



# City Council Minutes

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

November 15, 2005

The meeting was called to order at 5:21 p.m.

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

The Flag Salute was led by Council Member Phillips.

## ITEMS FILED IN THE OFFICE OF THE CITY CLERK

- a. Minutes of the Government Performance and Finance Committee, October 26, 2005.
- b. Minutes of the Planning Commission, October 5, 2005.
- c. Minutes of the Tacoma Housing Authority special session, September 28, 2005.
- d. Minutes of the Tacoma-Pierce County Board of Health, October 5, 2005.
- e. Director of Finance Report, October 2005.

## CONSENT AGENDA

Approval of the minutes of the City Council Committee of the Whole, November 1, 2005.

## RESOLUTIONS

### **Resolution No. 36697**

Setting Tuesday, December 6, 2005, at approximately 5:30 p.m., as the date for a public hearing by the City Council to consider the modified Biennial Budget for the years 2005-2006.

**Resolution No. 36698**

Authorizing the execution of an Interlocal Agreement with the City of Fircrest to provide animal control and pet licensing services.

**Resolution No. 36699**

Authorizing the execution of an Interlocal Agreement with Pierce County for the organization of the Tacoma-Pierce County Health Department to reflect the Legislature’s action and make other changes to improve the operation of the Health Department.

Deputy Mayor Ladenburg moved that the Consent Agenda, including Resolution Nos. 36697 and 36698 and removing Resolution No. 36699 from the agenda per the request of staff, be approved. Seconded by Council Member Talbert. Voice vote was taken and carried. The Consent Agenda, including Resolution Nos. 36697 through 36699 and removing Resolution No. 36699 from the agenda per the request of staff, was declared approved.

**PROCLAMATIONS**

Mayor Baarsma proclaimed the month of November 2005, to be “Native American Month” and presented the proclamation to Ms. Cheryl Mayes, Teacher, Chief Leschi School.

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Mayor Baarsma announced *The Crucible* by Arthur Miller as the 2006 Tacoma Reads Together selection, and called on Ms. Susan, Odencrantz, Tacoma Library Director, who remarked briefly on the book and the work of the Committee for this year’s book selection.

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The public meetings were held here.

**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 6:01 p.m.

Speaking before Council:

<u>Name</u>	<u>Address/Affiliation</u>	<u>Subject</u>
Phyllis Barrett	912 South Cushman Avenue	Resolution No. 36700; Ordinance Nos. 27437 and 27438
Kathryn Longwell	413 North K Street	Ordinance No. 27430
Debra Caid	908 North M Street	Ordinance No. 27432

<b>Name</b>	<b>Address/Affiliation</b>	<b>Subject</b>
Scott Hansen	Puget Creek Restoration Society	Substitute Ordinance No. 27431
Howard Anderson	Tacoma resident	Substitute Ordinance No. 27431
Monica Wells	3008 South 8 <sup>th</sup> Street	Ordinance No. 27430
Suzette Bridges	Alasek Institute	Ordinance No. 27430
Allen Douglass	University Place resident	Resolution No. 36702
Alton McDonald	Resident	Ordinance No. 27435
William Osborne	922 Pine Street	Ordinance Nos. 27430 and 27432
Jerry Guthrie	3245 North 28 <sup>th</sup> Street	Resolution No. 36703
Brian Flint	Conversion Coordinator, Tahoma Autobahn Society	Resolution No. 36702; Substitute Ordinance No. 27431

Public Comment closed at 6:35 p.m.

## **REGULAR AGENDA**

### **RESOLUTIONS**

#### **Purchase Resolution No. 36700**

Awarding contracts to:

1. NetVersant-Washington, in the amount of \$150,000, plus sales tax, budgeted from the Communications System Fund, for cabling installation and maintenance for the City's telephone system and certain data systems from December 1, 2005 through September 9, 2006 – Washington State, Department of Information Services Master Contract Number T05-MST-008;
2. Asphalt Patch Systems, on its bid of \$147,076, sales tax not applicable, budgeted from the Arterial Street Post Fund, for the construction of sidewalk ramps at various locations within the City – Specification No. PW05-0780F;
3. Rehrig Pacific Company, on its bid of \$139,200, plus sales tax, budgeted from the Solid Waste Management Fund, for 3,000 twenty-gallon plastic inserts within 30-gallon containers – Specification No. PW-05-0711F;
4. AAA Fire and Safety, on its bid of \$60,000, plus sales tax, budgeted from various funds as needed by using departments, for fire system inspections, maintenance, and repairs – CT05-0479F;
5. Pacific Records Management, in the amount of \$180,000 for General Government and \$159,000 for Public Utilities, for a total of \$339,000, sales tax not applicable, budgeted from the External Contract Services Fund and various Public Utilities Department funds, for off-site storage of inactive records and related services from December 1, 2005 through November 30, 2010 – Request for Proposal No. CT05-0507F; and

- 6. Verizon Wireless, in the amount of \$135,000, plus sales tax, for a cumulative total of \$305,000, budgeted from various using departments, to increase and extend the contract for cell phone services from November 14, 2005 through November 13, 2006 – Washington State Informational Services Contract No. T98-MST-006.

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Deputy Mayor Ladenburg moved to waive further reading of the Purchase Resolution based on information provided. 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. 36701**

Authorizing the execution of an amendment to the Interim Operations Agreement with the Broadway Center for the Performing Arts, in the amount of \$195,005, budgeted and appropriated from the Theatres Fund, for the continued interim management of the City's Pantages Theater, Rialto Theater, Theatre on the Square, and the Jones Building through June 30, 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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Deputy Mayor Ladenburg moved to suspend the rules to consider Resolution No. 36702 after final reading of Ordinance No. 27432. Seconded by Council Member Talbert. Voice vote was taken and carried with Council Member Lonergan voting in opposition. The motion was declared adopted.

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**Resolution No. 36703**

Authorizing the execution of a Multi-Family Housing Limited Property Tax Exemption Agreement with Sodo Tacoma, LLC, for the construction of 40 townhouse-style condominiums located at 2100 South Yakima Avenue in the Downtown 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.

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**Resolution No. 36704**

Authorizing the execution of an addendum to the Memorandum of Understanding with Puget Sound Energy, PacifiCorp, and Advance Ross Sub Company, in the amount of \$158,269.78, budgeted from the Wastewater and Surface Water 2001 Bond Fund, to resolve a dispute regarding contamination in a portion of the Thea Foss Waterway.

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. 36705**

Authorizing the execution of agreements with The Northern Trust Company, in the amount of \$375,000, for custodial and investment services from January 1, 2006 through December 31, 2006; and with Davis Wright Tremaine, in the amount of \$130,000, for legal services from January 1, 2006 through December 31, 2007, both amounts budgeted from the Retirement Fund.

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. 27428**

Authorizing the execution of a grant agreement with the Washington State Historical Society, in the amount of \$343,000; accepting, depositing in, and appropriating said sum from the Capital Projects Fund for the Chinese Reconciliation Park Project; and amending the Biennial Budget for 2005-2006.

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. 27429**

Amending various titles, chapters, and sections of the Municipal Code relating to Landmarks and Historic Special Review Districts, which will modify the appeals process, strengthen protection of historic properties with a new demolition section, create and clearly define procedures and standards, remove redundant language, and establish the existing Historic Preservation Officer position in the historic preservation ordinance.

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. 27430**

Adopting amendments to the Comprehensive Plan by revising the Growth Strategy and Development Concept element; modifying the land use intensity areas on the Generalized Land Use Plan Map; revising and adding policies to the Neighborhood element for the South End, West End, and South Tacoma sections; and modifying the Marine Guidelines chapter of the Thea Foss Waterway Design and Development Plan, an element of the Master Program for Shoreline Development.

Deputy Mayor Ladenburg moved as a substitute, Substitute Ordinance No. 27430. Seconded by Council Member Talbert.

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

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

Nays: 2 - Lonergan and Stenger.

The motion was declared adopted.

Speaking before Council:

<u>Name</u>	<u>Address/Affiliation</u>
Calvin Bamford	Globe Machine
Otto Allison	Glove Machine
Anthony Poff	Glove Machine
Laura Shane	Glove Machine
Zach Hren	Glove Machine

<b>Name</b>	<b>Address/Affiliation</b>
Russell Kruse	Globe Machine
Mark Buchanan	Glove Machine
Pat McElligott	North Resident/Fire Fighter
Jim Hoard	923 North K Street
Gema Powers	320 32 <sup>nd</sup> Street
Jerry Hyman	Tacoma resident
Bill Lynn	Attorney Representing the Crosswater Project
JJ McCament	708 Broadway
Neil M. Gray	4216 Waterview Street North
Greg Duras	Waterview Street North
Scott Sutherland	Tacoma resident/Marine Industries Northwest Inc.
Brett Thompson	Mountain Construction
Al Tremlett	Assistant Business Manager, Local 26/Executive Secretary, Puget Sound Metal Trades Council
Patty Prescott	4668 Waterview Street North
Allen Douglass	University Place resident
David Allen	Crosswater Project
Ken Jangarp	4905 North Ferdinand Street
Craig Overstreet	1910 Evergreen Park Drive SW, Olympia
Mike Cohan	Developer, Crosswater Project
David McEntee	Simpson companies in Tacoma
David Graybill	Tacoma-Pierce County Chamber
Tom Smith	Chair, Planning Commission

Roll call vote was taken, resulting as follows:

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

Nays: 2 – Lonergan and Stenger.

The Substitute Ordinance was declared passed.

### **Substitute Ordinance No. 27431**

Amending several chapters of the Municipal Code, relating to Critical Areas preservation, to modify provisions for wetlands, streams, and geological hazardous areas, and extend the Interim Regulations for Critical Areas adopted by Ordinance No. 27300 to June 30, 2006, or until the amendments to Chapter 13.11 of the Municipal Code become effective, whichever occurs first; and enacting a 180-day extension of the existing Interim regulation for Critical Areas preservation.

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. 27432**

Amending Title 13 of the Municipal Code, relating to the Land Use Regulatory Code, to increase the separation requirements for adult uses; correcting the legal description for an area-wide rezone along Tacoma Mall Boulevard adopted during the 2004 amendment cycle; modifying the boundary of the View Sensitive Overlay District in the vicinity of North Orchard Street and Ruston Way; modifying and renaming the Mixed Residential-Special Review District to Historic Mixed Residential-Special Review District (HMR-SRD), and an area-wide rezone of the North Slope Historic District to HMR-SRD.

Deputy Mayor Ladenburg moved as a substitute, Substitute No. 1 of Ordinance No. 27432. Seconded by Council Member Talbert.

Roll call vote was requested to bring the Substitute forward and taken, resulting as follows:

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

Nays: 2 – Lonergan and Stenger.

The motion was declared adopted. Substitute No. 1 of Ordinance No. 27432 was before the Council.

Council Member Stenger stated he had an amendment to offer to the Substitute. Mayor Baarsma ruled the amendment out of order. Council Member Stenger appealed the decision of the Chair. Mayor Baarsma consulted with City Attorney Elizabeth Pauli as the *Rules of Procedure of the Council of the City of Tacoma*. Mayor Baarsma asked Council Member Stenger what the amendment was.

Council Member Stenger stated the amendment was on page 37, Item No. 15, proposing the following:

“However, any currently vested residential projects, if approved, shall be considered to be conforming under this code.”

Mayor Baarsma consulted with Mr. Kyle Crews, Assistant City Attorney, as to whether or not this amendment was in order. Mayor Baarsma upheld his ruling that the amendment was out of order. Council Member Stenger appealed the decision of the Chair.

Mayor Baarsma requested a roll call vote as to the ruling of the Chair, resulting as follows:

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

Nays: 2 – Evans, and Stenger.

The ruling was upheld, the amendment was out of order.



Speaking before Council:

<u>Name</u>	<u>Address/Affiliation</u>
Ralph Tomberg	North slope resident
Jerry Guthrie	3245 North 28 <sup>th</sup> Street
Willie Osborn	922 South Pine Street

Roll call vote was taken on Substitute No. 1, resulting as follows:

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

Nays: 1 – Lonergan.

The Substitute Ordinance was declared passed.

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Deputy Mayor Ladenburg had moved to suspend the rules earlier in the meeting to consider Resolution No. 36702 here. It was seconded by Council Member Talbert. A voice vote was taken at the time and carried with Council Member Lonergan voting in opposition.

**Resolution No. 36702**

Expressing the City Council’s intent to:

- establish a transportation corridor on or about the alignment of the present East D Street that will connect to the approach to the Murray Morgan Bridge, which will be located to serve as a barrier to encroachment of nonindustrial development to the east of East D Street;
- develop and implement design standards applicable to new development on the eastern shore of the Thea Foss Waterway south of East 11<sup>th</sup> Street, that will discourage nonindustrial uses east of East D Street;
- to work closely and cooperatively with the Port of Tacoma and Pierce County to support the acquisition of funding for completion of State Route 167 and State Route 704; and
- to work closely and cooperatively with the Port of Tacoma and Pierce County to secure funding through special appropriations or other stand-alone funding.

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

Council Member Anderson stated for the record that she will be constantly challenging the Council to be open-minded about other transportation planning opportunities and watching the process closely.

Mayor Baarsma asked that Council Member Anderson’s statement be part of the public record.

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

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

Nays: 0

The Resolution was declared adopted.

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**FIRST READING OF ORDINANCES**

**Ordinance No. 27427** (Continued from the meeting of November 8, 2005)

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.

The Ordinance was set over for final reading on November 29, 2005.

**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.

The Ordinance was set over for final reading on November 29, 2005.

**Ordinance No. 27434**

Amending Title 5 of the Municipal Code by repealing Chapter 5.02 in its entirety, relating to the Tacoma-Pierce County Health Department, deleting the same language which has been incorporated into an interlocal agreement.

Deputy Mayor Ladenburg moved to remove Ordinance No. 27434 from the agenda. Seconded by Council Member Talbert. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 27434 was removed from the agenda.

**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.

The Ordinance was set over for final reading on November 29, 2005.

**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.

The Ordinance was set over for final reading on November 29, 2005.

**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.

The Ordinance was set over for final reading on November 29, 2005.

**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.

The Ordinance was set over for final reading on November 29, 2005.

**PUBLIC HEARINGS AND APPEALS**

- a. This is the date set for a public meeting by the City Council on the annexation of properties owned by Ron and Sue Ayer and Chris Morrill and Marilyn Crawford, commonly referred to as Browns Point, and abuts Varco Road NE, in unincorporated Pierce County.

The public meeting began at 5:39 p.m.

Speaking before Council:

<u>Name</u>	<u>Address/Affiliation</u>
Ron Ayer	South end of Varco Road NE

Mayor Baarsma moved to accept the annexation property commonly referred to as Browns Point, and abuts Varco Road NE, in unincorporated Pierce County when the owner presents the city with a valid petition bearing the signatures of the owners not less than 75 percent of the assessed value for general taxation, and that upon annexation the City waive all voter approved debt of the City of Tacoma other than the emergency medical service levy and that the City include the area in the City's Comprehensive Plan as required by the Growth Management Act. Seconded by Deputy Mayor Ladenburg. Voice vote was taken and carried. The motion was declared adopted.

The public meeting ended at 5:54 p.m.

- b. This is the date set for a public meeting by the City Council on the annexation of 25 properties, commonly referred to as Dash Point, and abuts Upland Terrace NE, in unincorporated Pierce County.

The second public meeting began at 5:54 p.m.

Speaking before Council:

<b>Name</b>	<b>Address/Affiliation</b>
William Garrison	Upland Terrace resident
Allen Douglass	University Place resident

Deputy Mayor Ladenburg moved to accept the annexation property commonly referred to as Dash Point, and abuts Upland Terrace NE, in unincorporated Pierce County when the owner presents the city with a valid petition bearing the signatures of the owners not less than 75 percent of the assessed value for general taxation, and that upon annexation the city waive all voter approved debt of the City of Tacoma other than the emergency medical service levy and that the city include the area in the city’s comprehensive plan as required by the growth management act. Seconded by Council Member Talbert. Voice vote was taken and carried. The motion was declared adopted.

The second public meeting ended at 6:00 p.m.

## **UNFINISHED BUSINESS**

None.

## **REPORTS BY THE CITY MANAGER**

City Manager Eric Anderson mentioned the upcoming Budget Workshop on Wednesday, November 16<sup>th</sup>, beginning at 5:00 p.m. in the Council Chambers and is scheduled to be televised.

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

### ◆ Economic Development Committee update

Council Member Talbert stated the Pacific Plaza project is well underway. He also mentioned a discussion with the Arts Fund group, who gave a report on the economic impact of the arts in the community. He stated that ASARCO representatives gave an update which has generated the need for an additional follow-up meeting in January after the ASARCO auction. He concluded by stating they held the second out of a series of four discussions on the Neighborhood Business Districts to give a historical background, where they are, where they are headed, and the potential for the creation of new business districts to allow individuals to make improvements to their areas.

### ◆ Environment and Public Works update

Council Member Stenger stated there was no report.

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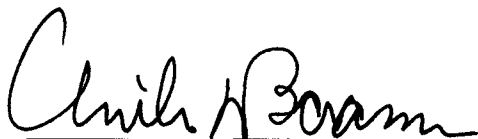
Mayor Baarsma moved to authorize the City's full and final settlement of all claims against the City, as third party defendant, of Joseph Bundy and Pamela Rush, third party plaintiffs, in the case of Blystone v. City of Tacoma and Bundy; United States District Court No. C04-5535FDB, upon payment by the City in the amount of \$100,000. Seconded by Council Member Lonergan. Voice vote was taken and carried. The motion was declared adopted.

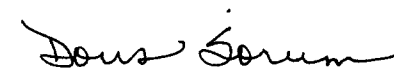
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Mayor Baarsma reminded everyone that the City Council study session and business meeting for Tuesday, November 22, 2005, have been canceled and the next regularly scheduled City Council study session and business meeting will be held on Tuesday, November 29, 2005 at noon and 5:00 p.m., respectively.

Mayor Baarsma wished everyone a happy and safe holiday weekend.

On proper motion, the meeting was adjourned at 10:16 p.m.

  
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WILLIAM H. BAARSMA, MAYOR

ATTEST:   
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DORIS SORUM, CITY CLERK