



# City Council Minutes

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

June 7, 2005

The meeting was called to order at 5:18 p.m.

Council Members Present: 8 – Anderson, Evans, Ladenburg, Lonergan, Manthou, Stenger, Talbert, and Mayor Baarsma.

Council Member Absent: 1 – Phelps.

The Flag Salute was led by Council Member Evans.

## ITEMS FILED IN THE OFFICE OF THE CITY CLERK

- a. Minutes of the Environment and Public Works Committee, April 27, 2005.
- b. Minutes of the Economic Development Committee, May 10, 2005.
- c. Minutes of the Human Rights Commission, April 28, 2005.
- d. Minutes of the Joint Municipal Action Committee, April 22, 2005.
- e. Minutes of the Landmarks Preservation Commission, October 13, November 10 and December 8, 2004; and January 12 and January 26, 2005.
- f. Minutes of the Neighborhoods and Housing Committee, May 2, 2005.
- g. Minutes of the Planning Commission, May 4, 2005.
- h. Minutes of the Tacoma Public Library Board of Trustees, April 27, 2005.
- i. Minutes of the Tacoma Community Redevelopment Authority, March 10 and March 24, 2005.
- j. Humane Society Animal and Service Delivery Reports, March 2005.

## **C O N S E N T   A G E N D A**

Approval of the minutes of the City Council study sessions, April 26, May 3, May 17, and May 24, 2005; and regular meetings, May 10 and May 17, 2005.

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## RESOLUTIONS

### **Resolution No. 36526**

Setting Monday, June 27, 2005, at 5:00 p.m., as the date for a hearing by the Hearing Examiner on LID No. 3965, for the installation of sanitary sewers in South Visscher Street from South 19<sup>th</sup> Street north 350 feet.

### **Resolution No. 36527**

Setting Monday, June 27, 2005, at 5:00 p.m., as the date for a hearing by the Hearing Examiner on LID No. 8641, for the placement of permanent pavement with storm drainage on Visscher Street from South 18<sup>th</sup> to South 19<sup>th</sup> Streets.

### **Resolution No. 36528**

Setting Monday, June 27, 2005, at 5:00 p.m., as the date for a hearing by the Hearing Examiner on LID No. 8639, for the placement of permanent pavement on the alley between Cheyenne and Gove Streets from North 42<sup>nd</sup> to North 43<sup>rd</sup> Streets and in the alley between North Bennett and North Shirley Streets from North 21<sup>st</sup> to North 23<sup>rd</sup> Streets.

### **Resolution No. 36529**

Setting Thursday, June 30, 2005, at 9:30 a.m., as the date for a hearing by the Hearing Examiner on LID No. 8645, for the placement of permanent pavement; the reconstruction, repair, and renewal of sidewalks and landscaping; and the construction of surface water, wastewater and water main utility replacement together with limited maintenance of the landscaping for the following locations:

- ◆ on Broadway from South 2<sup>nd</sup> to South 9<sup>th</sup> Streets;
- ◆ on St. Helens Avenue from South 7<sup>th</sup> to South 9<sup>th</sup> Streets;
- ◆ on Market Street from St. Helens Avenue to South 9<sup>th</sup> Street;
- ◆ on South 4<sup>th</sup> Street from Stadium Way to Broadway; and
- ◆ on South 7<sup>th</sup> Street from Broadway to St. Helens Avenue.

### **Resolution No. 36530**

Authorizing the execution of an interlocal agreement with Sound Transit for the transfer of \$6,000,000 in Washington State grant funding for track work associated with the East D Street Grade Separation Project.

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**FIRST READING OF ORDINANCES**

**Ordinance No. 27364**

Amending Chapter 13.06 of the Municipal Code to reclassify the property located at the northwest corner of South 9<sup>th</sup> and J Streets from an "RCX" Residential Commercial Mixed-Use District to an "NCX" Neighborhood Commercial Mixed-Use District to remodel an existing 2,900-square-foot commercial building and adding a 900 square-foot second floor to be used as a professional office building and adding six off-street parking stalls. (Robert Denomy, d.b.a. Flying A, LLC; File No. 40000044503)

**COMMUNICATION**

Examiner recommending approval of a modification to a previously-approved reclassification allowing the development of two commercial retail buildings located at 5207 Tacoma Mall Boulevard with 24,000 square feet rather than one building with 13,000 square feet and adding approximately 38 parking stalls. (Austin Cina Architects, "Evergreen Plaza"; File No. 40000042484 – REZ2004)

Deputy Mayor Ladenburg moved that the Consent Agenda, including Resolution Nos. 36526 through 36530, Ordinance No. 27364, and the Communication Item, be approved. Seconded by Mayor Baarsma.

Deputy Mayor Ladenburg moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner for Ordinance No. 27364 and the Communication Item. Seconded by Council Member Talbert. Voice vote was taken and carried. The motion was declared adopted.

Voice vote was taken and carried. The Consent Agenda, including Resolution Nos. 36526 through 36530, setting Ordinance No. 27364 over for final reading to a date to be determined, and the Communication Item, was declared approved.

**PROCLAMATIONS**

There were no proclamations.

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Mayor Baarsma asked Pierce County Council Member Timothy Farrell and Ms. Victoria Woodards, Ethnic Fest Coordinator, to introduce the winners of the 2005 Ethnic Fest poster contest. He congratulated the winners and expressed the Council's appreciation of their artistic abilities.

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Deputy Mayor Ladenburg moved to suspend the rules to consider Resolution No. 36536 at this time. Seconded by Council Member Talbert. Voice vote was taken and carried. The motion was declared adopted.

**Resolution No. 36536**

Establishing a citizen police oversight committee as proposed by the Human Rights Commission; and directing the City Manager to begin the implementation process as soon as practicable.

Deputy Mayor Ladenburg moved to continue Resolution No. 36536 to the meeting of June 21, 2005. Seconded by Council Member Talbert. Voice vote was taken and carried. The motion was declared adopted.

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**PUBLIC COMMENT**

This is the time set aside for public comment on items on the agenda. Speakers are asked to identify the specific agenda items they wish to address and comments will be limited to up to five minutes per person.

Public Comment began at 5:29 p.m.

Speaking before Council:

<b>Name</b>	<b>Address/Affiliation</b>	<b>Subject</b>
Phyllis Barrett	912 South Cushman Avenue	Resolution No. 36535
Allen Douglass	University Place resident	Various Ordinances
Andrew Hutchison	NE Tacoma	Resolution No. 36534
Charles Creso	5501 Broadview Avenue NE	Resolution No. 36535
Mark Mathews	Sheraton Hotel	Resolution No.36534
Alton McDonald	P.O. Box 9005, Tacoma	Ordinance No. 27367
Rick Cvjitanich	2808 North 8 <sup>th</sup> Street	Multi-Family Housing Limited Property Tax Exemption Agreement Resolutions.

Public Comment closed at 5:58 p.m.

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## REGULAR AGENDA

### FINAL READING OF ORDINANCES

#### **Ordinance No. 27362**

Amending Chapter 13.06 of the Municipal Code to reclassify the property located on the south side of East 57<sup>th</sup> Street and west of McKinley Avenue from an "R-2" One-Family Dwelling District and an "M-1" Light Industrial District to a "T" Transitional District, for the construction of 17 single-family homes and a storm drainage tract. (Tacoma-Pierce County Habitat for Humanity; File No. 40000041759)

Roll call vote was taken, resulting as follows:

Ayes: 8 – Anderson, Evans, Ladenburg, Lonergan, Manthou, Stenger, Talbert, and Mayor Baarsma.

Nays: 0

Absent: 1 – Phelps.

The Ordinance was declared passed.

#### **Ordinance No. 27283**

Vacating the remaining portion of Nollmeyer Lane east of Yakima Avenue completing the County-City Building Beautification Project. (Pierce County; File No. 124.1214)

Roll call vote was taken, resulting as follows:

Ayes: 8 – Anderson, Evans, Ladenburg, Lonergan, Manthou, Stenger, Talbert, and Mayor Baarsma.

Nays: 0

Absent: 1 – Phelps.

The Ordinance was declared passed.

#### **Ordinance No. 27336**

Vacating the south 16 feet of Browns Point Boulevard southwest of the intersection at 45<sup>th</sup> Avenue NE and Browns Point Boulevard to implement a property exchange agreement entered into with the abutting property owner to facilitate the improvement and realignment of Browns Point Boulevard. (City of Tacoma; File No. 124.1237)

Roll call vote was taken, resulting as follows:

Ayes: 8 – Anderson, Evans, Ladenburg, Lonergan, Manthou, Stenger, Talbert, and Mayor Baarsma.

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Nays: 0

Absent: 1 – Phelps.

The Ordinance was declared passed.

**Ordinance No. 27363**

Amending Chapter 12.08 of the Municipal Code, relating to wastewater charges, to modify candy producers current wastewater rates.

Roll call vote was taken, resulting as follows:

Ayes: 8 – Anderson, Evans, Ladenburg, Lonergan, Manthou, Stenger, Talbert, and Mayor Baarsma.

Nays: 0

Absent: 1 – Phelps.

The Ordinance was declared passed.

**FIRST READING OF ORDINANCES**

**Ordinance No. 27365**

Amending Chapter 2.04 of the Municipal Code relating to the Electrical Code by repealing, reorganizing and reenacting said Chapter, to clarify electrical requirements and comply with the National Electrical Code, the Washington State Law and the Washington Administrative Code; and increasing permit fees for inspections.

The Ordinance was set over for final reading next week.

**Ordinance No. 27366**

Authorizing the execution of Modification No. 4 to the agreement with the United States Equal Employment Opportunity Commission, in the amount of \$28,150; accepting, depositing in and appropriating said sum from the Human Rights and Human Services Special Revenue Fund for processing and resolving employment discrimination charges and for training.

The Ordinance was set over for final reading next week.

**Ordinance No. 27367**

Authorizing the execution of a grant agreement with the Washington State Department of Transportation, in the amount of \$6,000; accepting, depositing in and appropriating said sum from the Real Estate Excise Tax Fund for railway track construction related to the East D Street Grade Separation Project; and amending the 2005-2006 Biennial Budget.

The Ordinance was set over for final reading next week.

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**RESOLUTIONS**

**Purchase Resolution No. 36531**

Awarding contracts to:

1. Holroyd Co. Inc., on its bid of \$56,400.00, plus sales tax, for paving sand – Specification No. PW05-0236N;
2. ESE Corporation, on its bid of \$50,600.00, plus sales tax, for 1-1/4 inch aggregate for alley maintenance – Specification No. PW05-0238N;
3. Michael H. Wold Company, Inc., on its bid of \$59,500.00, plus sales tax, for asphalt delivery and application services through December 31, 2005 – Specification No. PW05-0217F;
4. PR Systems, Inc., on its bid of \$250,450.00, plus sales tax, for street grinding services through December 31, 2006 – Specification No. PW05-0216F;
5. Rubenstein’s Contract Carpet, in the amount of \$139,458.90, plus sales tax, for removal and replacement of carpet at the Bicentennial Pavilion – Washington State Contract No. 06801;
6. Columbia Ford, in the amount of \$103,130.00, plus sales tax, for four 2005 Ford Expedition utility vehicles – Washington State Contract No. 05303;
7. Avnet Enterprise Solutions, in the amount of \$84,655.02, plus sales tax, for networking hardware for the new Police Headquarters – Washington State Department of Information Contract K97-MST-012;
8. American Building Maintenance, d.b.a. ABM Janitorial Services, in the amount of \$512,616.00, sales tax not applicable, for a cumulative total of \$1,034,250.32, to renew and increase its contract for janitorial services for City facilities through May 20, 2006 – Specification No. GS03-0919F;
9. Reprographics Northwest LLC, in the amount of \$110,000.00, plus sales tax, for a cumulative total of \$410,000, to renew and increase its contract for bid printing and distribution services through December 31, 2005 – Specification No. G-008-02;
10. Northwest Cascade, Inc., in the amount of \$70,000.00, plus sales tax, for a cumulative total of \$120,000.00, to renew and increase its contract for rental and servicing of portable toilets through April 28, 2007 – Specification No. B30228; and
11. Authorizing the execution of an interlocal agreement with the City of Shelton for cooperative purchasing.

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Deputy Mayor Ladenburg moved to waive further reading of the Purchase Resolution. Seconded by Council Member Talbert. Voice vote was taken and carried. The motion was declared adopted.

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Deputy Mayor Ladenburg moved that the Purchase Resolution be adopted. Seconded by Council Member Talbert.

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

**Resolution No. 36532**

Approving a range of rates for fuel flowage fees, hangar space rental, landing fees, land leases, and tie-down space rental at the Tacoma Narrows Airport.

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

**Resolution No. 36533**

Authorizing the execution of an agreement with Berger/ABAM Engineers, Inc., in the amount of \$1,057,807, to conduct engineering design and construction administration services required for the Tacoma Narrows Airport Runway Safety Area Improvement project.

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

**Resolution No. 36534**

Authorizing the execution of a two-year agreement with the Tacoma Regional Convention and Visitor Bureau, in the amount of \$700,000, to provide assistance in furthering the City's convention and tourism industry.

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

**Resolution No. 36535**

Authorizing the execution of a Collective Bargaining Agreement negotiated with the International Association of Machinists and Aerospace Workers, General Unit, District Lodge 160, on behalf of Local Lodge 297, for 97 employees, effective January 1, 2004, through December 31, 2006.

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

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**Resolution No. 36536**

Establishing a citizen police oversight committee as proposed by the Human Rights Commission; and directing the City Manager to begin the implementation process as soon as practicable.

The Resolution was considered and continued earlier in the meeting.

**Resolution No. 36537**

Authorizing the execution of a five-year lease with Seven Seventeen Investors, LLC, for office space in the building located at 717 Tacoma Avenue South, for the joint operation of the Family Justice Center.

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

**Resolution No. 36538**

Authorizing the execution of a Multi-Family Housing Limited Property Tax Exemption Agreement with Mark Lawson for the construction of seven market-rate condominiums located at 4048 South Warner Street in the Tacoma Mall Mixed Use Center.

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

**Resolution No. 36539**

Authorizing the execution of a Multi-Family Housing Limited Property Tax Exemption Agreement with Mark Lawson for the construction of seven market-rate condominiums located at 3415 South 45<sup>th</sup> Street in the Tacoma Mall Mixed Use Center.

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

**Resolution No. 36540**

Authorizing the execution of an amendment to the Foss Waterway Development Authority Marina Agreement to reallocate \$250,000 from the Albers Mill Esplanade Project to the City Marina Project for the rehabilitation of the City Marina located at East 15<sup>th</sup> and East D Streets.

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

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**Resolution No. 36541**

Authorizing the execution of an Agreement with Parsons Brinckerhoff Quade & Douglas, in the amount of \$1,954,375, for engineering design services for the Hylebos Bridge rehabilitation project.

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

**Resolution No. 36542**

Authorizing the execution of Supplement No. 3 to the professional services agreement with Vanir Construction Management, Inc., in the amount of \$120,000, for a cumulative total of \$230,397, for additional services relating to the new police headquarters project.

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

**Resolution No. 36543**

Authorizing the execution of an agreement with Seattle Northwest Securities Corporation for financial advisor services for the Wastewater and Surface Water Management and the Solid Waste Management enterprise funds.

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

**PUBLIC HEARINGS AND APPEALS**

This is the date set for a public hearing by the City Council regarding proposed amendments to Title 13 of the Municipal Code, pertaining to the CCX – Community Commercial Mixed-Use District, to evaluate the potential of raising the height limit in the district as a way to promote increased investment and reinvestment.

The Public Hearing began at 5:58 p.m.

Speaking before Council:

<u>Name</u>	<u>Address/Affiliation</u>
Tim Strege	1423 East 29 <sup>th</sup> Street
Allen Douglass	University Place
John Pellessier	South End Neighborhood Council

The Public Hearing ended at 6:18 p.m.

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## UNFINISHED BUSINESS

None.

## REPORTS BY CITY MANAGER

City Manager James Walton reported on activities of the recent City Council Workshop for the Phase I of the Breakthrough Initiatives. He stated Phase II will be completed at the upcoming City Council Workshop.

Mayor Baarsma expressed his appreciation to City Manager James Walton for his leadership throughout the Breakthrough Initiative process.

## COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL

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

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Deputy Mayor Ladenburg stated there is an upcoming Joint Public Safety and Human Services Committee/Pierce County Council meeting to discuss moving forward with a plan to review the City/County Department of Corrections and the Department of Social and Health Services facilities. She encouraged citizens to attend.

Council Member Evans reported on the Northwest Public Power Producers Association Convention he attended.

Council Member Talbert mentioned the recent celebration for the "Incubator of the Year" at the William Factory Small Business Incubator. He stated it was greatly attended including Council Members Evans and Manthou, Mayor Baarsma and Congressman Adam Smith. He stated there was a group in town to study ways to improve the Portland Avenue corridor.

Council Member Lonergan stated he attended the Tacoma Area Coalition of Individuals with Disabilities (TACID) 25<sup>th</sup> Annual Forum 2005. He stated Mr. Chris Ensor, Executive Director, TACID, gave a progress report for the year and Ms. Irene Fruzzetti, 2004/2005 President, also reported on officers elected to the TACID Board. He stated City Manager James Walton presented a special award to Ms. Judie Fortier, recent City of Tacoma retiree, for helping the disabled over the years. He also mentioned the upcoming Government Performance and Finance Committee meeting where discussions will include moving forward with the Audit Committee and the contract with IBM for the Performance Audit on our Business Information Systems Department.

Mayor Baarsma stated writer Mr. David McCullough, who has written biographies of John Adams, Harry S. Truman, and many others will be in Tacoma on Thursday, June 15, 2005, and invited citizens to meet with them.

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Mayor Baarsma moved to authorize settlement of claims in the matter of City of Tacoma, v. Great American Insurance, et al, US District Court Cause Number C97-5504 RJB, involving the Hylebos Waterway, Middle Waterway and Coal Gas Site in the amount of one million, six hundred thousand dollars (\$1,600,000.00). Seconded by Council Member Lonergan.

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

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**CITIZENS' FORUM**

Mayor Baarsma read the Council rules relating to Citizens' Forum.

Citizens' Forum began at 7:55 p.m.

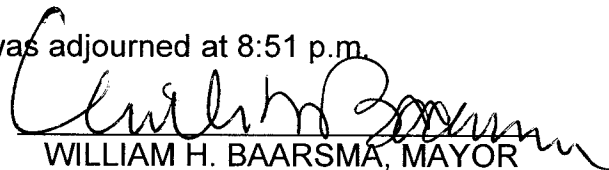
Speaking before Council:

<b>Name</b>	<b>Address/Affiliation</b>	<b>Topic</b>
Phyllis Barrett	912 South Cushman Avenue	Electric bills
Chris Bayman	4620 Bell Street South	General
Chris Lucas	4942 North Scenic View Lane	Settlement
Rick Cvitanich	2808 North 8 <sup>th</sup> Street	General
Charles Creso	5501 Broadview Avenue NE	Budget
Daryl Scrajin	520 East 71 <sup>st</sup> Street	Fees
Alton McDonald	Box 9005, Tacoma	Citizen issues
Constance Clay-Williams	4005 South 74 <sup>th</sup> Street	Bullying
Brittney Lewis	1633 South 95 <sup>th</sup> Street	School issues
Kiala Muir	5640 Park Avenue South	Parks
Debbie Lauck	3901 South 67 <sup>th</sup> Street	Nuisance
Ian Forraker	3113 – 44 <sup>th</sup> Avenue NE	Link Light Rail
John Pellessier	South End Neighborhood Council	Complimented City Staff

Citizens' Forum closed at 8:51 p.m.

**ADJOURNMENT**

On proper motion, the meeting was adjourned at 8:51 p.m.

  
WILLIAM H. BAARSMAN, MAYOR

ATTEST:   
DORIS SORUM, CITY CLERK

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