



# City Council Minutes

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

August 13, 2013 – 5:00 p.m.

The meeting was called to order at 5:08 p.m.

Council Members Present: 6 – Boe, Ibsen, Lonergan, Thoms, Walker, and Mayor Strickland.

Council Members Absent: 3 – Campbell; and Mello and Woodards (arrived at 5:09 p.m.)

The Flag Salute was led by Council Member Thoms.

Moment of Silence.

## ITEMS FILED IN THE OFFICE OF THE CITY CLERK

- a. Minutes of the Neighborhoods and Housing Committee, July 15, 2013.
- b. Minutes of the Tacoma Arts Commission, June 10, 2013.
- c. Minutes of the Tacoma Planning Commission, July 17, 2013.
- d. Citizen Petition regarding Eloise's Cooking Pot and Making a Difference Foundation.

## CONSENT AGENDA

### APPEALS

Jameson Babbitt Stites & Lombard, P.L.L.C., representing appellant H&P Tacoma Acquisition, LLC, 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 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 48<sup>th</sup> Street.  
(Paul McCormick, Innova Architects on behalf of H&P Tacoma Acquisition, LLC; File No. REZ2013-40000199731)

Setting Tuesday, August 20, 2013, at approximately 5:30 p.m., as the date for the appeal before the City Council.

## RESOLUTIONS

### **Resolution No. 38712**

Setting Tuesday, August 27, 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.

### **Resolution No. 38713**

Setting Thursday, September 26, 2013, at 1:00 p.m., as the date for a hearing before the Hearing Examiner on the request to vacate Milwaukee Way between East 11<sup>th</sup> Street and Lincoln Avenue. (Port of Tacoma; File No. 124.1108)

Council Members Mello and Woodards arrived here, at 5:09 p.m.

Council Member Lonergan moved to remove Resolution No. 38712 from tonight's agenda. Seconded by Council Member Boe. Voice vote was taken and carried. The motion was declared adopted.

Council Member Lonergan moved to adopt the Consent Agenda, including Resolution No. 38713. Seconded by Council Member Woodards. Voice vote was taken and carried. The Consent Agenda was declared adopted.

## PROCLAMATIONS, RECOGNITIONS, PRESENTATIONS, AND ANNOUNCEMENTS

Mayor Strickland presented a recognition to Mr. Michael Baxter, Burkhart Dental Supply, recognizing the 125<sup>th</sup> Anniversary of Burkhart Dental Supply.

## 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. Comments will not be accepted on Ordinances or Communication Items forwarded to the City Council by the Hearing Examiner for which a public hearing has already been held. There are no items on tonight's agenda forwarded to the City Council by the Hearing Examiner.

Public comment began at 5:11 p.m.

Speaking before Council:

<b>Name</b>	<b>Address/Affiliation</b>	<b>Subject</b>
John Hunt	Kellogg Sicker Pochert LLC	Resolution No. 38718
Michael Mirra	Tacoma Housing Authority	Resolution No. 38718
Sharon Winters	Historic Tacoma	Resolution No. 38718

Public comment ended at 5:20 p.m.

## **REGULAR AGENDA**

Council Member Lonergan moved to authorize the City's full and final settlement of all claims against the City in the matter of Jonathan Van Pincelli v . City of Tacoma, Tacoma Police Department, Keith O'Rourke and Jane Doe O'Rourke, Pierce County Superior Court Cause No. 12-2-06926-9, upon payment by the City in the amount of \$45,000. Seconded by Council Member Woodards. Voice vote was taken and carried. The motion was declared adopted.

### **APPOINTMENTS**

#### **Resolution No. 38714**

Appointing Agnes Pate to serve on the Sustainable Tacoma Commission in the youth position for a two-year term to commence September 16, 2013 to April 30, 2015.

Council Member Lonergan moved to adopt Resolution No. 38714. Seconded by Council Member Woodards. Voice vote was taken and carried. The Resolution was declared adopted.

### **RESOLUTIONS**

#### **Purchase Resolution No. 38715**

Awarding contracts to:

1. Rodarte Construction, Inc., on its bid of \$1,569,099.92, plus sales tax and a 20 percent contingency, for a cumulative total of \$1,882,919.90, budgeted from the Surface Water Fund and Wastewater Fund, for replacement of approximately 2,800 linear feet of stormwater pipe and approximately 2,100 linear feet of wastewater pipe for the Franklin Trunk Line Improvements and Puget Sound Avenue project – Specification No. ES13-0011F;
2. Stan Palmer Construction Inc., on its bid of \$1,497,609.00, plus sales tax and a 15 percent contingency, for a cumulative total of \$1,722,250.35, budgeted from the Surface Water Fund and the Public Assembly Facilities Fund, to replace approximately three acres of impervious parking lot with porous asphalt, install an infiltration trench, a bio retention facility, and landscaping for the Cheney Stadium Low Impact Development project – Specification No. ES13-0323F;
3. Brown and Caldwell, Inc., in the amount of \$995,292.00, sales tax not applicable, budgeted from the Surface Water Fund, for design and engineering services associated with the Cleveland Way Pump Station Improvement project – Specification No. CT12-0001F; and
4. Office Depot, in the amount of \$315,000.00, plus sales tax, budgeted from various departmental funds, for office supplies on an as-needed basis from September 1, 2013 to May 29, 2014, with the option to renew for four additional one-year terms, for a projected contract total of \$2,000,000.00 – Washington State Contract No. 04411.

Council Member Boe moved to adopt Purchase Resolution No. 38715. Seconded by Council Member Woodards. Voice vote was taken and carried, with Council Member Boe recusing himself from Item No. 3. The Purchase Resolution was declared adopted.

**Resolution No. 38716**

Authorizing the execution of an interagency agreement with the Department of Ecology, Washington Conservation Corps, in the amount of \$292,000, budgeted from the Surface Water Fund, to assist in the maintenance and restoration of the City's habitat restoration sites and open spaces for a one-year term, with the option to renew for three additional one-year terms, for a projected total of \$1,168,000.

Council Member Lonergan move to adopt Resolution No. 38716. Seconded by Council Member Woodards. Voice vote was taken and carried. The Resolution was declared adopted.

**Resolution No. 38717**

Authorizing Environmental Services to participate in a Tacoma Public Utilities contract with Titan Earthwork, LLC, in the amount of \$1,577,056.56, excluding sales tax, plus a 10 percent contingency, for a cumulative total of \$1,734,762.22, budgeted from the Wastewater Fund, for replacement of underground wastewater pipes in the vicinity of North Vassault to North Visscher Streets, from North 49<sup>th</sup> to North 51<sup>st</sup> Streets.

Council Member Lonergan moved to adopt Resolution No. 38717. Seconded by Council Member Woodards. Voice vote was taken and carried. The Resolution was declared adopted.

**Resolution No. 38718**

Declaring surplus City-owned property located at 1110, 1114, 1120, and 1124 Martin Luther King Jr. Way; and authorizing the execution of purchase and sale agreements with Kellogg Sicker Pochert LLC, in the amount of \$100,000, for property located at 1110 and 1114 Martin Luther King Jr. Way, and with the Tacoma Housing Authority for property located at 1120 and 1124 Martin Luther King Jr. Way, to construct apartments, ground floor office/retail, and parking.

Council Member Lonergan moved to adopt Resolution No. 38718. Seconded by Council Member Woodards. Voice vote was taken and carried. The Resolution was declared adopted.

## **FINAL READING OF ORDINANCES**

**Ordinance No. 28163** (From the meeting of July 23, 2013)

Granting a non-exclusive ten-year telecommunications franchise to Electric Lightwave, LLC, to construct, operate, and repair a telecommunications system throughout the city.

Roll call vote was taken on Ordinance No. 28161, resulting as follows:

Ayes: 8 – Boe, Ibsen, Lonergan, Mello, Thoms, Walker, Woodards, and Mayor Strickland.

Nays: 0

Absent: 1 – Campbell.

The Ordinance was declared passed.

## **FIRST READING OF ORDINANCES**

**Ordinance No. 28165**

Amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to implement rates of pay and compensation for Municipal Court Judges and Court Commissioners, effective September 1, 2013.

Ordinance No. 28165 was set over for final reading next week.

**Ordinance No. 28166**

Amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to implement rates of pay and compensation for employees represented by District Lodge No. 160, on behalf of Local Lodge No. 297, of the International Association of Machinists and Aerospace Workers, Rail Mechanics and Track Workers Units, which covers approximately 18 budgeted, full-time positions.

Ordinance No. 28166 was set over for final reading next week.

## **UNFINISHED BUSINESS**

**Resolution No. 38707**

Appointing individuals to serve on the City Events and Recognitions Committee.

Council Member Lonergan moved to reconsider Resolution No. 38707 from the August 6, 2013 business meeting, at the request of staff. Seconded by Council Member Woodards. Voice vote was taken and carried. The motion was declared adopted.

Council Member Lonergan moved to amend Exhibit A of Resolution No. 38707, to correct the terms of the appointments from three-year terms to two-year terms. Seconded by Council Member Woodards. Voice vote was taken and carried. The motion was declared adopted.

Council Member Lonergan moved to amend Exhibit A of Resolution No. 38707, to change the designation for Jessie Baines Jr. from the At-Large No. 1 position to the Council District No. 2. position, at the recommendation of the Economic Development Committee. Voice vote was taken and carried. The motion was declared adopted.

Voice vote was taken and carried to adopt Resolution No. 38707, as amended. The Resolution, as amended, was declared adopted.

**CITIZENS’ FORUM**

The purpose of Citizens' Forum is to assist the City Council in making policy decisions. Items of discussion will be limited to matters over which the City Council has jurisdiction and speaker's remarks are limited to up to three minutes per person. Arguments shall not be made in support of, or opposition to, any matter on this week’s agenda. Each person may address the City Council one time only during this forum.

Citizens’ Forum began at 5:58 p.m.

<b>Name</b>	<b>Address/Affiliation</b>	<b>Subject</b>
Joey Marzano	Tacoma resident	Safety and public disclosure
Chuck Johnson	767 South 70 <sup>th</sup> Street	Elected officials

Citizens’ Forum was declared closed at 6:03 p.m.

**REPORTS BY THE CITY MANAGER**

City Manager T.C. Broadnax announced that Tacoma has been selected to host Film Forward, an international touring program designed to enhance greater cultural understanding, collaboration, and dialogue through film. He noted the festival will begin September 3, 2013 through September 7, 2013

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

Council Member Boe stated there are several events happening this Saturday, including the South Tacoma Classic Car Show from 10:00 a.m. to 4:00 p.m. on South Tacoma Way between South 50<sup>th</sup> and 56<sup>th</sup> Streets; the Stadium Fare Craft Market from 10:00 a.m. to 3:00 p.m. at the First Presbyterian Church; and the Spirit of the Northwest Native American Arts and Market Festival from 10:00 a.m. to 7:00 p.m. at the Washington State History Museum. He then provided a brief update on the Pacific Avenue Streetscape Project.

Council Member Woodards stated the Tacoma NAACP will celebrate its 100<sup>th</sup> anniversary on August 15, 2013.

Council Member Ibsen stated the City is reinvigorating the Tree Coupon Program, in an effort to achieve the 30 percent tree canopy cover goal. He noted coupons will be available to Tacoma residents, each coupon redeemable for up to two trees, from September 2013 through April 2014.

Mayor Strickland noted there will be a Military Parade downtown on August 24, 2013, the concert will be at 5:00 p.m. followed by the parade at 6:00 p.m.

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Council Member Lonergan moved to excuse Deputy Mayor Campbell from the meeting tonight. Seconded by Council Member Woodards. Voice vote was taken and carried. The motion was declared adopted.

On proper motion, the meeting was adjourned at 6:10 p.m.

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MARILYN STRICKLAND, MAYOR

ATTEST: \_\_\_\_\_  
DORIS SORUM, CITY CLERK