



City of Tacoma City Council Minutes

747 Market Street, First Floor, Tacoma WA 98402

City Council Chambers

December 09, 2014

5:00 PM

CALL TO ORDER

Mayor Strickland called the meeting to order at 5:09 p.m.

ROLL CALL

Present: 9 - Boe, Campbell, Ibsen, Lonergan, Mello, Thoms, Walker, Woodards and Mayor Strickland

FLAG SALUTE

The flag salute was led by Council Member Campbell.

MOMENT OF SILENCE

ITEMS FILED IN THE OFFICE OF THE CITY CLERK

CONSENT AGENDA

1. **14-1222** Minutes of the City Council study session of October 7, 2014.
2. **14-1246** Minutes of the Committee of the Whole meeting of September 16, 2014.
3. **14-1226** Minutes of the City Council meeting of October 7, 2014.
4. **14-1242** Minutes of the City Council meeting of October 14, 2014.
5. **14-1243** Minutes of the City Council meeting of October 21, 2014.
6. **14-1244** Minutes of the City Council meeting of October 28, 2014.

RESOLUTIONS

7. **RES39067** A resolution setting Monday, January 12, 2015, at 5:00 p.m., as the date for a hearing by the Hearing Examiner regarding Local Improvement District (LID) No. 8662 to improve Bennett Street from North 35th to North 37th Streets. [Ralph K. Rodriguez, LID Administrator; Kurtis D. Kingsolver, P.E., Director, Public Works]

MOTION: Deputy Mayor Woodards moved to adopt the Consent Agenda, including Resolution No. 39067.

SECONDED BY: Council Member Boe.

MOTION: Deputy Mayor Woodards moved to suspend the rules to add Resolution No. 39077, setting Tuesday, January 6, 2015, at approximately 5:30 p.m., as the date and time for a public hearing on the enforcement strategy options for non-licensed marijuana operations, to the agenda last under Resolutions on the Consent Agenda.

SECONDED BY: Council Member Boe.

ACTION: Voice vote was taken and carried to add Resolution No. 39077 to the Consent Agenda. The motion was declared adopted.

Ayes: 9 - Boe, Campbell, Ibsen, Lonergan, Mello, Thoms, Walker, Woodards and Mayor Strickland

- RES39077** A resolution setting Tuesday, January 6, 2015, at approximately 5:30 p.m., as the date for a public hearing by the City Council on the enforcement strategy for medical marijuana. [Elizabeth Pauli, City Attorney]

ACTION: Voice vote was taken and carried. The Consent Agenda, including Resolution Nos. 39067 and 39077, was declared adopted.

Ayes: 9 - Boe, Campbell, Ibsen, Lonergan, Mello, Thoms, Walker, Woodards and Mayor Strickland

PROCLAMATIONS/RECOGNITIONS/PRESENTATIONS/ANNOUNCEMENTS

8. **14-1249** Proclaiming December 10, 2014 as Human Rights Day in the City of Tacoma. Mayor Strickland proclaimed December 10, 2014 as Human Rights Day in the City of Tacoma and presented the proclamation to Darion Reese, Vice Chair of the Human Rights Commission.

PUBLIC COMMENT

Public comment began at 5:14 p.m.

Speaking before Council:

- 1. Robert Hill, P.O. Box 5006, speaking on Resolution Nos. 39071, 39072, 39073, and 39077.
- 2. Michael Mirra, Tacoma Housing Authority, speaking on Resolution No. 39073.
- 3. Rick Hall, 1863 Hillside Drive Northeast, speaking on Ordinance No. 28271.
- 4. Venus Dergan, 4714 South American Lake Boulevard, speaking on Ordinance No. 28271.
- 5. Heidi White, 4705 South American Lake Boulevard, speaking on Ordinance No. 28271.
- 6. Katie Osvog, 4113 South K Street, speaking on Ordinance No. 28271.
- 7. Mary Young, citizen, speaking on Ordinance No. 28271.
- 8. Ahlayahwah Yahawahdah, citizen, speaking on Resolution No. 39077.

Public comment ended at 5:33 p.m.

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The City Council business meeting recessed at 5:33 p.m. in order to hold the Transportation Benefit District Governing Board meeting. The City Council meeting reconvened at 5:36 p.m.

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REGULAR AGENDA

- 9. **14-1248** A motion may be considered to authorize the City’s full and final settlement of all claims against the City in the matter of Rosemary Dowd, Ronald Dowd v. Metropolitan Development Council; City of Tacoma, Pierce County Superior Court Cause No. 14-2-05145-5, upon payment by the City in the amount of \$65,000.

MOTION: Deputy Mayor Woodards moved to authorize the City's full and final settlement of all claims against the City in the matter of Rosemary Dowd, Ronald Dowd v. Metropolitan Development Council; City of Tacoma, Pierce County Superior Court Cause No. 14-2-05145-5, upon payment by the City in the amount of \$65,000.

SECONDED BY: Council Member Boe.

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

Ayes: 9 - Boe, Campbell, Ibsen, Lonergan, Mello, Thoms, Walker, Woodards and Mayor Strickland

APPOINTMENTS

- 10. RES39068** A resolution appointing and reappointing individuals to the Human Rights Commission and the Landmarks Preservation Commission. [Doris Sorum, City Clerk; Elizabeth Pauli, City Attorney]

MOTION: Deputy Mayor Woodards moved to adopt Resolution No. 39068.

SECONDED BY: Council Member Boe.

ACTION: Voice vote was taken and carried. The Resolution was declared adopted.

Ayes: 9 - Boe, Campbell, Ibsen, Lonergan, Mello, Thoms, Walker, Woodards and Mayor Strickland

RESOLUTIONS

- 11. RES39069** A resolution declaring surplus and approving the sale of approximately 867 square feet of land owned by the Department of Public Utilities and located near the intersection of Bridgeport Way and 21st Street West in University Place, to the City of University Place in the amount of \$11,900. [Gloria Fletcher, Senior Real Estate Officer; Ted Coates, Power Superintendent]

MOTION: Deputy Mayor Woodards moved to adopt Resolution No. 39069.

SECONDED BY: Council Member Boe.

ACTION: Voice vote was taken and carried. The Resolution was declared adopted.

Ayes: 9 - Boe, Campbell, Ibsen, Lonergan, Mello, Thoms, Walker, Woodards and Mayor Strickland

12. **RES39070** A resolution authorizing the execution of an amendment to the five-year lease agreement with Western Washington Railroad, LLC, to add 15 miles of railroad right-of-way, located between Maytown and Yelm in Thurston County, through January 17, 2019.
[Dylan Harrison, Real Estate Officer; Kurtis D. Kingsolver, P.E., Director, Public Works]

MOTION: Deputy Mayor Woodards moved to adopt Resolution No. 39070.

SECONDED BY: Council Member Boe.

ACTION: Voice vote was taken and carried. The Resolution was declared adopted.

Ayes: 8 - Boe, Campbell, Ibsen, Lonergan, Mello, Thoms, Walker and Mayor Strickland

Absent: 1 - Woodards

13. **RES39071** A resolution authorizing the execution of a contract with Gordon Thomas Honeywell Governmental Affairs, LLC, in the amount of \$170,000, budgeted from the General Fund, for legislative lobbying services for 2015 and 2016.
[Randall Lewis, Government Relations Officer; T.C. Broadnax, City Manager]

MOTION: Council Member Lonergan moved to adopt Resolution No. 39071.

SECONDED BY: Council Member Boe.

ACTION: Voice vote was taken and carried. The Resolution was declared adopted.

Ayes: 9 - Boe, Campbell, Ibsen, Lonergan, Mello, Thoms, Walker, Woodards and Mayor Strickland

14. **RES39072** A resolution authorizing the execution of a contract with Simon and Company Incorporated, in the amount of \$160,701, budgeted from the General Fund, for legislative lobbying services for 2015 and 2016.
[Randall Lewis, Government Relations Officer; T.C. Broadnax, City Manager]

MOTION: Deputy Mayor Woodards moved to adopt Resolution No. 39072.

SECONDED BY: Council Member Boe.

ACTION: Voice vote was taken and carried. The Resolution was declared adopted.

Ayes: 9 - Boe, Campbell, Ibsen, Lonergan, Mello, Thoms, Walker, Woodards and Mayor Strickland

- 15. RES39073** A resolution adopting the priority issues for the 2015 sessions of the United States Congress and Washington State Legislature.
[Randall Lewis, Government Relations Officer; T.C. Broadnax, City Manager]

MOTION: Deputy Mayor Woodards moved to adopt Resolution No. 39073.

SECONDED BY: Council Member Boe.

ACTION: Voice vote was taken and carried. The Resolution was declared adopted.

Ayes: 9 - Boe, Campbell, Ibsen, Lonergan, Mello, Thoms, Walker, Woodards and Mayor Strickland

- 16. RES39074** A resolution designating the Fair and Equitable Collection of Business License Fees and Taxes Project as a special project of limited duration; and designating general salary classifications and benefits for persons employed on the project.
[Lisa Wojtanowicz, Community Services Division Manager; Nadia Chandler Hardy, Director, Neighborhood and Community Services]

MOTION: Deputy Mayor Woodards moved to adopt Resolution No. 39074.

SECONDED BY: Council Member Boe.

ACTION: Voice vote was taken and carried. The Resolution was declared adopted.

Ayes: 9 - Boe, Campbell, Ibsen, Lonergan, Mello, Thoms, Walker, Woodards and Mayor Strickland

- 17. RES39075** A resolution approving the General Government Fee Schedule for special and miscellaneous services to include charges to the public for various departmental services.
[Tadd Wille, Budget Officer; Andy Cherullo, Director, Finance]

MOTION: Deputy Mayor Woodards moved to adopt Resolution No. 39075.

SECONDED BY: Council Member Boe.

ACTION: Voice vote was taken and carried. The Resolution was declared adopted.

Ayes: 9 - Boe, Campbell, Ibsen, Lonergan, Mello, Thoms, Walker, Woodards and Mayor Strickland

- 18. RES39076** A resolution relating to the provisions of public defense standards; adopting Indigent Defense Services for the City of Tacoma.
[Elizabeth Pauli, City Attorney]

MOTION: Deputy Mayor Woodards moved to adopt Resolution No. 39076.

SECONDED BY: Council Member Boe.

ACTION: Voice vote was taken and carried. The Resolution was declared adopted.

Ayes: 9 - Boe, Campbell, Ibsen, Lonergan, Mello, Thoms, Walker, Woodards and Mayor Strickland

FINAL READING OF ORDINANCES

- 19. ORD28261** An ordinance amending Chapter 12.08 of the Municipal Code, relating to Wastewater and Surface Water Management - Regulation and Rates, to adjust rates and charges for services for 2015 and 2016.
[Daniel C. Thompson, Division Manager; Michael P. Slevin III, P.E., Director, Environmental Services]

ACTION: Roll call vote was taken on Ordinance No. 28261. The Ordinance was declared passed by the following vote:

Ayes: 9 - Boe, Campbell, Ibsen, Lonergan, Mello, Thoms, Walker, Woodards and Mayor Strickland

- 20. ORD28262** An ordinance amending Chapter 12.09 of the Municipal Code, relating to Solid Waste, Recycling, and Hazardous Waste, to adjust rates and charges for services for 2015 and 2016; granting certain customer requests for changes in Solid Waste services; and authorizing Call-2-Haul services for commercial customers.
[Gary H. Kato, Division Manager; Michael P. Slevin III, P.E., Director, Environmental Services]

ACTION: Roll call vote was taken on Ordinance No. 28262. The Ordinance was declared passed by the following vote:

Ayes: 9 - Boe, Campbell, Ibsen, Lonergan, Mello, Thoms, Walker, Woodards and Mayor Strickland

21. **ORD28263** An ordinance amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to implement rates of pay and compensation for represented and non-represented classifications, and changes in classifications to reflect the organizational structure.
[Joy St. Germain, Director, Human Resources]

ACTION: Roll call vote was taken on Ordinance No. 28263. The Ordinance was declared passed by the following vote:

Ayes: 9 - Boe, Campbell, Ibsen, Lonergan, Mello, Thoms, Walker, Woodards and Mayor Strickland

22. **ORD28264** An ordinance amending the Biennial Budget for fiscal years 2013-2014, to appropriate funds for contract obligations, transfers, and other budget adjustments; authorizing interfund transfers and contributions; and accepting, depositing, and appropriating miscellaneous donations, contributions, and fees.
[Tadd Wille, Budget Officer; Andy Cherullo, Director, Finance]

ACTION: Roll call vote was taken on Ordinance No. 28264. The Ordinance was declared passed by the following vote:

Ayes: 9 - Boe, Campbell, Ibsen, Lonergan, Mello, Thoms, Walker, Woodards and Mayor Strickland

23. **ORD28265** An ordinance amending Chapter 6B.50 of the Municipal Code, relating to Ambulances, authorizing charges for non-transport-related emergency medical advanced life support services; and establishing the 2015 base rate for said services.
[Michael Newhouse, Medical Services Officer; James P. Duggan, Fire Chief]

ACTION: Roll call vote was taken on Ordinance No. 28265. The Ordinance was declared passed by the following vote:

Ayes: 9 - Boe, Campbell, Ibsen, Lonergan, Mello, Thoms, Walker, Woodards and Mayor Strickland

24. **ORD28266** An ordinance amending Chapter 3.09 of the Municipal Code, relating to Fire Code Permits and Fees, providing for fees related to code enforcement inspections of buildings of various industrial, commercial, and multi-family uses, effective June 1, 2015.
[Patrick K. McElligott, Assistant Chief; James P. Duggan, Fire Chief]

ACTION: Roll call vote was taken on Ordinance No. 28266. The Ordinance was declared passed by the following vote:

Ayes: 9 - Boe, Campbell, Ibsen, Lonergan, Mello, Thoms, Walker, Woodards and Mayor Strickland

25. **ORD28267** An ordinance reallocating and applying unspent bond proceeds remaining in accounts from the City's 2009 Bonds and the 2010 Bonds, in the cumulative amount of \$3 million, to finance capital costs of the Lincoln Streetscape Improvement Project.
[Teresa Sedmak, City Treasurer; Andy Cherullo, Director, Finance]

ACTION: Roll call vote was taken on Ordinance No. 28267. The Ordinance was declared passed by the following vote:

Ayes: 9 - Boe, Campbell, Ibsen, Lonergan, Mello, Thoms, Walker, Woodards and Mayor Strickland

26. **ORD28268** An ordinance amending Chapter 6A.10 of the Municipal Code, relating to General Tax Provisions, and Chapter 6A.30, relating to Business and Occupation Tax, to exempt businesses with an annual gross income of less than \$250,000 from the requirement to file a City Business and Occupation tax return.
[Danielle Larson, Division Manager; Andy Cherullo, Director, Finance]

ACTION: Roll call vote was taken on Ordinance No. 28268. The Ordinance was declared passed by the following vote:

Ayes: 9 - Boe, Campbell, Ibsen, Lonergan, Mello, Thoms, Walker, Woodards and Mayor Strickland

27. **ORD28269** An ordinance amending the Capital Facilities Element of the Comprehensive Plan, and adopting the 2015-2020 Capital Facilities Program.
[Tadd Wille, Budget Officer; Andy Cherullo, Director, Finance]

ACTION: Roll call vote was taken on Ordinance No. 28269. The Ordinance was declared passed by the following vote:

Ayes: 9 - Boe, Campbell, Ibsen, Lonergan, Mello, Thoms, Walker, Woodards and Mayor Strickland

28. **ORD28270** An ordinance adopting the 2015-2016 Biennial Budget of the City of Tacoma; and authorizing the use of Council Contingency Funds.
[Tadd Wille, Budget Officer; Andy Cherullo, Director, Finance]

ACTION: Roll call vote was taken on Ordinance No. 28270. The Ordinance was declared passed by the following vote:

Ayes: 9 - Boe, Campbell, Ibsen, Lonergan, Mello, Thoms, Walker, Woodards and Mayor Strickland

FIRST READING OF ORDINANCES

29. **ORD28271** An ordinance amending Title 17 of the Municipal Code, entitled “Animal Control”, by amending various chapters, to clarify the definition of animal shelter, include provisions on adequate care of animals, and eliminate a \$100 appeal fee.
[Charles Taylor, Captain; Donald Ramsdell, Chief of Police]

ACTION: Ordinance No. 28271 was set over for final reading next week.

30. **ORD28272** An ordinance amending Chapters 1.23, 2.01, 8.23, 8.30, and 8.122 of the Municipal Code to align all appeal rights under the jurisdiction of the Hearing Examiner relating to public nuisance vehicles, public nuisances, noise enforcement, and the Minimum Building and Structures Code.
[Lisa Wojtanowicz, Community Services Division Manager; Nadia Chandler Hardy, Director, Neighborhood and Community Services]

ACTION: Ordinance No. 28272 was set over for final reading next week.

31. **ORD28273** An ordinance amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to provide for time periods for employee enrollment in benefit plans to meet the requirements of the Affordable Care Act.
[Kari Louie, Benefits Manager; Joy St. Germain, Director, Human Resources]

ACTION: Ordinance No. 28273 was set over for final reading next week.

32. **ORD28274** An ordinance amending Chapter 1.07 of the Municipal Code, relating to the Small Business Enterprise (SBE) Program, to add a new definition, update the certification process, and extend said Program through December 31, 2019.
[Charles Wilson, Lead Program Development Coordinator; Ricardo Noguera, Director, Community and Economic Development]

ACTION: Ordinance No. 28274 was set over for final reading next week.

UNFINISHED BUSINESS

There was no unfinished business.

CITIZENS' FORUM

Citizens' Forum began at 6:37 p.m.

Speaking before Council:

1. Joey Marzano, citizen, speaking on safety.
2. Robert Hill, P.O. Box 5006, speaking on police abuse and the jail in Fife.

3. Jim Rich, 5424 South Tacoma Way, speaking on paid sick leave.
4. Kane Rich, 5424 South Tacoma Way, speaking on paid sick leave.
5. Angel Swanson, 5324 South 84th Street, speaking on marijuana.
6. Ashley Swanson, 1211 115th Street South, speaking on marijuana.
7. Sharon Ness, 6403 Lakewood Drive West, speaking on medical cannabis.
8. Ernest Bejarano, 3023 South Durango, speaking on medical cannabis.
9. Timothy Bowman, 5019 North Visscher Street, speaking on the sale of property located at 5302 North Baltimore Street.
10. Marilyn Kimmerling, 4414 North 34th Street, speaking on paid sick leave.
11. Sarah Cherin, 3719 North 25th Street, speaking on paid sick leave.
12. Cindy Schaarschmidt , 1709 North Oakes Street, speaking on bicycling.
13. Vince Kueter, 925 North Grant Avenue, speaking on paid sick leave.
14. Jeff Call, 5419 South Tacoma Way, speaking on paid sick leave.
15. Monique Trudnowski, 1273 South Jackson Avenue, speaking on paid sick leave.
16. Mario Lorenz, 816 South L Street, speaking on paid sick leave.
17. Damien McDivitt, Mary Mart, speaking on marijuana.
18. Bea Christophersen, 3322 North Gove Street, speaking on the Baltimore Street parking lot.
19. Randy Marquis, 1020 South 41st Street, speaking on paid sick leave.
20. Jasmine Jerome, 1140 North Jackson Avenue, speaking on medical cannabis.
21. Cat Jeter, Fircrest, speaking on business consulting.
22. Sarah Morken, 809 North Proctor Street, speaking on paid sick leave.
23. Constance Spangler, 818 North Anderson Street, speaking on the parking lot sale and senior citizens.
24. Kip Clinton, citizen, speaking on medical cannabis.
25. Patrick MacKay, UFCW International, speaking on medical cannabis.

Citizens' Forum ended at 7:45 p.m.

REPORTS BY THE CITY MANAGER

City Manager T.C. Broadnax responded to concerns expressed from citizens during Citizens' Forum regarding the parking lot on Baltimore Street. He then thanked the City Council, staff, and citizens for their support and hard work on developing the 2015-2016 Biennial Budget.

COMMENTS AND COMMITTEE REPORTS OF THE CITY COUNCIL

Council Member Ibsen provided background information regarding the parking lot on Baltimore Street, noting there will be a meeting next week for staff and citizens to discuss options moving forward. He then thanked all those who participated in the paid sick leave conversation, and encouraged them to get involved with future conversations regarding implementation, enforcement, and administration.

Council Member Campbell encouraged shoppers to support local businesses during the holiday season.

ADJOURNMENT

On proper motion, the meeting was adjourned at 7:52 p.m.

Marilyn Strickland, Mayor

Doris Sorum, City Clerk