



City of Tacoma City Council Minutes

747 Market Street, First Floor, Tacoma WA 98402

City Council Chambers

January 27, 2015

5:00 PM

CALL TO ORDER

Mayor Strickland called the meeting to order at 5:10 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 Thoms.

MOMENT OF SILENCE

ITEMS FILED IN THE OFFICE OF THE CITY CLERK

1. **15-0039** Minutes of the Economic Development Committee, November 25, 2014.
2. **15-0038** Minutes of the Economic Development Committee, December 9, 2014.
3. **15-0034** Minutes of the Planning Commission, December 17, 2014.
4. **15-0047** Monthly Financial Reports for the Fleet Services Fund, Self-Insurance Claim Fund, Solid Waste Management, and Wastewater and Surface Water Management, November 2014.
5. **15-0058** Monthly Financial Reports for Tacoma Power, Tacoma Rail, Tacoma Rail Mountain Division, and Tacoma Water, November 2014.
6. **15-0059** Notice of intent to petition for annexation.

MOTION: Deputy Mayor Boe moved to acknowledge the Notice of Intent to petition for annexation of the property generally located on Ruston Way along Commencement Bay at the former Asarco Tacoma Smelter sight; and further, direct the City Manager to set a public meeting for Tuesday, February 3, 2015, at approximately 5:30 p.m. to assist the Council in determining whether to accept, reject, or geographically modify the proposed annexation, whether the City shall require simultaneous adoption of the comprehensive plan and whether it shall require the assumption of all or any portion of the City's indebtedness by the area to be annexed.

SECONDED BY: Council Member Walker.

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

CONSENT AGENDA

7. **15-0055** Minutes of the joint City Council and Public Utility Board study session of October 14, 2014.

MOTION: Deputy Mayor Boe moved to adopt the Consent Agenda.

SECONDED BY: Council Member Mello.

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

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

PROCLAMATIONS/RECOGNITIONS/PRESENTATIONS/ANNOUNCEMENTS

8. **15-0056** Proclaiming Sunday, February 1, 2015 as National Freedom Day in the City of Tacoma.

Mayor Strickland proclaimed Sunday, February 1, 2015 as National Freedom Day in the City of Tacoma and presented the proclamation to Sue Lord and Janet Runbeck, Pierce County Coalition Against Trafficking.

9. 15-0057 Recognizing Mr. Bouchaib Mifdal from the Tacoma sister city of El Jadida, Morocco.

Mayor Strickland recognized Mr. Bouchaib Mifdal from the Tacoma sister city of El Jadida, and presented the recognition to Frances Lorenz, Chair of the El Jadida Sister City Committee.

PUBLIC COMMENT

Public Comment began at 5:22 p.m.

Speaking before Council:

1. Patti Dailey, 2602 Westridge Avenue West, speaking on Ordinance No. 28275.
2. Shawnda Anderson-Ide, YWCA, speaking on Ordinance No. 28275.
3. Sarah Cherin, UFCW 21, speaking on Ordinance No. 28275.
4. Celeste Suliin Burris, AFSCME Local 120, speaking on Ordinance No. 28275.
5. Earl Greenlaw, UFCW 367, speaking on Ordinance No. 28275.
6. Tom Pierson, Tacoma-Pierce County Chamber, speaking on Ordinance No. 28275.
7. Russ Heaton, Doyle's Public House, speaking on Ordinance No. 28275.
8. Monique Trudnowski, Adriatic Grill, speaking on Ordinance No. 28275.
9. Patty Rose, 3049 South 36th Street, speaking on Ordinance No. 28275.
10. Marcia Beck, UFCW 367, speaking on Ordinance No. 28275.
11. Kristin Rowe-Finkbeiner, MomsRising, speaking on Ordinance No. 28275.
12. Karla Rudy, UFCW 21, speaking on Ordinance No. 28275.
13. Kathy Orlando, 27th Legislative District Democrats, speaking on Ordinance No. 28275.
14. Pastor Gregory Christopher, Destiny Pact, speaking on Ordinance No. 28275.
15. Marco Rossi, Planned Parenthood, speaking on Ordinance No. 28275.
16. Joe Earlywine, UFCW 21, speaking on Ordinance No. 28275.
17. Pastor Dr. Eric Jackson, Bethlehem Baptist Church, speaking on Ordinance No. 28275.
18. Laura Martinez, citizen, speaking on Ordinance No. 28275.
19. Chris Budinick, citizen, speaking on Ordinance No. 28275.
20. Dwight Jones, 1940 East D Street, speaking on Resolution No. 39103.
21. Lisa Howard, 6401 South Stevens Street, speaking on Ordinance No. 28275.
22. Eric Hansen, 4002 North 14th Street, speaking on Ordinance No. 28275.
23. Eric Herde, Young Democrats Washington Labor Caucus, speaking on Ordinance No. 28275.
24. Vince Kueter, 815 North Grant Avenue, speaking on Ordinance No. 28275.

25. Jay Jetter, Foss Waterway Development Authority, speaking on Resolution No. 39103.
26. Mario Lorenz, 816 South L Street, speaking on Ordinance No. 28275.
27. Randall Marquis, 1020 South 41st Street, speaking on Ordinance No. 28275.
28. Darrell S., UFCW 367, speaking on Ordinance No. 28275.
29. Chuck Johnson, 767 South 78th Street, speaking on freedom.
30. Debbie Brese, Cloverleaf Pizza, speaking on Ordinance No. 28275.
31. Mark Lindstrom, business manager, speaking on Ordinance No. 28275.
32. Sally Kapphahn, 27th Legislative District Democrats, speaking on Ordinance No. 28275.
33. Pastor Arthur C. Banks, 2033 East Sherman Street, speaking on Ordinance No. 28275.
34. Janis Clark, Sheridan Avenue, speaking on Ordinance No. 28275.
35. Beverly Ibsen, Tacoma Pierce County Young Democrats, speaking on Ordinance No. 28275.
36. Tom McCarthy, 801 South Cushman Avenue, speaking on Ordinance No. 28275.
37. Chrissy Cooley, 2125 Commerce Street, #704, speaking on Ordinance No. 28275.
38. Marilyn Kimmerling, Jobs with Justice, speaking on Ordinance No. 28275.
39. Sarah Morken, 809 North Proctor Street, speaking on Ordinance No. 28275.
40. Koreen Thompson, 2522 North Proctor Street, speaking on Ordinance No. 28275.
41. Seamus Mahoney, 2125 Commerce Street, speaking on Ordinance No. 28275.
42. Gillian Locascio, 2115 Davis Court Northeast, speaking on Ordinance No. 28275.
43. James Wrenn, citizen, speaking on Ordinance No. 28275.
44. Whitney Brady, citizen, speaking on Ordinance No. 28275.
45. Justin Leighton, 2149 South M Street, speaking on Ordinance No. 28275.
46. Linda Isenson, Pierce County Democrats, speaking on Ordinance No. 28275.
47. Bea Christophersen, 3322 North Gove Street, speaking on Ordinance No. 28275.
48. Eva Kafton, citizen, speaking on Ordinance No. 28275.
49. Sharon Ness, citizen, speaking on Ordinance No. 28275.
50. David Schroedel, Tacoma-Pierce County Chamber, speaking on Ordinance No. 28275.
51. Brenda Wiest, citizen, speaking on Ordinance No. 28275.
52. Al Mednick, citizen, speaking on Ordinance No. 28275.
53. Jeannie Liner, citizen, speaking on Ordinance No. 28275.

Public Comment ended at 7:23 p.m.

REGULAR AGENDA

PURCHASE RESOLUTIONS

- 10. RES39102** A resolution awarding a contract to R V Associates, Inc., in the amount of \$267,927, sales tax not applicable, plus a 15 percent contingency, for a cumulative total of \$308,116, budgeted from the Transportation Capital and Engineering Fund, for constructing bulbouts and sidewalks, and other necessary work on McKinley Avenue and East I Street between East 52nd and East 54th Streets - Specification No. PW14-0456F.
[Chris E. Larson, P.E., Engineering Division Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

MOTION: Deputy Mayor Boe moved to adopt Resolution No. 39102.

SECONDED BY: Council Member Mello.

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

Ayes: 7 - Boe, Campbell, Ibsen, Lonergan, Mello, Woodards and Mayor Strickland

Absent: 2 - Thoms and Walker

RESOLUTIONS

- 11. RES39103** A resolution approving Amendment No. 4 to the Marina Lease Agreement between the Foss Waterway Development Authority and Foss Waterway Management LLC, to extend the term of the lease by adding ten five-year extensions, subject to the Department of Natural Resources aquatic lease; and authorizing the execution of a Development Contribution Agreement, in the amount of \$1,500,000 for debt repayment.
[Martha Anderson, Assistant Director; Ricardo Noguera, Director, Community and Economic Development]

MOTION: Deputy Mayor Boe moved to adopt Resolution No. 39103.

SECONDED BY: Council Member Mello.

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. **RES39104** A resolution authorizing the execution of an agreement with the Crystal Judson Family Justice Center (FJC), in the amount of \$350,000, budgeted from the General Fund and the Mental Health Fund, for essential expenditures relating to the FJC for the period of January 1, 2015 through December 31, 2015. [Pamela Duncan, Division Manager; Nadia Chandler Hardy, Director, Neighborhood and Community Services]

MOTION: Deputy Mayor Boe moved to adopt Resolution No. 39104.

SECONDED BY: Council Member Mello.

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

13. **RES39105** A resolution authorizing the execution of a Third Limited Modification of the Puyallup Land Claims Settlement Agreement between the Puyallup Tribe of Indians, Pierce County, City of Tacoma, City of Fife, City of Puyallup, the Port of Tacoma, State of Washington, the United States of America, and certain private property owners, to provide clarification regarding Section VIII(A)(4) of the agreement. [T.C. Broadnax, City Manager]

MOTION: Deputy Mayor Boe moved to adopt Resolution No. 39105.

SECONDED BY: Council Member Mello.

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. **RES39106** A resolution approving the City of Tacoma's Ten-Year Citywide Strategic Plan and Vision, *Tacoma 2025*; and establishing the Tacoma 2025 Advisory Committee, to consist of 11 members to be appointed by the Mayor. [T.C. Broadnax, City Manager]

MOTION: Deputy Mayor Boe moved to adopt Resolution No. 39106.

SECONDED BY: Council Member Mello.

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

15. **ORD28275** An ordinance amending the Municipal Code by adding a new Title 18 entitled “Minimum Employment Standards,” to establish minimum employment standards for paid leave for businesses located in the City of Tacoma.
[Mayor Marilyn Strickland]

MOTION: Mayor Strickland moved to amend Ordinance No. 28275, Section 18.10.010, on page 4, by adding a new Section “Q” reading as follows: “premium pay program” means a plan offered by an employer pursuant to which an employee receives extra pay in-lieu of benefits.”

Mayor Strickland moved to further amend Ordinance No. 28275, Section 18.10.020.F, on page 4, by adding the words “or a premium pay program” after “paid time off (“PTO”) policy”; by adding a comma and the word “or” at the end of Subsection 3; and by adding a new Subsection 4 reading as follows: “4. the premium pay program is approved by the director, and is consistent with the rules and regulations adopted by the director.”

SECONDED BY: Council Member Woodards.

Changes were substantive, therefore the Mayor called for public comment.

Speaking before the Council:

1. Randall Marquis, 1020 South A Street.
2. Evan Woods, UFCW 21.
3. Sharon Ness, citizen.

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

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

Nays: 1 - Ibsen

The motion was declared adopted.

MOTION: Mayor Strickland moved to amend Ordinance No. 28275, Section 18.10.010.I, on page 3, to add the following sentence at the end of the Section: “an employee who performs work in Tacoma on an occasional basis is covered by this ordinance only if the employee performs more than 80 hours of work in Tacoma within a calendar year.”

SECONDED BY: Deputy Mayor Boe.

MOTION: Deputy Mayor Boe moved to amend the amendment to change the 80 hours to 240 hours.

SECONDED BY: Council Member Lonergan.

Deputy Mayor Boe withdrew his motion to change the 80 hours to 240 hours.

Changes in the amendment were substantive, therefore the Mayor called for public comment on the amendment. No one came forward to address the Council.

ACTION: Voice vote was taken and carried with Deputy Mayor Boe voting in opposition. The motion was declared adopted.

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

Nays: 1 - Boe

MOTION: Council Member Mello moved to amend Ordinance No. 28275, Section 18.10.020.E, on page 4, to replace the existing Section with the following: “employers shall allow any accrued but unused paid leave, up to 24 hours, to be carried over to the following calendar year and shall allow employees to use hours carried over in addition to hours accrued in the calendar year, for a total not to exceed 40 hours in the calendar year.”

Council Member Mello moved to further amend Ordinance No. 28275, Section 18.10.020.F.3, on page 4, to replace the period with a comma and add the following language at the end of the sentence: “subject to the carryover provision of Section 18.10.020.E.”

Council Member Mello moved to further amend Ordinance No. 28275, Section 18.10.020.B, page 4, to read “nothing herein shall be construed as prohibiting or discouraging an employer from the adoption or retention of a paid leave policy that exceeds the requirements as stated herein.” and delete the remainder of the paragraph.

SECONDED BY: Council Member Woodards.

Changes were substantive, therefore the Mayor called for public comment.

Speaking before the Council:

1. Vince Kueter, 815 North Grant Avenue.
2. Joe Mizrahi, UFCW 21.
3. Monique Trudnowski, Adriatic Grill.
4. Tom McCarthy, 801 South Cushman Avenue.
5. Linda Isenson, Pierce County Democrats.

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

Ayes: 3 - Ibsen, Mello and Woodards

Nays: 6 - Boe, Campbell, Lonergan, Thoms, Walker and Mayor Strickland

The motion failed.

MOTION: Mayor Strickland moved to amend Ordinance No. 28275, Section 18.10.020.A, on page 4, by adding the following language after the word “city”: “, up to a total of 24 hours,”.

Mayor Strickland further moved to amend Ordinance No. 28275, Section 18.10.020.B, page 4, to read “nothing herein shall be construed as prohibiting or discouraging an employer from the adoption or retention of a paid leave policy that exceeds the requirements as stated herein.” and delete the remainder of the paragraph.

Mayor Strickland moved to further amend Ordinance No. 28275, Section 18.10.020, on page 4, by deleting Section 18.10.020.E.

Mayor Strickland moved to further amend Ordinance No. 28275, Section 18.10.030.B, on page 5, by replacing the existing language with the following: “subject to the carryover provision below, employees shall be entitled to use up to 24 hours of accrued paid leave in any calendar year. Employers shall allow employees to carry over any accrued and unused hours, up to 24 hours, to the following calendar year. Employees may use hours carried over for a total not to exceed 40 hours in the calendar year.”

SECONDED BY: Council Member Walker.

Changes were substantive, therefore the Mayor called for public comment.

Speaking before the Council:

1. Joe Mizrahi, UFCW 21.
2. Marilyn Watkins, citizen.

3. Brenda Wiest, citizen.
4. Chrissy Cooley, 2125 Commerce Street, #704
5. Josh Putnam, citizen.
6. Gillian Locascio, 2115 Davis Court Northeast.
7. Vince Kueter, 815 North Grant Avenue.
8. Seamus Mahoney, 2125 Commerce Street.

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

- Ayes:** 7 - Boe, Campbell, Lonergan, Thoms, Walker, Woodards and Mayor Strickland
- Nays:** 2 - Ibsen and Mello

The motion was declared adopted.

MOTION: Mayor Strickland moved to amend Ordinance No. 28275, Section 18.10.010, on page 4, by adding a new Section "C" reading as follows: "calendar year" means the 12-month period beginning January 1; the 12-month period beginning on the date of hire; or the fiscal year, as elected by the employer."

SECONDED BY: Deputy Mayor Boe.

Changes were substantive, therefore the Mayor called for public comment. No one came forward to address the Council.

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

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

MOTION: Council Member Mello moved to amend Ordinance No. 28275, Section 18.10.080, on page 8, to read "this ordinance shall take effect on January 1, 2016." and delete the remainder of the paragraph.

SECONDED BY: Council Member Ibsen.

Changes were substantive, therefore the Mayor called for public comment.

Speaking before the Council:

1. Sarah Cherin, UFCW 21.
2. Celeste Suliin Burris, AFSCME Local 120.
3. Cindy Richardson, Unite Here Local 8.
4. Tom McCarthy, 801 South Cushman Avenue.
5. James McNeil, citizen.

6. Brenda Wiest, citizen.
7. Marco Rossi, Planned Parenthood.

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

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

The motion was declared adopted.

MOTION: Council Member Lonergan moved to amend Ordinance No. 28275, Section 18.10.080, on page 8, to replace the date “January 1, 2016” with the date “July 1, 2016.”

SECONDED BY: Deputy Mayor Boe.

Changes were substantive, therefore the Mayor called for public comment.

Speaking before the Council:

1. Sarah Cherin, UFCW 21.
2. Celeste Suliin Burris, AFSCME Local 120.
3. David Schroedel, Tacoma-Pierce County Chamber.
4. Monique Trudnowski, Adriatic Grill.
5. Brenda Wiest, citizen.
6. Janis Clark, Sheridan Avenue
7. Sharon Ness, citizen.
8. Amanda DeShazo, citizen.

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

Ayes: 2 - Boe and Lonergan

Nays: 7 - Campbell, Ibsen, Mello, Thoms, Walker, Woodards and Mayor Strickland

The motion failed.

MOTION: Council Member Campbell moved to amend Ordinance No. 28275, Section 18.10.080, on page 8, to change the first reference of “January 1, 2016” to “February 1, 2016,”

SECONDED BY: Council Member Woodards.

Changes were substantive, therefore the Mayor called for public comment. No one came forward to address the Council.

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

ACTION: Roll call vote was taken on Ordinance No. 28275, as amended. The Ordinance was declared passed by the following vote:

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

Nays: 1 - Boe

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS BY THE CITY MANAGER

There was no report.

COMMENTS AND COMMITTEE REPORTS OF THE CITY COUNCIL

Neighborhoods and Housing Committee

The Neighborhoods and Housing Committee report was held over until the February 3, 2015 Council meeting.

ADJOURNMENT

On proper motion, the meeting was adjourned at 10:47 p.m.

Marilyn Strickland, Mayor

Doris Sorum, City Clerk