

CITY COUNCIL MINUTES

City Council Chambers
January 14, 1997

The meeting was called to order at 5:12 p.m.

Present on roll call: 8 - Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Miller, and Mayor Ebersole. Absent: 1 - Silas.

The Flag Salute was led by Deputy Mayor Baarsma.

CONSENT AGENDA

Approval of the minutes of the Tacoma City Council study session of January 7, 1997.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK

- a. Hearing Examiner's agenda for January 14, 1997.
- b. Amended minutes of the Foss Waterway Development Authority, December 5, 1996 and regular minutes, December 19, 1996.
- c. Minutes of the meeting of the Landmarks Preservation Commission, December 11, 1996.
- d. Minutes of the meeting of the Planning Commission, December 16, 1996.
- e. Minutes of the meeting of the Transportation Committee, December 12, 1996.

Council Member Miller moved that the Consent Agenda be approved. Seconded by Council Member Crowley. Voice vote was taken and carried. The Consent Agenda was declared approved.

PROCLAMATION

Mayor Ebersole, on behalf of the City Council and the citizens of Tacoma, presented a proclamation expressing condolences to the family of Jimmy Cason, a Tacoma Firefighter who passed away.

Mayor Ebersole, on behalf of the City Council, presented incoming Deputy Mayor Baarsma with a gift.

REGULAR AGENDA

ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS

Resolution No. 33600

Appointing individuals to the Transportation Committee, Landmarks Preservation Commission, Tacoma Arts Commission, Tacoma Community Redevelopment Authority, and Urban Policy Committee.

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

FINAL READING OF ORDINANCES

Substitute Ordinance No. 25746

Vacating portions of East 11th Street on either side of the Blair Waterway for the purpose of unifying the abutting properties following removal of the Blair Bridge. (Port of Tacoma; File No. 124.1012)

Roll call vote was taken, resulting as follows:

Ayes: 7 – Baarsma, Crowley, Evans, Kirby, McGavick, Miller, and Mayor Ebersole

Nays: 1 – De Forrest

Absent: 1 – Silas

The Ordinance was declared passed.

Ordinance No. 26009

Accepting a grant award from the State of Washington Department of Community, Trade and Economic Development, in the amount of \$249,487; depositing in and appropriating said sum from the General Fund; and authorizing the execution of agreements with the Associated Ministries, Young Women's Christian Association, Tacoma Goodwill Industries, Consejo, Faith Homes, Phoebe House, Metropolitan Development Council, Indo-Chinese Cultural and Service Center, and Mary Bridge Children's Hospital for criminal justice prevention and treatment programs.

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Roll call vote was taken, resulting as follows:

Ayes: 8 – Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Miller, and Mayor Ebersole

Nays: 0

Absent: 1 – Silas

The Ordinance was declared passed.

Ordinance No. 26010

Amending Chapter 8.20 of the Municipal Code relating to public safety and morals to prohibit public possession of an open package containing liquor.

Deputy Mayor Baarsma moved to suspend the rules to consider Substitute Ordinance No. 26010. Seconded by Council Member Crowley. Voice vote was taken and carried. The motion was declared adopted.

Roll call vote was taken on Substitute Ordinance No. 26010, resulting as follows:

Ayes: 6 – Baarsma, Crowley, Evans, Kirby, McGavick, and Mayor Ebersole

Nays: 2 – De Forrest and Miller

Absent: 1 – Silas

The Substitute Ordinance was declared passed.

Ordinance No. 26011

Annexing Calvary Cemetery to the City of Tacoma.

Roll call vote was taken, resulting as follows:

Ayes: 8 – Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Miller, and Mayor Ebersole

Nays: 0

Absent: 1 – Silas

The Ordinance was declared passed.

Ordinance No. 26012

Amending Chapter 6.68 of the Municipal Code to exempt amounts received from the sale of licenses to use grave sites and related finance charges for cemeteries located within the City of Tacoma.

Roll call vote was taken, resulting as follows:

Ayes: 8 – Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Miller, and Mayor Ebersole

Nays: 0

Absent: 1 – Silas

The Ordinance was declared passed.

FIRST READING OF ORDINANCES

Ordinance No. 26013

Amending Chapter 13.06 of the Municipal Code to reclassify the property located on the northeast corner of South 58th Street and Tacoma Mall Blvd. from an "R-2" One-Family Dwelling District to a "C-2" Commercial District for the construction of an automobile service station with a convenience store and car-wash facility.
(John Park & Associates; File No. REZ96-00016)

Council Member Miller moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner. Seconded by Council Member Crowley. 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. 26014

Authorizing the extension of the cable television franchise agreement with TCI of Tacoma, Inc., through June 30, 1997.

Mayor Ebersole noted that Section 8.1 of the City Charter requires that amendments of a franchise shall be passed at least fifteen days after introduction.

Speaking before the Council were:

Name	Address/Affiliation
Jim Turner	515 South Sheridan, Creative Community Access Television
Kathy Parhomski	3119 Center Street, TCI of Washington
Chris Lunn	18503 74th Street East, Victory Music & Review
Mozella Pooley	8041 East Sherwood

The Ordinance was set over for final reading on February 4, 1997.

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Ordinance No. 26015

Authorizing the extension of the cable franchise agreement with Cable TV Puget Sound, Inc., through June 30, 1997.

The Ordinance was set over for final reading on February 4, 1997.

Ordinance No. 26016

Amending Section 1.24.420 of the Civil Service and Personnel Rules by deleting the 30-day prior residency requirement for appointment to a City position.

Speaking before the Council was:

Name	Address/Affiliation
Thomas Dixon	President, Tacoma Urban League, Member, Tacoma-Pierce County Black Collective Civil Service Board Ad Hoc Committee

The Ordinance was set over for final reading on January 28, 1997.

Ordinance No. 26017

Rejecting amendments proposed by the Civil Service Board to Section 1.24.450 of the Civil Service and Personnel Rules relative to residency.

Speaking before the Council were:

Name	Address/Affiliation
Jacquie Hyde	Chair, Civil Service Board
Elvin Vandenberg	Member, Civil Service Board
Steve Galbraith	Member, Civil Service Board
Amy Hoglund	Vice Chair, Civil Service Board
Nancy Pease Hogan	Member, Civil Service Board
Thomas Dixon	President, Tacoma Urban League, Member, Tacoma Pierce County Black Collective Civil Service Board Ad Hoc Committee
Jess Moultry	Member, Tacoma-Pierce County Black Collective
Phyllis Barrett	912 South Cushman

The Ordinance was set over for final reading on January 28, 1997.

Council Member De Forrest moved for a short recess. Seconded by Deputy Mayor Baarsma. Voice vote was taken and carried. The motion was declared adopted.

The City Council recessed at 7:35 p.m. and reconvened at 7:55 p.m.

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Ordinance No. 26018

Authorizing the execution of an agreement with Pierce County in the amount of \$17,000; accepting, depositing and appropriating said sum from the Miscellaneous Grants Summary Fund to acquire computer equipment for the Domestic Violence Unit.

The Ordinance was set over for final reading next week.

RESOLUTIONS

Resolution No. 33574 (Continued from the meeting of January 7, 1997.)

Accepting an offer to purchase Electric System Revenue Refunding Bonds, Series 1997, in the amount of \$110,000,000; approving the plan for refunding the 1991 Bonds and authorizing the sale of such bonds.

Council Member Miller moved to continue Resolution No. 33574 to a date to be determined. Seconded by Deputy Mayor Baarsma. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 33574 will be considered at a regular City Council meeting on a date to be determined.

Purchase Resolution No. 33592

Awarding contracts to:

1. Lloyd A. Lynch, General Contractor, Inc., on its bid of \$49,888.44, for the re-roofing of Fire Station No. 5 - Specification No. G-058-96;
2. Don Small & Sons Company, in the amount of \$35,350.94, to increase and extend the contract for bulk fuels - Washington State Contract No. 01595; and
3. Williams Oil Filter Service Company, in the amount of \$120,000, for auto and truck maintenance items - Open Purchase Order No. 4752.

Council Member Miller moved that the Purchase Resolution, including waiving formal bidding procedures on Item No. 3, be adopted. Seconded by Council Member Crowley. Voice vote was taken and carried on the Purchase Resolution. The Purchase Resolution, including waiving formal bidding procedures on Item No. 3, was declared adopted.

Resolution No. 33593

Authorizing the execution of an agreement with Allenmore Industrial Medicine, in the amount of \$60,000, for drug and alcohol testing through December 31, 1999.

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

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Resolution No. 33594

Authorizing the execution of agreements, with specific community service agencies, for human service projects.

Deputy Mayor Baarsma moved to suspend the rules to consider Substitute Resolution No. 33594. Seconded by Council Member De Forrest. Voice vote was taken and carried. The motion was declared adopted.

Council Member Evans moved that Substitute Resolution No. 33594 be adopted. Seconded by Deputy Mayor Baarsma. Voice vote was taken and carried. The Substitute Resolution was declared adopted.

Resolution No. 33595

Authorizing the execution of an agreement with the Private Industry Council, in the amount of \$56,000, for the administration of a Youth Internship Project; and an interlocal agreement with the Metropolitan Park District, in the amount of \$156,595, for the administration of the Youth Outdoor Adventures Project, the Eastside Family Recreation Program, and the After School Recreation Program.

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

Resolution No. 33596

Authorizing the execution of an agreement with the Tacoma-Pierce County Chapter of the American Red Cross Nutrition Program, in the amount of \$79,000, to provide hot meals to senior citizens at designated meal sites and to those who are homebound.

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

Resolution No. 33597

Authorizing the execution of a utility easement agreement with the Washington Natural Gas Company to provide utilities to the buildings located at Center and Tyler Streets.

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

Resolution No. 33598

Authorizing the execution of a Master Agreement with the Metropolitan Park District to establish roles and responsibilities relating to park and recreation facilities and services.

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

UNFINISHED BUSINESS

None.

REPORTS BY CITY MANAGER

City Manager Ray E. Corpuz, Jr. reminded the City Council Members that Monday, January 20, 1997 is a holiday celebrating the birthday of Dr. Martin Luther King, Jr. Mr. Corpuz stated that there would be a celebration at the Tacoma Dome Exhibition Hall starting at 10:00 a.m., with a free continental breakfast to the public. Mr. Corpuz then stated that the actual program starts at 11:00 a.m. and the focus of that program is "The Power of the Dream." He stated that the Washington State History Museum will also be hosting a special reception in recognition of the Tuskegee Airmen.

City Manager Ray E. Corpuz, Jr. then requested an Executive Session to discuss potential litigation and labor negotiations, not to exceed 60 minutes.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL

Council Member Miller moved to excuse Council Member Silas from the meeting. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

Mayor Ebersole thanked Pierce County Prosecutor John Ladenburg for enduring the three-hour meeting.

Council Member De Forrest stated he appreciated that there is now an agreement with TVW to televise some of the legislative action. He stated he was still not happy with the hours proposed and hoped that crucial issues dealing with the City of Tacoma would be broadcast live. Mr. De Forrest requested that Mr. Lewis notify the City Clerk when there are hearings on issues for which the City of Tacoma is lobbying, or that deal with the City of Tacoma, so that TV Tacoma could possibly pre-empt other programs.

Mayor Ebersole stated that he was not sure how much latitude the City of Tacoma had in what programming they receive, but he commended the City Manager and his staff for working this out so we can see the deliberations in Olympia.

Council Member Miller stated that last Wednesday was the official signing ceremony for the ASARCO Agreement, which took place at the Tacoma Yacht Club on the site of the ASARCO redevelopment area. He stated it was a tremendous event, which was attended by a number of people, and marked the initiation of the countdown to the year 2003, when it is anticipated the site will be completely cleaned up and available for development. He stated that it was a momentous occasion and one of the greatest days in his life. He thanked City Council Members for their trust in him and thanked City Manager Corpuz and staff, who participated in the negotiations and made it a success.

Council Member De Forrest thanked Council Member Miller for his work on the ASARCO project.

Deputy Mayor Baarsma thanked City Attorney Robin Jenkinson for providing a copy of a memo that she sent to City Manager Corpuz concerning potential participation on the part of City Council Members in the City's retirement system. He stated that he had misspoken last week in implying that they have a defined contribution plan when, in fact, the City Council Members would participate in the City's defined benefit plan, which requires both employee and employer contributions.

Mayor Ebersole stated his condolences from the City Council to the family of Firefighter Jimmy Cason.

Council Member Miller moved to recess to Executive Session to discuss potential litigation and labor negotiations, not to exceed 60 minutes. Seconded by Council Member Crowley.

Council Member De Forrest asked about the topic of discussion that would take place in the Executive Session.

City Attorney Robin Jenkinson stated that there is a section in the Open Public Meetings Act that creates an exception under the Executive Session portion. Ms. Jenkinson then read the exception "To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency." She stated she was quoting from RCW 42.30.110(1i).

Council Member De Forrest than asked if the discussion in Executive Session would be about the City of Tacoma being sued or if the City of Tacoma was planning on suing somebody?

City Attorney Robin Jenkinson stated the discussion would be about entering litigation, actually initiating an action against another party.

Council Member De Forrest asked if this was in the city limits of Tacoma.

City Attorney Robin Jenkinson responded no.

Council Member De Forrest stated that he had concerns regarding the City of Tacoma joining some other action that was outside the city limits. He stated that since the City of Tacoma had not been sued and unless the City of Tacoma was going to sue some party within the city limits with what he felt was a violation, he did not think the Executive Session was proper.

Robin Jenkinson then stated that the exception is an action to which the City may become a party, so it would not have the geographical constraints.

Council Member De Forrest stated that he may remove himself from the Executive Session at that point.

The City Council convened to Executive Session at 8:17 p.m.

At 9:17 p.m. Mayor Ebersole extended Executive Session for an additional 35 minutes.

At 9:48 p.m. the City Council reconvened and adjourned.

On proper motion, the meeting was adjourned at 9:48 p.m.



BRIAN EBERSOLE, MAYOR

ATTEST:



RICK ROSENBLADT, CITY CLERK

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