:

<b>Name</b>	<b>Address/Affiliation</b>
Phyllis Barrett	912 South Cushman

The Ordinance was set over for final reading next week.

**Ordinance No. 26179**

Accepting various donations in the amount of \$49,824.10; depositing in and appropriating said sum from the Miscellaneous Trust Summary Fund in support of the Tacoma Police Department Shooting Range.

The Ordinance was set over for final reading next week.

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**Ordinance No. 26180**

Amending Chapter 1.12 of the Municipal Code to implement 1998 rates of pay and compensation for certain represented and unrepresented employees and changes in classification to reflect the organizational structure for the International Brotherhood of Electrical Workers, Local 483, Customer and Field Services Unit, Custodial and Building Maintenance Unit, and the Professional Safety Manager's Association.

The Ordinance was set over for final reading next week.

**Ordinance No. 26181**

Amending Chapter 1.12 of the Municipal Code to implement 1998 rates of pay and compensation for certain represented and unrepresented employees and changes in classification to reflect the organizational structure for the Fire Fighters' Union, Local 31.

The Ordinance was set over for final reading next week.

**Ordinance No. 26182**

Amending Chapter 1.12 of the Municipal Code to implement rates of pay and compensation for certain represented and unrepresented employees, and changes in classification to reflect the organizational structure for various bargaining units.

The Ordinance was set over for final reading next week.

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Council Member Miller moved for a short recess. Voice vote was taken and carried. The motion was declared adopted.

Council recessed at 7:55 p.m. and reconvened at 8:10 p.m.

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**RESOLUTIONS**

**Resolution No. 33885** (Continued from the meeting of November 12, 1997.)

Authorizing the execution of an amendment to the Sheraton Loan Documents to allow KS Tacoma Hotel L.P. to borrow an additional \$500,000 for a total of \$1.5 million for the replacement and refurbishment of furniture, fixtures and equipment at the Tacoma Sheraton Hotel.

Council Member Miller moved to suspend the rules to consider Substitute Resolution No. 33885. Seconded by Council Member McGavick. Voice vote was taken and carried. The motion was declared adopted.

Council Member Miller moved that Substitute Resolution No. 33885 be adopted. Seconded by Council Member Crowley. Voice vote was taken and carried. The Substitute Resolution was declared adopted.

**Purchase Resolution No. 33895**

Awarding contracts to:

1. Tennant Company, on its bid of \$23,954.56, for one mid-size rider sweeper - Specification No. FLT-200-97;
2. Tri-County Equipment Rentals, on its bid of \$42,545.13, for one four-wheel drive landscape loader - Specification No. FLT-201-97;
3. Xerox Corporation, in the amount of \$39,960, to lease a Xerox 5750 color photocopier with digital server for five years - King County Contract No. 97-213;
4. Schaefer Systems International, Inc., on its bid of \$2,614,311, to purchase 30-, 60-, and 90-gallon plastic solid waste containers - Specification No. G-057-97; and
5. Global Diving and Salvage, Inc., on its bid of \$180,861.30, for Tacoma Central Treatment Plant outfall diffuser enhancements - Specification No. G-238-97.

Council Member Crowley moved to waive further reading of the title and adopt the Purchase Resolution based on information provided. Seconded by Council Member McGavick. Voice vote was taken and carried. The Purchase Resolution was declared adopted.

**Resolution No. 33896**

Designating the City of George, South Africa, as a Sister City; indicating the City of Tacoma's intention to participate to the fullest extent possible on Sister City policies; and establishing a Sister City Committee for George, South Africa.

Council Member Crowley moved that the Resolution be adopted. Seconded by Council Member Silas.

Speaking before the Council were:

<b>Name</b>	<b>Address/Affiliation</b>
Ann and Bill Wade	Members of the committee proposing to officially establish a Sister City relationship with George, South Africa
George Stokes	Member of the committee proposing to officially establish a Sister City relationship with George, South Africa
Chris Koenig	Member of the committee proposing to officially establish a Sister City relationship with George, South Africa

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

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**Resolution No. 33897**

Authorizing the execution of an agreement with Robert E. Mack, in the amount of \$60,000, for legislative liaison services during the period of January 1, through December 31, 1998.

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

**Resolution No. 33898**

Authorizing the execution of an amendment to the agreement with Len Simon, in the amount of \$29,992, for congressional liaison services during the period of January 1, through December 31, 1998.

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

**Resolution No. 33899**

Adopting an additional amendment to the Legislative Policy Manual 1998 Legislative Priorities for the City of Tacoma, amending existing legislative policy statements, and adopting new policy statements.

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

Speaking before the Council was:

Name	Address/Affiliation
Dean Wilson	1401 Sunset Drive

Council Member De Forrest stated that he objected to the new policy on the Regulation of Vegetation, the Section on Public Records and Open Meetings, and the Tax Incentive Programs for housing in downtown.

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

**Resolution No. 33901**

Authorizing the limit factor for the 1998 property tax levy at 104.967 percent above 1997.

Resolution No. 33901 was considered earlier in the meeting.

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**Resolution No. 33902**

Authorizing the execution of an interagency agreement with Lewis County to govern the use of Lewis County Community Development Block Grant funds for storm drainage repairs to the Tacoma Eastern Railroad.

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

**Resolution No. 33903**

Authorizing the execution of a Cultural Facility Development Fund agreement with the Children's Museum, in the amount of \$60,000, to expand cultural tourism.

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

**Resolution No. 33904**

Authorizing the execution of an amendment to the Foss Trust Agreement with Wells Fargo Bank to facilitate new contributions to the account and to direct disbursements to the funding of a cost allocation process.

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

**Resolution No. 33905**

Authorizing the execution of an amendment to the Foss Funding and Participation Agreement with potentially responsible parties to facilitate a comprehensive cost allocation process.

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

**Resolution No. 33906**

Authorizing the execution of a 30-year Operations and Development Agreement with Eaglequest Golf Centers, Inc., to design, construct and operate a first-class regional Golf Learning Center adjacent to the Tacoma Landfill.

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

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Mayor Ebersole excused himself from consideration of Resolution No. 33907. Mayor Ebersole then left the Council Chambers.

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**Resolution No. 33907**

Authorizing the execution of an interlocal agreement with Tacoma School District No. 10, in the amount of \$69,000, for the Adult Crossing Guard Program, effective January 1997 through June 1998.

Council Member Crowley moved that the Resolution be adopted. Seconded by Council Member McGavick. Voice vote was taken and carried with Council Member De Forrest voting in opposition. The Resolution was declared adopted.

**UNFINISHED BUSINESS**

None.

**REPORTS BY CITY MANAGER**

City Manager Ray E. Corpuz, Jr. stated that he had seen Judge Gary Sullivan last week and reported that Judge Sullivan is doing better. Mr. Corpuz stated that Judge Sullivan has moved from intensive care to progressive care which means he may now have visitors. Mr. Corpuz then stated that Judge Sullivan's prognosis is very good.

**COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL**

Council Member McGavick stated that City Manager Ray Corpuz had been recruited by a national recruiting firm recently and that the City of Tacoma almost lost him to a major city in the United States. She stated that it would have been a great loss to this community. She stated that she thinks Mr. Corpuz is worth everything and more as far as his compensation. She stated that she respects him, his people skills, and his ability to manage this City. Council Member McGavick then stated that she appreciates Mr. Corpuz and all he does for the City Council.

Council Member McGavick then stated that the City Council received a letter from Mike and Kathy Kelly, of the Daffodil Festival, stating the Daffodil Festival's appreciation of the increase in funding. Council Member McGavick stated that the Daffodil Festival headquarters will be located at the La Quinta Inn.

Council Member Miller echoed the comments of Council Member McGavick regarding City Manager Ray Corpuz. Council Member Miller stated that he believes the City Manager does an outstanding job for this City, the City Council, and all of the citizens.

Council Member Miller stated that last weekend he had the pleasure of attending the Tacoma Symphony Christmas Concert. He stated that the new conductor of the symphony has proven to be a tremendous asset in revitalizing the symphony and taking it in new directions. Council Member Miller stated that this concert was the debut of the South Sound Gospel Choir. He stated that it was a grand success and that he was very impressed.

Council Member Kirby stated that he visited Judge Gary Sullivan last Friday. He stated that Judge Sullivan expects to be at the City Council meeting of January 6, 1998, to swear into office some of the City Council Members. Council Member Kirby stated that Judge Sullivan was looking very good.

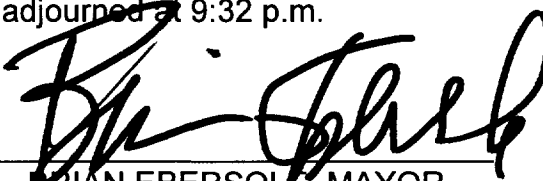
Deputy Mayor Baarsma stated that he had the honor of being sworn in by Judge Sullivan his second term. Deputy Mayor Baarsma stated that Judge Sullivan is a first-rate person and that he looked forward to seeing Judge Sullivan here in January.

Deputy Mayor Baarsma then stated that it is his intention to bring a Resolution to the City Council for consideration at the request of the Environmental Commission. Deputy Mayor Baarsma stated that the Resolution is to support a petition to the Environmental Protection Agency designating the Puyallup River Watershed as an American Heritage River.

Mayor Ebersole stated that the Annual Christmas Parade and the Lighting of the Christmas Tree was held on Sunday, December 7, 1997, and that it was a grand success. He stated that Mr. Fred Shanaman put a lot of effort into this event. Mayor Ebersole thanked Lieutenant General Crocker from Fort Lewis for providing, transporting, and setting the Christmas tree up. Mayor Ebersole then thanked P. J. Hummel for designing the Christmas tree, the Tacoma Fire Department for decorating the tree, and Tacoma Public Utilities for providing electricity for the lights on the tree.

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On proper motion, the meeting was adjourned at 9:32 p.m.

  
BRIAN EBERSOLE, MAYOR

ATTEST:   
RICK ROSENBLADT, CITY CLERK

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