



City of Tacoma City Council Minutes

747 Market Street, First Floor, Tacoma, WA 98402

City Council Chambers

October 01, 2013

5:00 PM

CALL TO ORDER

Mayor Strickland called the meeting to order at 5:07 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 Lonergan.

MOMENT OF SILENCE

ITEMS FILED IN THE OFFICE OF THE CITY CLERK

1. **13-0139** Minutes of the Economic Development Committee, September 10, 2013.
2. **13-0142** Minutes of the Human Rights Commission, August 15, 2013.
3. **13-0150** Minutes of the Infrastructure, Planning, and Sustainability Committee, August 28, 2013.

CONSENT AGENDA

4. **13-0127** Minutes of the City Council meeting of August 13, 2013.
5. **13-0128** Minutes of the City Council meeting of August 20, 2013.
6. **13-0129** Minutes of the Committee of the Whole meeting of August 6, 2013.

7. **13-0144** Minutes of the Committee of the Whole meeting of August 20, 2013.

RESOLUTIONS

8. **RES38742** A resolution setting Tuesday, October 15, 2013, at approximately 5:30 p.m., as the date for a public hearing by the City Council on the proposed sale of 2,115 square feet of real property within Tacoma Rail Mountain Division railroad right-of-way to the Washington State Department of Transportation to accommodate the Interstate 5, M Street to Portland Avenue, HOV Project. [Dylan Harrison, Real Estate Officer; Kurtis Kingsolver, P.E., Interim Director, Public Works]
9. **RES38743** A resolution setting Tuesday, October 22, 2013, at approximately 5:30 p.m., as the date for a public hearing by the City Council on the proposed interim land use regulations concerning the production, processing, and retail sale of recreational marijuana. [Brian Boudet, Planning Division Manager; Peter Huffman, Interim Director, Planning and Development Services]
10. **RES38744** A resolution authorizing the execution of an Interlocal Agreement with the City of University Place, in the amount of \$389,500 in grant funding, and a required match of \$60,750, for a total of \$450,250, for the design of the South 56th Street and Cirque Drive corridor improvements. [Thomas L. Rutherford, Project Manager; Kurtis Kingsolver, P.E., Interim Director, Public Works]
11. **RES38745** A resolution authorizing the execution of Amendment No. 1 to the Interlocal Agreement with Pierce Transit, in the amount of \$49,576.58, depositing said sum into the Street Fund, for additional equipment installation services for the Transit Signal Priority Project. [Chris Larson, P.E., Engineering Division Manager; Kurtis Kingsolver, P.E., Interim Director, Public Works]

MOTION: Deputy Mayor Campbell moved to adopt the Consent Agenda, including Resolution Nos. 38742 through 38745.

SECONDED BY: Council Member Lonergan.

ACTION: Voice vote was taken and carried. The Consent Agenda, including Resolution Nos. 38742 through 38745 was declared adopted.

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

PROCLAMATIONS/RECOGNITIONS/PRESENTATIONS/ANNOUNCEMENTS

12. 13-0146 Recognizing three Disability Advocate of the Year Award recipients; and recognizing Tucci and Sons Inc. for their efforts on the Pacific Avenue Streetscape Project to ensure access for individuals with disabilities.

Mayor Strickland and Mr. Gerrit Nyland, Chair of the Tacoma Area Commission on Disabilities presented plaques to three Disability Advocate of the Year Award recipients: Mr. Matt Newton (volunteer advocate); Ms. Trina Forest (professional advocate); and Osheas Catering and Events (business advocate).

Mayor Strickland read a recognition and presented it to Tim Tucci of Tucci and Sons, Inc. for their efforts on the Pacific Avenue Streetscape Project to ensure access for individuals with disabilities.

13. 13-0154 Recognizing Thomas McCarthy as the Third Quarter Human Rights Champion Award recipient.

John Wallace, Chair of the Human Rights Commission and Mr. Thomas McCarthy accepted the recognition.

PUBLIC COMMENT

Public comment began at 5:21 p.m.

Speaking before Council:

1. Patty Rose, 3049 S. 36th Street, speaking on Resolution No. 38748
2. Edwina Magrum, 2213 E. 64th Street, speaking on Resolution No. 38748
3. Brenda Wiest, 3419 N. Cheyenne Street, speaking on Resolution No. 38748
4. Jeannie Mitchell, 3708 N. Cheyenne Street, speaking on Resolution No. 38748
5. Tom Pierson, Tacoma-Pierce County Chamber of Commerce, speaking on Resolution No. 38748

Public comment ended at 5:32 p.m.

REGULAR AGENDA

13-0287

MOTION: Council Member Lonergan moved to authorize the City's full and final settlement of all claims against the City in the matter of Richard Melvin v. City of Tacoma et. al., Pierce County Superior Court Cause No. 12-2-07833-1, upon payment by the City in the amount of \$275,000.

SECONDED BY: Council Member Woodards.

ACTION: Roll call vote was taken and carried. The motion was declared adopted by the following vote:

Ayes: 7 - Ibsen, Lonergan, Mello, Thoms, Walker, Woodards and Mayor Strickland

Absent: 1 - Campbell

Recused: 1 - Boe

13-0288

Motion to authorize the City's full and final settlement of all claims against the City in the matter of Susan Perong v. City of Tacoma et. al., Claim No. 14549 upon payment by the City in the amount of \$45,000.

MOTION: Council Member Lonergan moved to authorize the City's full and final settlement of all claims against the City in the matter of Susan Perong v. City of Tacoma et. al., Claim No. 14549 upon payment by the City in the amount of \$45,000.

SECONDED BY: Council Member Woodards.

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

14. **RES38746** A resolution reappointing Lillian Hunter to the Tacoma Public Library Board of Trustees for a five-year term beginning October 5, 2013 through October 5, 2018.
[Doris Sorum, City Clerk; Elizabeth Pauli, City Attorney]

MOTION: Deputy Mayor Campbell moved to adopt Resolution No. 38746.

SECONDED BY: Council Member Woodards.

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

PUBLIC HEARINGS AND APPEALS

19. **13-0027** Jameson Babbitt Stites & Lombard, P.L.L.C., representing the appellant H&P Tacoma Acquisition, LLC, by appealing the recommendation of the Hearing Examiner regarding the request to reclassify approximately 1.78 acres/75,000 square feet of the southeast corner of a larger property located at 4601 South Orchard Street from a “R-2” Single-Family Dwelling District to a “M-1” Light Industrial District, to be developed with a stormwater detention facility requiring approximately 15,000 cubic yards of grading, landscaping, and up to 100 passenger car parking spaces; and to develop a driveway across the parcel for commercial and passenger vehicle access to South 48th Street. (Paul McCormick, Innova Architects on behalf of H&P Tacoma Acquisition, LLC; File No. REZ2013-40000199731)
(Continued from the meeting of September 24, 2013)
The appeal began at 5:33 p.m.

MOTION: Deputy Mayor Campbell moved to convene to a Closed Session pursuant to RCW 42.30.140(2) to discuss the quasi-judicial matter, the session not to exceed ten minutes.

SECONDED BY: Council Member Lonergan.

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

The Council convened to Closed Session at 6:30 p.m.

The Closed Session was extended by five minutes at 6:40 p.m.

The appeal hearing reconvened at 6:45 p.m.

MOTION: Deputy Mayor Campbell moved to concur in the Findings, Conclusions, and Recommendation of the Hearing Examiner and deny the appeal.

SECONDED BY: Council Member Woodards.

ACTION: Roll call vote was taken and carried. The appeal was denied by the following vote:

Ayes: 6 - Ibsen, Mello, Thoms, Walker, Woodards and Mayor Strickland

Nays: 3 - Boe, Campbell and Lonergan

The appeal ended at approximately 7:00 p.m.

PURCHASE RESOLUTIONS

- 15. RES38747** A resolution awarding a contract to Fehr & Peers, in the amount of \$500,000, sales tax not applicable, budgeted from the General Fund, for consultant services for the preparation of the City's Transportation Master Plan - Specification No. PW13-0377F.
[Chris Larson, P.E., Engineering Division Manager; Kurtis Kingsolver, P.E., Interim Director, Public Works]

MOTION: Deputy Mayor Campbell moved to adopt Resolution No. 38747.

SECONDED BY: Council Member Lonergan.

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

- 16. RES38748** A resolution expressing support for the passage of City of Tacoma Proposition No. 1, to be held at the Tuesday, November 5, 2013 election which reads as follows:

CITY OF TACOMA
 SPECIAL ELECTION - PROPOSITION NO. 1
 2% UTILITY COMPANY EARNINGS TAX
 FOR TACOMA STREET IMPROVEMENTS

The City Council of the City of Tacoma adopted Substitute Resolution No. 38700 concerning an additional 2% earnings tax on utility companies for streets. If passed, Proposition No. 1 would authorize the City to levy an additional 2% earnings tax on natural gas, electric, and phone companies for the sole purpose of funding basic maintenance and safety upgrades City-wide, for roads, arterials, and bridges; permanent pothole repairs; pedestrian safety improvement to crosswalks near schools, sidewalks and intersections; repaving neighborhood streets; and improved signal timing, all as provided in Substitute Resolution No. 38700. Should Proposition No. 1 be enacted into law?

Yes..... []
 No..... []

[Council Member Mello]

MOTION: Deputy Mayor Campbell moved to adopt Resolution No. 38748.

SECONDED BY: Council Member Woodards.

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

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

Abstain: 1 - Lonergan

FINAL READING OF ORDINANCES

17. **ORD28177** A substitute ordinance amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, creating a new position, entitled PAF Maintenance Chief, Assistant, and implementing rates of pay and compensation for said position.

[Joy St. Germain, Director, Human Resources]

ACTION: Roll call vote was taken on Substitute Ordinance No. 28177. The Substitute 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

18. **ORD28178** An ordinance amending Title 8 of the of the Municipal Code, entitled “Public Safety and Morals”, by repealing Section 8.12.026, Vehicle Prowling, in its entirety, and adding a new Chapter 8.37A, Vehicle Prowling in the Second Degree, to be consistent with state law.

[Jean Hayes, Deputy City Attorney; Elizabeth Pauli, City Attorney]

ACTION: Ordinance No. 28178 was set over for final reading next week.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS BY THE CITY MANAGER

20. **13-0151** Weekly Report to the City Council, September 26, 2013.
City Manager T.C. Broadnax called on Tacoma Fire Chief James Duggan for a PowerPoint presentation on the Citizen CPR event occurring on October 13, 2013 at Henry Foss High School. He then reported on the new Customer Support Center located on the second floor of the Tacoma Municipal Building, which opened today.

COMMENTS AND COMMITTEE REPORTS OF THE CITY COUNCIL

Economic Development Committee

The Economic Development Committee report was deferred one week to the meeting of October 8, 2013.

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Council Member Thoms encouraged everyone take CPR training.

Council Member Boe stated the fourth annual Proctor Chocolate Fest will occur on Wednesday, October 6, 2013 through Saturday, October 9, 2013, in the Proctor District. He then provided an update on the Pacific Avenue Streetscape Project.

Council Member Woodards stated she attended the grand opening of the new Five Guys restaurant in the Tacoma Mall area. She then wished Harold Moss a happy 84th birthday.

Deputy Mayor Campbell thanked first responders during the storm event over the weekend, including utility workers. He then stated on October 2, 2013 an Eastside Community Center community public meeting will be held at Stewart Heights Pool Building at 6:30 p.m.; on October 3, 2013 Safe Streets' will hold a community forum at Lincoln High School, 701 S. 37th Street, at 6:30 p.m.; and a Proposition No. 1 Facts and Information Session will be held on October 9, 2013 at the Moore Library, located at 215 S. 56th Ave.

Council Member Mello thanked utility workers, public works employees, police officers, and firefighters during the weekend storm event.

Council Member Lonergan stated the Greek Festival is this weekend at St. Nicholas Greek Orthodox Church. He then invited all to the Heart Walk this Saturday at Cheney Stadium at 8:00 a.m., with the walk beginning at 9:30 a.m.

ADJOURNMENT

On proper motion, the meeting was adjourned at 7:39 p.m.

Marilyn Strickland, Mayor

Doris Sorum, City Clerk