



City Council Minutes

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

November 29, 2005

The meeting was called to order at 5:08 p.m.

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

Council Member Absent: 1 – Lonergan (arrived at 5:09 p. m.)

The Flag Salute was led by Council Member Stenger.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK

- a. Minutes of the Economic Development Committee, October 25 and November 8, 2005.
- b. Minutes of the Environment and Public Works Committee, October 12, 2005.
- c. Minutes of the Landmarks Preservation Commission, October 12 and 26, 2005.
- d. Minutes of the Public Safety and Human Services Committee, October 27, 2005.
- e. Minutes of the Rainier Communications Commission, September 29, 2005.
- f. Humane Society Animal and Service Delivery Reports, September 2005.

CONSENT AGENDA

Approval of the minutes of the City Council study session, November 1, 2005.

RESOLUTIONS

Resolution No. 36706

Setting Tuesday, December 13, 2005, at approximately 5:30 p.m., as the date for a public hearing on the annexation of the property owned by Brad Burkhartzmeyer and Susanne Nuriel located at 8601 and 8607 McKinley Avenue East in unincorporated Pierce County.

Resolution No. 36711

Authorizing the execution of an amendment to the Interlocal Agreement with King County and King County municipalities, in the amount of \$50,000 for 2005-2006, for a cumulative total of \$123,500, budgeted from the Water Fund, for continued participation in the Green River Forum.

Resolution No. 36714

Accepting \$154,001 from the Washington State Department of Social and Health Services, depositing into the Human Rights/Human Services Revenue Fund, to support child care resource and referral services for Pierce County parents and child care providers, from October 1, 2005 through June 30, 2006.

FIRST READING OF ORDINANCES

Ordinance No. 27439

Vacating a portion of North Monroe Street between North 34th and North 35th Streets to expand/remodel the existing residence. (Neil Wachter; File No. 124.1252)

Ordinance No. 27440

Vacating a portion of South 58th Street contained within the 100-foot wide Burlington Northern-Santa Fe Railroad Corridor line between South Washington and Adams Streets, for the construction of the Sound Transit - South Tacoma Commuter Rail Station. (Sound Transit; File No. 124.1247)

Ordinance No. 27441

Vacating a portion of East 32nd Street southwest of the intersection of East G Street and McKinley Way, to develop a multi-family residential building and additional landscaping areas. (Run Rig Holdings LLC; File No. 124.1250)

Ordinance No. 27442

Vacating a portion of Wright Avenue between East M and East N Streets, to consolidate the property holdings and remove an existing building encroachment. (Tacoma School District; File No. 124.1254)

Deputy Mayor Ladenburg moved that the Consent Agenda, including Resolution Nos. 36706, 36711, and 36714 and Ordinance Nos. 27439 through 27442, be approved. Seconded by Council Member Talbert.

Deputy Mayor Ladenburg moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner for Ordinance Nos. 27439 through 27442. Seconded by Council Member Talbert. Voice vote was taken and carried. The motion was declared adopted.

Voice vote was taken and carried on the Consent Agenda. The Consent Agenda, including Resolution Nos. 36706, 36711, and 36714 and setting Ordinance Nos. 27439 through 27442 over for final reading to a date to be determined, was declared approved.

PROCLAMATIONS

There were no proclamations.

Mayor Baarsma took a moment of personal privilege. He extended words of appreciation to the Deputy Mayor, City Manager, Police Chief, Fire Chief, the brave men and women that serve on the thin blue line, Tacoma citizens and others, those that were hurt and those who did heroic acts during the incident at the Tacoma Mall on Sunday, November 20, 2005. He expressed that his prayers are particularly with Mr. Brendan McKown, injured during the incident, who has a very positive attitude and is on the mend. He wished him and his family the very best.

Council Member Evans also mentioned the courageous and heroic public safety officers and citizens during the incident at the Tacoma Mall and stated his hope to publicly honor those involved.

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 5:13 p.m.

Speaking before Council:

Name	Address/Affiliation	Subject
Phyllis Barrett	912 South Cushman Avenue	Ordinance Nos. 27426 and 27437
Tiffany Speir	Master Builders Association	Ordinance No. 27445
Will Knedlik	Box 99, 98083	Resolution No. 36710
Alton McDonald	Tacoma resident	Ordinance Nos. 27436 and 27438
Allen Douglass	University Place resident	Ordinance No. 27437
Ian Foraker	3113 – 44 th Avenue NE	Resolution No. 36708

Public Comment closed at 5:34 p.m.

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REGULAR AGENDA

ANNOUNCEMENTS, PRESENTATIONS, AND APPOINTMENTS

Resolution No. 36707

Appointing Harold Moss, Doug McArthur, and David Graybill as members of the committee advocating voters' approval, and Christine Lucas, Stan Smith, and Rick Cvitanich as members of the committee advocating voters' rejection, of the Tacoma Dome Renovation and Improvement Bond to appear in the Voters' Pamphlet for the special election to be held on February 7, 2006.

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

RESOLUTIONS

Purchase Resolution No. 36708

Awarding contracts to:

1. L. N. Curtis & Sons, on its bid of \$466,467.20, plus sales tax, budgeted from the General Fund and the Emergency Medical Service Special Revenue Fund, for 320 sets of protective jackets and trousers for structural firefighting – Specification No. FD05-0487F;
2. Datec, Inc., on its bid of \$180,855.00, plus sales tax, budgeted from the COPS Interoperability Grant and Emergency Medical Service Special Revenue Funds, for 40 mobile computer laptops and accessories – Specification No. FD05-0680F;
3. Balfour Beatty Rail Systems, Inc., on its bid of \$577,994.36, including sales tax, budgeted from the Public Works Mountain Division Fund, for railroad signal crossing upgrades in Pierce, Lewis, and Thurston Counties – Specification No. PW05-0548F; and
4. Wheeled Coach Industries, Inc., in the amount of \$195,524.00, plus sales tax, budgeted from the Equipment Rental Capital Outlay Fund, for two 2006 medic units – Pierce County Fire District No. 16 Contract No. 594-22-001.

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

Resolution No. 36709

Authorizing the execution of an amendment to the Concessions Agreement with Centerplate, in the amount of \$200,000, budgeted from the Tacoma Dome Capital Reserve Fund, which will be combined with \$200,000 in matching funds from Centerplate, for replacing and upgrading the food, beverage, and concessions equipment in the Tacoma Dome; and waiving the competitive bid process due to significant savings from a special market condition.

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. 36710

Authorizing the execution of a settlement agreement with Sound Transit; accepting a one-time payment of \$150,000, and a payment of \$50,000 to establish a railroad maintenance fund, with an obligation by Sound Transit to replenish the maintenance fund annually, as a result of interrupted freight service to the Tacoma Rail Mountain Division in the vicinity of Freighthouse Square.

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.

Resolution No. 36712

Authorizing the execution of Amendment No. 8 to the Agreement for Legal Services with Preston Gates & Ellis, LLP, in the amount of \$250,000, for a cumulative total of \$527,706.76, budgeted from the Steam Plant Operating Fund, for continuing legal services relating to the litigation with Tacoma Energy Recovery Company/NRG Energy.

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. 36713

Approving an Open-Space Current Use Assessment application from the Tacoma Alliance Church, located at 2401 South Orchard Street; and appointing Council Members Lonergan, Manthou, and Stenger to serve on the joint granting authority along with three representatives of the Pierce County Council, for the purpose of making a final decision on this application.

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. 36715

Authorizing the execution of Historic Preservation Special Valuation Tax Covenants to assure the preservation and maintenance of the properties at the following locations:

- 2112 Pacific Avenue (Hunt Mottet Lofts)
- 717 Tacoma Avenue South (Lynn Funeral Home)
- 744 Market Street (Bridge Lofts)
- 502 North M Street (private residence) and
- 1116 North 26th Street (private residence).

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.

FINAL READING OF ORDINANCES

Ordinance No. 27427

Amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to delete obsolete classifications and/or applications of additional rates not currently in use; and creating three new classifications as follows: Animal Control & Compliance Supervisor, Animal Control & Compliance Officer, and Railway Track Equipment Mechanic Welder.

Deputy Mayor Ladenburg moved as a substitute, Substitute Ordinance No. 27427. Seconded by Council Member Talbert. Voice vote was taken and carried. The motion was declared adopted.

Roll call vote was taken, resulting as follows:

Ayes: 9 – Anderson, Evans, Ladenburg, Lonergan, Manthou, Phillips, Stenger, Talbert, and Mayor Baarsma.

Nays: 0

The Substitute Ordinance was declared passed.

Ordinance No. 27433

Amending Chapter 1.30 of the Municipal Code, relating to retirement and pensions, to increase the membership exclusion period for temporary and emergency employees from the current three months to a period of six months, effective January 1, 2006; and to provide members with the option to irrevocably designate a new spouse for a joint and survivor benefit in the event the wife or husband of a member predeceases the member and the member thereafter remarries, effective January 1, 2006.

Roll call vote was taken, resulting as follows:

Ayes: 9 – Anderson, Evans, Ladenburg, Lonergan, Manthou, Phillips, Stenger, Talbert, and Mayor Baarsma.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 27435

Approving an increase in 2005 property tax revenue collection in 2006 in terms of both dollars and a percentage increase of 1 percent for the 2006 Emergency Medical Services levy.

Roll call vote was taken, resulting as follows:

Ayes: 9 – Anderson, Evans, Ladenburg, Lonergan, Manthou, Phillips, Stenger, Talbert, and Mayor Baarsma.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 27436

Approving an increase in 2005 property tax revenue in 2006 in terms of both dollars and a percentage increase of 1 percent; and fixing the 2006 Ad Valorem Property tax levy.

Roll call vote was taken, resulting as follows:

Ayes: 7 – Anderson, Ladenburg, Lonergan, Manthou, Phillips, Talbert, and Mayor Baarsma.

Nays: 2 – Evans and Stenger.

The Ordinance was declared passed.

Ordinance No. 27437

Amending Chapter 1.19 of the Municipal Code regarding the motor vehicle allowance for the Mayor, budgeted from the General Fund, effective January 1, 2006.

Roll call vote was taken, resulting as follows:

Ayes: 9 – Anderson, Evans, Ladenburg, Lonergan, Manthou, Phillips, Stenger, Talbert, and Mayor Baarsma.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 27438

Providing for an employee separation benefit program for eligible employees of the City whose positions have been identified for elimination as part of the reorganization plan associated with the 2006 mid-biennial budget adjustment.

Deputy Mayor Ladenburg moved as a substitute, Substitute Ordinance No. 27438. Seconded by Council Member Talbert. Voice vote was taken and carried. The motion was declared adopted.

Roll call vote was taken, resulting as follows:

Ayes: 9 – Anderson, Evans, Ladenburg, Lonergan, Manthou, Phillips, Stenger, Talbert, and Mayor Baarsma.

Nays: 0

The Substitute Ordinance was declared passed.

FIRST READING OF ORDINANCES

Ordinance No. 27443

Annexing property owned by Mr. Timothy W. and M. Diane Scott, and Tacoma Public Utilities, located in the vicinity bordered by Marine View Drive to the west, Varco Road to the east, and 51st Street NE to the north, effective January 1, 2006.

The Ordinance was set over for final reading next week.

Ordinance No. 27444

Amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to implement rates of pay and compensation of various collective bargaining agreements as negotiated, and for certain unrepresented employees, effective January 1, 2006; to implement other provisions of such agreements; and to allow for payment of certain employment related expenses.

The Ordinance was set over for final reading next week.

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Ordinance No. 27445

Amending Chapter 2.09 of the Municipal Code, relating to buildings and fee codes, to increase the fees charged for permits required by the City's Critical Areas Preservation Ordinance.

The Ordinance was set over for final reading next week.

UNFINISHED BUSINESS

None.

REPORTS BY THE CITY MANAGER

City Manager Mr. Eric Anderson made a few observations regarding the incident at the Tacoma Mall. He stated his assessment of not only the Chief of Police, but the members of the Police Department and their coordination of the large number of responders from other agencies, is that they did a remarkable job. He stated they were calm, professional, extraordinarily competent, well organized, managed the scene and the entire event with extraordinary skill, sensitivity with all involved, and were first and foremost concerned about the people at risk. He stated that it was a remarkable performance and the people of the City should be very proud and very comfortable with the quality of Police service they are receiving. He extended his compliments to the Police Chief and all who work for him. He also extended his appreciation to the Fire Chief and Fire Department, Public Works Department, Washington State Department of Transportation, Federal Bureau of Investigation, United States Department of Treasury, Bureau of Bureau of Alcohol, Tobacco, and Firearms, and all the local Fire and Police Departments who responded.

Mr. Anderson concluded by announcing the last City Council Budget Workshop on Wednesday, November 30, 2005, beginning at 5:00 p.m., located in the Council Chambers and that it will be televised.

COMMENTS AND COMMITTEE REPORTS OF THE CITY COUNCIL

Mayor announced Honorable Judge Gary Sullivan passed away last evening. He said that Judge Sullivan was a public servant for the City of Tacoma for many years. He served as a Director of the Department of Urban Renewal and Community Development, a Hearing Examiner, then ultimately appointed as a Municipal Court Judge. He extended condolences to his family and stated that he was an outstanding public servant and was admired greatly.

Council Member Talbert announced the passing of Mr. Doug Delin, strong eastside booster and civic activist, on Saturday. He added that services will be held on Monday, December 5th at 2:00 p.m., located at the Roosevelt Heights Church of God and Christ.

Council Member Stenger gave remarks about Judge Sullivan and Mr. Doug Delin.

◆ Government Performance and Finance Committee update

Council Member Lonergan reported that at the October 26th meeting there was a report given by the Milliman USA consultants on the total compensation study that was done specifically for the non-represented employees for both General Government and Public Utilities. He then reported that during the November 9th there was discussions regarding performance measurement and policy for appointed committees wanting to make sure that the very best people are being recruited. He added that the Committee is taking a look at a name change for the Urban Policy Committee. He announced the next meeting on Wednesday, December 14th at 9:00 a.m., located in Room 248, will have the following discussions: Personnel System Performance Audit Update; Utility Audit Entrance Conference; and Ethics Code.

◆ Public Safety and Human Services Committee update

Deputy Mayor Ladenburg reported the discussion at the November 16th meeting concerning dangerous and potentially dangerous dogs was very lively. She indicated that there will be more discussion and a comprehensive look regarding this matter. She stated the meeting on December 8th has been canceled due to the grand opening and festivities for the new Tacoma Police Headquarters and indicated the next joint meeting with Pierce County Council will be on December 13th at 10:00 a.m., discussions for that meeting are as follows: the strategy that the City/County will have if there is an Influenza Pandemic; and a short update on the weapons ordinance. She announced the December 22nd is canceled due to the holiday. She added comments regarding the incident at the Tacoma Mall.

Council Member Evans commented on the younger citizens and the honor and privilege the Council has to help them and their educators to be the best citizens they can be. He stated he is part of the Puget Sound Clean Agency and they have produced a Clean Air Agency's calendar and for any citizen who is interested, they can call City Hall at (253) 591-5100, and by leaving their name and telephone number or address, can receive this visual aid.

Council Member Lonergan personally thanked City Attorney Elizabeth Pauli and Assistant City Attorney Cathy Parker for the briefing on religious expression at City sponsored events. He stated the brief answer is that the City may allow certain religious expression within guidelines and further stated that the City must allow religious expression in public forum. He mentioned visiting Council Member Stenger's District a week ago for a religious dedication of the L Street Neighbors area. He stated that this area has been reclaimed from drug dealers, dangerous and undesirable people with some crime free environmental design approaches, including the paving of a non-arterial street. He congratulated the neighbors, City staff, and builders. He concluded by announcing the newly created Pierce County Regional Council website address: www.piercecountywa.org/pcrc.

Mayor Baarsma mentioned that Council Member Lonergan was re-elected to chair the Pierce County Regional Council and was the first elected to chair from Tacoma.

Council Member Phillips announced that Sunday, December 4th at 4:00 p.m., is the dedication of the Downtown Christmas tree donated by the Fort Lewis base.

Mayor Baarsma announce that Council Member Elect Jake Fey was present in the audience and that he participated in today’s study session. He mentioned that during his campaign he mentioned the possibility of hosting a Community Summit to take a look at what Tacoma will look like in the year 2020.

Deputy Mayor Ladenburg moved to authorize the full and final settlement of all the City’s claims against NRG Energy, Inc. (“NRG”), and Tacoma Energy Recovery Company (“TERC”), and all claims by NRG against the City in the matter of City of Tacoma v. NRG ENERGY, Inc., upon stipulation by NRG to an allowed City claim in bankruptcy of \$3,400,000 against NRG. Seconded by Mayor Baarsma. Voice vote was taken and carried.

The motion was declared adopted.

On proper motion, the meeting was adjourned at 7:21 p.m.


WILLIAM H. BAARSMA, MAYOR

ATTEST: 
DORIS SORUM, CITY CLERK