



# City Council Minutes

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

May 26, 1998

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

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

The Flag Salute was led by Deputy Mayor Crowley.

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## CONSENT AGENDA

Approval of the City Council minutes of April 28, May 5, 12, and 19, and study session minutes of May 19, 1998.

## FIRST READING OF ORDINANCES

### **Ordinance No. 26242**

Accepting a gift of a storage building at the Tacoma Narrows Airport from the Federal Aviation Administration.

## ITEMS FILED IN THE OFFICE OF THE CITY CLERK

- a. Hearing Examiner's Agenda, May 26, 1998.
- b. Minutes of the Planning Commission, May 6, 1998.
- c. Minutes of the Public Utility Board study sessions, April 16, 22, and May 5, and regular meeting, April 22, 1998.

- d. Monthly Financial Reports for the 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, March 1998.
- e. Tacoma Public Utilities Annual Report, 1997

Deputy Mayor Crowley moved that the Consent Agenda, including setting Ordinance No. 26242 over for final reading next week, be approved. Seconded by Council Member McGavick. Voice vote was taken and carried. The Consent Agenda was declared approved.

**PROCLAMATION**

Mayor Ebersole proclaimed the day of June 19, 1998, to be "American Red Cross Day" and presented the proclamation to Mr. Donn Spencer.

**REGULAR AGENDA**

**ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS**

**Resolution No. 34062**

Appointing the Honorable Norm Dicks, United States Representative, to the Tacoma Regional/Urban Design Assistance Team (R/UDAT) Implementation Task Force.

Deputy Mayor Crowley 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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Deputy Mayor Crowley moved to suspend the rules to consider Resolution No. 34060 at this time. Seconded by Council Member McGavick. Voice vote was taken and carried. The motion was declared adopted.

**Resolution No. 34060** (Continued from the meeting of May 19, 1998.)

Endorsing the general vision for revitalization expressed in the Tacoma Regional/Urban Design Assistance Team (R/UDAT) 1998; directing the R/UDAT Implementation Task Force to study the recommendations and report to the City Council every 90 days; and directing the City Manager to incorporate and integrate the recommendations into the planning for land use, market, infrastructure and development of the downtown area.

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

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Speaking before the Council was:

<b>Name</b>	<b>Address/Affiliation</b>
Pete Rasmussen	Chair, R/UDAT Task Force

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

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**FINAL READING OF ORDINANCES**

**Ordinance No. 26232** (Continued from the meeting of May 19, 1998.)

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 classifications to reflect the organizational structure.

Deputy Mayor Crowley moved to suspend the rules to consider Substitute Ordinance No. 26232. Seconded by Council Member McGavick. Voice vote was taken and carried. The motion was declared adopted.

Roll call vote was taken, resulting as follows:

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

Nays: 0

The Substitute Ordinance was declared passed.

**Ordinance No. 26238**

Amending Chapter 13.06 of the Municipal Code, to permit animal clinics, animal boarding and retail sale of animals in "CPN" Planned Neighborhood Shopping Center Districts and in "C-1" Commercial Districts, and to eliminate the 1,500-square-foot maximum size limitation for veterinary clinics in "C-2" Districts.

Roll call vote was taken, resulting as follows:

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

Nays: 0

The Ordinance was declared passed.

**Ordinance No. 26239**

Authorizing the execution of an amendment to the agreement with the United States Equal Employment Opportunity Commission, in the amount of \$40,000; depositing in and appropriating said sum from the Miscellaneous Grants Summary Fund for processing and resolving employment discrimination charges and training.

Roll call vote was taken, resulting as follows:

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

Nays: 0

The Ordinance was declared passed.

**Ordinance No. 26240**

Authorizing the execution of an agreement with the State of Washington, Department of Social and Health Services, in the amount of \$4,500; depositing in and appropriating said sum from the Miscellaneous Grants Summary Fund for the continuing improvement and operation of the Child Care Resource and Referral Service of Tacoma/Pierce County.

Roll call vote was taken, resulting as follows:

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

Nays: 0

The Ordinance was declared passed.

**Ordinance No. 26241** (Continued from the meeting of May 19, 1998.)

Amending Chapter 6.76 of the Municipal Code relating to fireworks, and allowing the limited possession, storage, sale, transportation, use, and discharge of common fireworks effective June 8, 1998 through February 28, 1999.

Deputy Mayor Crowley moved to suspend the rules to consider Substitute Ordinance No. 26241. Seconded by Council Member Miller. Voice vote was taken and carried. The motion was declared adopted.

Speaking before the Council were:

<u>Name</u>	<u>Address/Affiliation</u>
John A. Moore	1101 North 27 <sup>th</sup> Street
James M. Bramblet	1103 South 64 <sup>th</sup> Street

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<b>Name</b>	<b>Address/Affiliation</b>
John Ernest Berry III	806 7 <sup>th</sup> Street SW, #10 – Puyallup
Joseph Buhaly	1716 49 <sup>th</sup> Street NE
Tara Farmer	Bethel 23 of the International Order of Job's Daughters 8243 South Park Avenue
Jim Glen	Lions Club 3740 Pacific Avenue
Ted Walkley, M.D.	Mary Bridge Children's Hospital 3708 North 38 <sup>th</sup> Street
Madlyn Murrey, R.N.	Mary Bridge Children's Hospital 311 South L Street
Sue Smeltz, R.N.	3747 North Bennett Street
Verne Radoni	8505 32 <sup>nd</sup> Avenue S.
Jim Wilson, M.D.	1901 South Union Avenue
Julie Butler	5423 East C Street
Phyllis A. Barrett	912 South Cushman
Gloria James, R.N.	St. Joseph's Burn Unit
Dr. Larry Larson	704 North G Street
Dr. Dan Niebrugge	2829 North 26 <sup>th</sup> Street
Bob Evans	2218 North Union
Moe Wear	525 South 53 <sup>rd</sup> Street
Martha Wiley	1106 North E Street
Ted Hoglund	1719 south 94 <sup>th</sup> Street
Sadat Felder	2307 South 16 <sup>th</sup> Street
Brian Trimm	Fireworks Industry
Marion Weed	Northeast Tacoma
Karen Gower	910 North G Street
Pat Elliott	6207 North 23 <sup>rd</sup> Street
Angie Pribbenow	4122 South Thompson Street

<b>Name</b>	<b>Address/Affiliation</b>
Barbara Glenn	District Governor of the Lions of 19C
Allan Lord	Lions Club
Jim Kenny	8817 South Alaska Street
Mozella Pooley	8041 East Sherwood Street

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The Council recessed at 7:09 p.m. and reconvened at 7:25 p.m.

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Council Member Miller moved to table this issue. Seconded by Council Member Baarsma. Voice vote was taken and carried, with Council Members De Forrest and Kirby voting in opposition. The motion was declared adopted.

Substitute Ordinance No. 26241 was tabled.

### **FIRST READING OF ORDINANCES**

#### **Ordinance No. 26243**

Vacating the west half of Verde Street south of North 9th Street to the alley to include the vacated area as additional yard space. (Stephen G. Emmert; File No. 124.1067)

Council Member Miller moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner. Seconded by Council Member Baarsma. 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. 26244**

Amending Title 6 of the Municipal Code to reduce the Cable Television Business and Occupation Tax from 8.32 percent to 8 percent on gross revenues; establishing the Gross Earnings Tax at 8 percent as it relates to cable television services by the Department of Public Utilities; and amending certain deductions making the Business and Occupation and Gross Earnings taxes comparable.

The Ordinance was set over for final reading next week.

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**Ordinance No. 26245**

Amending Title 6 of the Municipal Code to establish the franchise fee percentage at 5 percent of gross revenues on cable television franchises and to provide for the administration and collection of said fees.

The Ordinance was set over for final reading next week.

**Ordinance No. 26246**

Appropriating \$100,000 from the Employee Benefits Trust Fund for an enhanced Employee Wellness program.

The Ordinance was set over for final reading next week.

**Ordinance No. 26247**

Amending Chapters 1.23 and 13.08 of the Municipal Code, regarding Open Space Current Use Assessment, to comply with State law.

The Ordinance was set over for final reading next week.

**RESOLUTIONS**

**Purchase Resolution No. 34059** (Continued from the meeting of May 19, 1998.)

Awarding contracts to:

1. Mid-Mountain Contractors, Inc., on its bid of \$1,826,053.75, for the T-Street Erosion Control Project, Phase II, and the T-Street Sanitary Sewer Replacement - Specification No. G-205-98;
2. North Coast Electric, in the amount of \$154,000, to renew their contract for electrical supplies - Washington State Contract No. 03994;
3. Tucci and Sons, Inc., in the amount of \$400,000, to increase their contract for improvements to Taylor Way, from Lincoln Avenue to East 11th Street - Specification Nos. G-237-96 and 1606-W;
4. Authorizing the execution of an Interlocal Agreement with the City of Everett for cooperative purchasing; and
5. Minuteman Press, on its bid of \$1,501, and The Printer's Helper, on its bid of \$13,217, for graphic services and bindery equipment - Surplus Sale No. 1764.

Deputy Mayor Crowley moved that the Purchase Resolution be adopted. Seconded by Mayor Ebersole.

Speaking before the Council was:

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

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Voice vote was taken and carried on the Purchase Resolution. The Purchase Resolution was declared adopted.

**Resolution No. 34060** (Continued from the meeting of May 19, 1998.)

Endorsing the general vision for revitalization expressed in the Tacoma Regional/Urban Design Assistance Team (R/UDAT) 1998; directing the R/UDAT Implementation Task Force to study the recommendations and report to the City Council every 90 days; and directing the City Manager to incorporate and integrate the recommendations into the planning for land use, market, infrastructure and development of the downtown area.

Resolution No. 34060 was considered earlier in the meeting.

**Resolution No. 34061** (Continued from the meeting of May 19, 1998.)

Authorizing the execution of an arbitration agreement to apportion responsibility for remedial action costs between the Potentially Responsible Parties for the clean-up of the Thea Foss Waterway.

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

**Purchase Resolution No. 34063**

Awarding contracts to:

1. El Monte Plastics, in the amount of \$42,422.50, to renew their contract for 300-gallon plastic refuse containers - Specification No. G-073-96; and
2. Harborside, Inc., in the amount of \$88,862, for the construction of 27 speed humps at 18 locations - Specification No. G-214-98.

Deputy Mayor Crowley moved that the Purchase Resolution, including a partial waiver of the Women's Business Enterprise Requirements on Item No. 2, 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. 34064**

Authorizing the execution of an easement on the Water Division's Wells Pipeline right-of-way in South Tacoma for the use, maintenance and repair of a retaining wall.

Deputy Mayor Crowley 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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**Resolution No. 34065**

Authorizing the segregation of a Local Improvement Assessment levied against property assessed under LID No. 5715, located in the vicinity of South 94th and South Wilkeson Streets.

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

**Resolution No. 34066**

Authorizing the execution of Amendment No. 158 to the Neighborhood Preservation Program Agreement with the Tacoma Community Redevelopment Authority (TCRA); allocating \$104,343 of federal Community Development Block Grant Funds; loaning said sum by the TCRA to the Martin Luther King Housing Development Association for the continuation of its Scattered Site Housing Project.

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

**Resolution No. 34067**

Authorizing the execution of an agreement with Hart Crowser, Inc., in the amount of \$150,000, for environmental engineering consultant services relative to the Thea Foss Waterway liability allocation.

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

**UNFINISHED BUSINESS**

None.

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Mayor Ebersole wished Katie Sorum a happy 9<sup>th</sup> birthday.

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**REPORTS BY CITY MANAGER**

City Manager Ray Corpuz Jr. reported on a meeting chaired by Chuck Clark, Regional Director for the United States Environmental Protection Agency (EPA). He said the meeting was to look at the potential possibility of the St. Paul option, the preferred option for the cleanup of the Thea Foss. Mr. Corpuz reminded the Council of the three options considered: 1) the St. Paul; 2) Combined Aquatic System; and 3) the Upland Site. He said these options will be reviewed again at the June 2 study session. He said there is agreement to move forward, to continue to look at the St. Paul as a viable option, and to do it within the time frame expressed by the City because of the

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aggressive schedule for the Thea Foss, which means cleanup by the end of the year 2000. Mr. Corpuz said it is a unique case that the EPA has asked us to give them a preferred option. He said he hoped to wrap this up by the end of June.

Mayor Ebersole praised the City Manager, stating he was one of the most skilled negotiators that he had been associated with. He said he couldn't think of a better person to represent the interests of the City and to work through this very complex, difficult issue in a skilled professional way.

## **COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL**

Council Member Kirby stated that tonight's meeting was one of those memorable meetings. He said, of the 12½ years he has sat on the City Council, this is the fourth time he has had this fireworks meeting and it probably would not be the last. He said he has always thought there was nothing wrong with a little innocent sparkler, but one of the things that happened this year that was of particular concern to him was the emotion with which some people got into this issue. He said he received letters that were about 60:40 in favor of lifting the ban and that the people who oppose lifting the ban were particularly hard on at least some members of the Council.

Council Member Miller apologized to his colleagues for tonight not being a fun exercise for anyone, but certainly a part of their process. He said his looking for a solution, rather than taking a position on one side or the other, had extended the process. He wanted to recognize Deputy Mayor Crowley for the efforts made to try to find a middle ground and craft a solution that might be workable for a majority of the people. He said he truly believed that they could have come out with a better product for the City. He said he thought illegal fireworks will happen no matter what the Council does, and they are better off with a strong enforcement on illegal fireworks than with a total ban with no enforcement. He said that given the loss of the elements that he wanted to see tonight, which were the enforcement on illegal fireworks, he was amazed in this process at how little it would take for us to truly put additional officers on for July 3 and 4 to enforce our illegal fireworks. He asked that the City Manager get back to the Council as to how we might be able to accomplish that. He said that people's fears and concerns would significantly be reduced if they didn't have to put up with the pop bottle rockets, the firecrackers, the M80s, the buzz bombs and the sky rockets that do cause fires and injuries.

Council Member Phelps told the City Manager that a citizen contacted him today regarding a company called General Metals, located on the tideflats, which may have added some new equipment that may be producing some noise levels. He asked staff to assist him with some background information so he could respond back to the citizen. He said there may be some potential for some noise creeping up the hill to the residential area of Northeast Tacoma.

Council Member Phelps remarked that there is a group care home proposed for South 9th and J Streets in the Stadium District. He said a number of organizations and citizens, including himself, have some concern. He said it was his understanding that they want to take the capacity level and go beyond the zoning level. He said he would

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appreciate some backup information to know what is being proposed, what the current zoning is and what, if any, measures we can take to find a more suitable site.

Council Member Phelps said goodbye to Bob Trotter and his wife, Peggy. He said Mr. Trotter, General Manager of the Tacoma Sheraton, who has made a major contribution to the City of Tacoma, is leaving Tacoma later this week to take a new position running the new Monaco Hotel in downtown Denver. He said that Denver's gain is Tacoma's loss. He said Bob came to town at about the same time he came in 1991 and immediately jumped in and got involved. He said he was president of the Local Development Council, served on the City Center Council, was a member of the downtown Rotary, and president of the Visitor and Convention Bureau, and also had been instrumental in the R/UDAT. He thanked him for all he has done to make our community a better place.

Council Member Silas commented on the fireworks discussion and commended the service organizations for their commitment to the City. She said they do an excellent job in helping others that need help within our boundaries. She said the Council did make a commitment to assist the service organizations in finding alternatives for revenue. She requested the City Manager go back and take a look at that commitment to see how we can help the service organizations to increase their revenue without firecrackers.

Council Member Silas commented on the awards ceremony last Tuesday and complimented staff on the good job they had done putting it together. She said each year staff continue to do it and do it well.

Deputy Mayor Crowley thanked the staff of TV Tacoma and Community Relations for the great job they had done on the City of Destiny Awards Program. He also congratulated the winners and nominees.

Council Member Baarsma thanked Council Member Miller for his comments and the observations that he made. He thanked the people who had called, written to him and e-mailed him both in favor of the ordinance concerning fireworks and those opposed. He said there was one clear message, we need to enforce our current regulations. He said that during his 6½ years on the Council he had never seen the number of calls on any particular issue. He then said to the City Manager that there is a very strong expression of community sentiment that we need to enforce those laws and that it is a priority in this community. He then seconded Council Member Miller's observation and supported utilizing resources or looking at creative ways in which our Police and Fire departments, can get involved in this process. He noted that the Mayor requested that we get information from the City of Spokane. He said he knew that they not only have a ban in the City of Spokane, but in the County also, which prohibits mass legalization of common fireworks. Council Member Baarsma said in terms of the posture of this City and staff working with nonprofits, this afternoon we reviewed the process by which we allocated \$2.2 million to over 43 nonprofit service providers. He said we also provide money to the Park and School districts. He said to say that we've walked away from our responsibility to assist the service providers is inappropriate. He then cited a specific example of what this City does in working with nonprofits. He said about a

week ago he got a call from a person working with the Children's Museum. He said they had a fundraising event scheduled in August, a Blues Festival scheduled out at Cheney Stadium, and the stadium staff said they had to put heavy tarps all over the outfield grass. Council Member Baarsma said this was an all-day event and major fundraiser. He said the person asked if it was possible to talk to some City people and not have the outfield covered with tarps. Council Member Baarsma said he called the Tacoma Dome and talked to Mr. Croley and asked him to look into it and work with the folks. He said that two days later the person talked to him and said the City of Tacoma had come through again. Council Member Baarsma said the message they heard tonight was that they are not working with nonprofits when, in fact, here is a specific example of us working with nonprofits and trying to make things happen. He said he agreed with Dr. Silas in her comments that the City staff needs to look at all sorts of creative ways in which we can work with nonprofits, but he said there are those activities in which we make a tremendous commitment in that regard. He said to suggest that we don't is a little misleading to the people looking in.

Council Member De Forrest referred to the comments made by Ms. Barrett in reference to Council Members going in the back rooms, etc. He said the council member she was referring to was him. He said she didn't give his name, but she should have because it was not fair to his colleagues that they all be painted with the same brush. He said he has taken breaks in the break room and has also taken breaks outside. He said last Tuesday night it so happened that City employees, members of Local 6, were in the break room, but they did not discuss any business at all. He said on many occasions he has gone outside to discuss City business with Ms. Barrett. He said as a part-time Council Member many times the only time to meet with constituents, lay people, or management people, is during Council meetings. He said he did not find anything unusual about that, but he did want to assure everyone watching that the person she was pointing the finger at was himself.

Mayor Ebersole said he was around last week when the concern that Council Member De Forrest spoke about was raised and said it was totally unfounded. He said it was entirely appropriate that any Council Member talk to any citizen they want to during their break about anything they want to. He said to imply that there is something improper about a Council Member talking to a business man, a union official, or whoever they want to talk to during their break, was entirely inappropriate.

Mayor Ebersole seconded Council Member Phelps' comments on Bob Trotter. He said he has been a great citizen of the City and they would really miss him.

Mayor Ebersole spoke regarding the fireworks issue, that Chief Arreola has some ideas about how to enforce the fireworks coming in from stands outside the City.

Mayor Ebersole said to the City Manager that at the study session there was extensive discussion about the Human Service budget, which is one percent of the City's budget. He said he has asked that the department heads of Public Works, Fire and Police, to name three big departments, come and brief the Council on how they build their budget proposal, recognizing that, of course, the City Manager will fashion those together and give a proposal as well. He said that as opposed to just starting with here's what they

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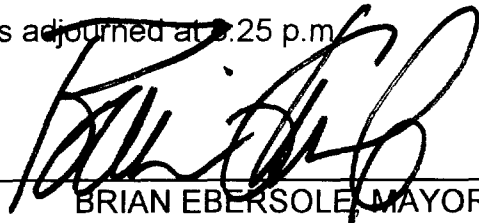
got last year and we just debate whether or not an increase is warranted, we would have a better understanding of how each of those departments deploy their forces, how they build their budget and what their expenses are, so they can have a more in-depth discussion of that with the full Council. He said the City Manager had approved the idea.

Council Member Phelps said that this is the second time the City has been able to host the Great Race. He asked everyone to turn out in mass. He said there is a reception at Shenanigan's on Thursday, at 4:30 p.m., with a lot of the racers that will be in town. He mentioned there would be other festivities throughout the week. He said it would all culminate on Sunday with the race taking place from our newly renovated museum district area. He said he thought the Mayor would be waiving some people on the start lap. He said they were fortunate that they were selected to be not only a City the race goes through, but as the start City. He said it was a great race and he hoped all the citizens would turn out.

Mayor Ebersole said that 25,000 citizens had shown up in downtown Tacoma for this event the last time we had it without a great deal of publicity. He said if they start cranking up the message, we could double that to 50,000. He said everyone loves vintage cars and it is a lot of fun and a good family activity. He said this year it was going to be the History Channel Great Race, which has even more meaning to citizens than the Corral Great Race, a Canadian firm which is not as well known.

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On proper motion, the meeting was adjourned at 8:25 p.m.

  
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BRIAN EBERSOLE, MAYOR

ATTEST:   
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RICK ROSENBLADT, CITY CLERK

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