

CITY COUNCIL MINUTES

City Council Chambers
January 23, 1996

The meeting was called to order at 5:10 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 De Forrest.

CONSENT AGENDA

Approval of the minutes of the Tacoma City Council meetings of November 21 and 28, 1995.

RESOLUTIONS:

Resolution No. 33274

Setting Monday, February 12, 1996, at 5:00 p.m., as the date for a hearing by the Hearing Examiner on L.I.D. No. 8591 for the placement of permanent-type pavement with storm drainage on 63rd Avenue N.E. from 24th Street N.E. south 300 feet; 23rd Street N.E. (proposed) from 63rd Avenue N.E. west 250 feet, to the dead end; and the south 24 feet of 24th Street N.E. from 63rd Avenue N.E. to 64th Avenue N.E.

Resolution No. 33275

Setting Monday, February 12, 1996, at 5:00 p.m., as the date for a hearing by the Hearing Examiner on L.I.D. No. 3956 for the installation of sanitary sewers in 63rd Avenue N.E. from 21st to 24th Streets N.E.; 23rd Street N.E. (proposed) from 63rd Avenue N.E. west 250 feet, then north from the dead end to 23rd Street N.E. 150 feet; and 24th Street N.E. from 63rd Avenue N.E. east 130 feet.

Resolution No. 33276

Setting Monday, February 12, 1996, at 5:00 p.m., as the date for a hearing by the Hearing Examiner on L.I.D. No. 6973 for street lights on 63rd Avenue N.E. from 24th Street N.E. to 23rd Street N.E. (proposed); and on 23rd Street N.E. (proposed) from 63rd Avenue N.E. to the dead end.

Resolution No. 33277

Setting Monday, February 12, 1996, at 5:00 p.m., as the date for a hearing by the Hearing Examiner on L.I.D. No. 7721, for the placement of a new underground electrical system along 63rd Avenue N.E. (proposed) from 24th Street N.E. south approximately 300 feet; then from 63rd Avenue N.E. 250 feet west along 23rd Street N.E. (proposed) to the dead end.

APPEALS:

Tacoma School District appealing the decision of the Hearing Examiner relative to the amount of the mitigation fee imposed for the preliminary plat located in the vicinity of 48th Avenue N.E. and 38th Street N.E. (St. James Court; File No. 125.359)

Setting Tuesday, March 26, 1996, at approximately 6:00 p.m., as the date for a hearing by the City Council.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearing Examiner agenda for January 23, 1996.
- b. Minutes of the meeting of the Commission on Children, Youth and Families, December 14, 1995.
- c. Minutes of the meeting and study session of the Public Utility Board, December 20, 1995.
- d. Statements by City employees disclosing remote interests pursuant to Tacoma Municipal Code 1.46.030(O) as follows:

<u>Name</u>	<u>Affiliation</u>
Cheryl F. Carlson	Emergency Food Network

- e. Monthly Financial Reports for Light Division, Water Division, Belt Line Division, Conservation Project Fund, Data Processing Fund, Fleet Services Fund, Geographic Information System Fund, and Self-Insurance Claim Fund, November 1995.

Council Member Miller moved that the Consent Agenda, including Resolution Nos. 32774, 33274, 33275, 33276, and 33277, be approved. Seconded by Council Member McGavick.

Council Member De Forrest moved to amend the Tacoma City Council minutes of November 28, 1995, to change all of Council Member McGavick's votes from "nay" to "absent". Seconded by Council Member McGavick. Voice vote was taken and carried. The motion was declared adopted.

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Voice vote was taken and carried on the Consent Agenda, as amended. The Consent Agenda, including Resolution Nos. 32774, 33274, 33275, 33276, 33277, and amending the minutes of November 28, 1995, was declared approved.

REGULAR AGENDA

Mayor Ebersole presented a proclamation to Fire Chief Dick Moore, of the Tacoma Fire Department, in recognition of the City of Tacoma having completed one full year without any fire related deaths.

FINAL READING OF ORDINANCES:

Substitute Ordinance No. 25780 (Continued from the meeting of December 5, 1995.)

Amending Titles 6 and 9 of the Municipal Code relative to sidewalk vending.

Council Member Miller moved to continue Substitute Ordinance No. 25780 to February 20, 1996. Seconded by Council Member Crowley. Voice vote was taken and carried. The motion was declared adopted.

The Substitute Ordinance No. 25780 will be considered at the regular City Council meeting of February 20, 1996.

Ordinance No. 25824

Amending the Municipal Code by repealing and reenacting Chapter 3.02 regulating hazards of life and property from fire and explosion arising from storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life and property in the use or occupancy of buildings or premises; providing for the issuance of permits and penalties and adopting the 1994 Edition of the Uniform Fire Code.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

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The Ordinance was declared passed.

Ordinance No. 25825

Amending the Municipal Code by repealing and reenacting Chapter 2.02 regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings or structures; providing for the issuance of permits and penalties and adopting the 1994 Uniform Building Code.

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. 25826

Amending the Municipal Code by repealing and reenacting Chapter 2.07 regulating the construction, installation, maintenance and demolition of heating, ventilating, comfort, cooling and refrigeration systems in the City of Tacoma and to adopt the 1994 Uniform Mechanical Code.

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. 25827

Amending the Pay and Compensation Plan to implement rates of pay for represented and unrepresented employees and changes in classifications to reflect the organizational structure.

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. 25828

Accepting a donation of \$2,000 from Rainier Pacific, a Community Credit Union; and depositing in and appropriating said sum from the General Fund for Super Saturday 1996.

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. 25829

Amending Sections 2.05.040 and 2.09.060 of the Municipal Code to charge a \$50 fee for the inspection of rotating signs and signs that project more than 18 inches beyond the property line.

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. 25830

Amending Chapter 11.05 of the Municipal Code by repealing Ordinance No. 25416 and Section 11.05.035 to restore the breath and blood alcohol standard to 0.10 to comply with state law.

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. 25831

Depositing \$165,000 from the United States Department of Housing and Urban Development, and appropriating said sum from the Miscellaneous Trust Summary Fund; transferring said sum to the Tacoma Community Redevelopment Authority for financing of the "Betye Martin Baker Human Services Center" project.

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. 25832

Amending Section 8.109 of the Municipal Code extending the expiration date of Tacoma's curfew ordinance to December 31, 1997; and requiring further extensions of the effectiveness of the curfew be made by ordinance.

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. 25834

Approving and confirming the assessment roll for L.I.D. No. 5715, to provide for the installation of water mains and fire hydrants in South 94th Street from Alaska Street west 650 feet.

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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. 25835

Approving and confirming the assessment roll for L.I.D. No. 5718, to provide for the installation of water mains and fire hydrants in East 46th Street from East C Street to East D Street.

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. 25836

Approving and confirming the assessment roll for L.I.D. No. 5717 to provide for the installation of water mains and fire hydrants in East G Street from East 72nd Street to East 75th Street.

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. 25837

Providing for the formation of L.I.D. No. 8582 to provide for the placement of permanent pavement with storm drainage on Gove Street from North 38th to North 39th Streets.

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.

FIRST READING OF ORDINANCES:

Ordinance No. 25838

Vacating a portion of the alley between East 34th and East 35th Streets, west of Portland Avenue to allow consolidation of the petitioner's property for security purposes. (Sts. Peter and Paul Parish; File No. 124.1014)

Council Member Evans moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner. Seconded by Deputy Mayor Silas. Voice vote was taken and carried with Council Member De Forrest voting in opposition. The motion was declared adopted.

The Ordinance was set over for final reading to a date to be determined.

Ordinance No. 25839

Authorizing the execution of an agreement with Pierce County, in the amount of \$151,783, depositing in and appropriating said sum from the Railway Acquisition and Operating Fund, for reconstruction of the Tacoma Eastern Railway Bridge at 112th Street East and detour route repairs.

The Ordinance was set over for final reading next week.

Ordinance No. 25840

Transferring \$746,500 from the General Fund to the Municipal Building Acquisition and Operating Fund and appropriating said sum from the Municipal Building Acquisition and Operating Fund to pay for expenses associated with the immediate needs for the Tacoma Police Department facilities.

The Ordinance was set over for final reading next week.

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RESOLUTIONS:

Purchase Resolution No. 33270 (Continued from the meeting of January 16, 1996.)

Awarding a contract to:

Ocean Enterprises Company, on their bid of \$74,537.50, for citywide hazardous sidewalk replacement - Specification No. G-251-95.

Speaking before the Council was:

<u>Name</u>	<u>Address</u>
Louise Batchelor	5314 North 46th Street

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

Council Member Miller moved to suspend the rules to move Resolution No. 33272 to the end of the agenda. Seconded by Council Member Crowley. Voice vote was taken and carried with Council Member De Forrest and Council Member Kirby voting in opposition. The motion was declared adopted.

Resolution No. 33273 (Continued from the meeting of January 16, 1996.)

Authorizing the execution of agreements with Associated Health Services, in the amount of \$60,000; Emergency Food Network, in the amount of \$31,740; First Place for Children -- Downtown, Eastside, Jumpstart and Oakland, in the amount of \$145,000; Faith Homes -- Union and Woodlawn, in the amount of \$60,000; Martin Luther King Ecumenical Center, in the amount of \$150,000; Martin Luther King Housing Development Association, in the amount of \$35,000; Mary Bridge Children's Hospital -- Community Medical Care for Children, in the amount of \$50,000; Metropolitan Park District, in the amount of \$29,800; Phoebe House, in the amount of \$29,040; Pierce County AIDS Association -- HIV/AIDS Care Services, in the amount of \$70,000; Pierce County Alliance CHOICE/ASAP, in the amount of \$62,633; Proud African American Youth Society, in the amount of \$47,930; Olympic Counseling, in the amount of \$41,103; Sexual Assault Crisis Center of Pierce County, in the amount of \$55,961; Tacoma Rescue Mission in the amount of \$85,504; Tacoma Community House, in the amount of \$65,000; Tacoma Community Schools, in the amount of \$28,078; Washington Women's Employment Education -- Family Self Sufficiency, in the amount

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of \$75,000; and YWCA -- Women's Support Shelter, in the amount of \$63,000, for human services projects.

Council Member Miller moved to suspend the rules to consider Substitute Resolution No. 33273. Seconded by Deputy Mayor Silas. Voice vote was taken and carried. The motion was declared adopted.

Council Member Miller moved to adopt Substitute Resolution No. 33273. Seconded by Deputy Mayor Silas.

Speaking before the Council were:

<u>Name</u>	<u>Address</u>
David Boyd	Representing Martin Luther King Ecumenical Center
Louise Batchelor	5314 North 46th Street

Council Member Baarsma moved to strike the last paragraph of Substitute Resolution No. 33273. Seconded by Council Member Kirby. Roll call vote was taken, resulting as follows:

Ayes: 3 -- Baarsma, Kirby, and Silas.

Nays: 6 -- Crowley, De Forrest, Evans, McGavick, Miller, and Mayor Ebersole.

The motion was declared failed.

Roll call vote was taken on Substitute Resolution No. 33273, resulting as follows:

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

Nays: 0.

The Substitute Resolution was declared adopted.

Purchase Resolution No. 33278

Awarding contracts to:

1. Pacific Treadco, on their bid of \$128,412.50, for vehicle tire repair and road services - Specification No. G-055-95; and
2. Polypure, Inc., on their bid of \$51,900, for polymer - Specification No. G-062-95.

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Council Member Miller moved to remove Item No. 1 of Purchase Resolution No. 33278. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

Item No. 1 of Purchase Resolution No. 33278 was removed from the agenda.

Council Member Miller moved to adopt the amended Purchase Resolution. Seconded by Council Member McGavick.

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

Resolution No. 33279

Authorizing the release of an easement to Cascade Natural Gas Corporation for installation and maintenance of a gas pipeline within the Potlatch Transmission Line in Mason County.

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

Resolution No. 33280

Authorizing the execution of an agreement with Pierce County and the Law Enforcement Support Agency, in the amount of \$15,000, to jointly fund and sponsor a feasibility study to analyze the replacement of the current radio communication system with a single regional trunked system.

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

Resolution No. 33281

Authorizing the execution of an agreement with the Metropolitan Park District, in the amount of \$200,000, for the purchase of the Harmon property located at 1933 Dock Street.

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

Speaking before the Council were:

<u>Name</u>	<u>Address</u>
Mark Whitman	16275 N.E. 85th St., Redmond; Representing Mr. Lemon
Louise Batchelor	5314 North 46th Street
Jerry Vaughan	3109 North 20th Street
David Nicandri	315 N. Stadium Way, Director of the Washington State Historical Society

Council Member Miller moved to continue Resolution No. 33281 to the meeting of January 30, 1996. Seconded by Council Member De Forrest. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 33281 will be considered at the regular City Council meeting of January 30, 1996.

PUBLIC HEARINGS AND APPEALS: (Began at approximately 8:08 p.m.)

Merritt+Pardini appealing the decision of the Hearing Examiner on the request to vacate portions of South 19th Street and adjacent streets lying between Pacific and Jefferson Avenues for the construction of Phase I of the University of Washington Tacoma campus development. (University of Washington; File No. 124.1020)

Mayor Ebersole announced that a letter had been received from the appellant, Merritt+Pardini, requesting the withdrawal of their appeal. Mayor Ebersole then stated that a letter was also received from the applicant, University of Washington, confirming their agreement with Merritt+Pardini.

Council Member Evans moved to withdraw the appeal from the agenda. Seconded by Council Member Baarsma. Voice vote was taken and carried. The motion was declared adopted.

The appeal of Merritt+Pardini was withdrawn from the agenda.

Council Member Miller moved to recess for five minutes. Seconded by Council Member De Forrest. Voice vote was taken and carried. The motion was declared adopted.

Council recessed at 8:10 p.m. and reconvened at 8:15 p.m.

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Deputy Mayor Silas moved to recess to Executive Session, for a period not to exceed 30 minutes, to discuss pending litigation. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

Council recessed to Executive Session at 8:16 p.m.

Mayor Ebersole reentered the Council Chambers at 8:45 p.m. and stated that the Executive Session would be extended for an additional 20 minutes.

Mayor Ebersole reentered the Council Chambers at 9:06 p.m. and stated that the Executive Session would be extended for an additional 45 minutes.

Council reconvened at 9:45 p.m.

Resolution No. 33272 (Continued from the meeting of January 16, 1996.)

Authorizing the execution of an agreement with Karen Willie of Smith, Smart, Hancock, Tabler & Schwensen, in the amount of \$350,000, to represent the City in the City of Fircrest vs. the City of Tacoma, a lawsuit alleging contamination of the Fircrest water system by the City of Tacoma landfill.

Council Member Miller moved to suspend the rules to consider Substitute Resolution No. 33272. Seconded by Council Member Crowley. Voice vote was taken and carried. The motion was declared adopted.

Council Member Miller moved to adopt Substitute Resolution No. 33272. Seconded by Council Member Crowley. Voice vote was taken and carried.

Speaking before the Council were:

<u>Name</u> _____	<u>Address</u> _____
Louise Batchelor	5314 North 46th Street
Martin Sutherland	2032 East Morton Street

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

UNFINISHED BUSINESS:

None.

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REPORTS BY CITY MANAGER:

None.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Council Member Baarsma reported that he had joined with Council Member De Forrest, Acting Police Chief Ken Monner, and Lieutenant Dave Brame in a very productive and positive meeting with a group of Safe Streets organizers to discuss the concept of personally-assigned patrol vehicles.

Council Member Evans mentioned an editorial from the *The News Tribune* about the need for a trauma care in Pierce County. Council Member Evans stated that the City of Tacoma, the Pierce County Executive, members of the Medical Society and various hospital groups are in the very early stages of putting together a plan to address the trauma care issues in Pierce County.

Council Member Miller requested information from the Finance Director Peter Luttrupp regarding 1995 home occupancy licenses. Specifically, Council Member Miller wanted to know how many were first-time occupancy permits rather than repeat home occupancy permits, how many actual inspections City departments had done in 1995 on the locations of home occupancy permits, and what compliance actions were taken in 1995 on home occupancy permits. Council Member Miller requested a follow-up memo clarifying the options for funding of the Pierce County Drug Court.

Mayor Ebersole announced that he has reappointed George R. Harvey, Jr., as a Commissioner for the Tacoma Housing Authority effective January 2, 1996, through January 2, 2001.

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On proper motion, the meeting was adjourned at 9:59 p.m.



BRIAN EBERSOLE, MAYOR

ATTEST: 
RICK ROSENBLADT, CITY CLERK