



City of Tacoma City Council Minutes

747 Market Street, First Floor, Tacoma WA 98402

City Council Chambers

May 24, 2016

5:00 PM

CALL TO ORDER

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

ROLL CALL

Present: 8 - Blocker, Ibsen, Lonergan, McCarthy, Mello, Thoms, Woodards
and Mayor Strickland

Absent: 1 - Campbell

Council Member Campbell arrived at 5:14 p.m.

FLAG SALUTE

The flag salute was led by Council Member McCarthy.

MOMENT OF SILENCE

ITEMS FILED IN THE OFFICE OF THE CITY CLERK

1. [16-0440](#) Minutes of the Community Vitality and Safety Committee special meeting, March 15, 2016.
2. [16-0461](#) Minutes of the Government Performance and Finance Committee, April 20, 2016.
3. [16-0462](#) Minutes of the Government Performance and Finance Committee, May 4, 2016.
4. [16-0438](#) Minutes of the Human Services Commission, April 13, 2016.
5. [16-0434](#) Minutes of the Infrastructure, Planning, and Sustainability Committee, April 13, 2016.
6. [16-0457](#) Minutes of the Landmarks Preservation Commission, April 27, 2016.
7. [16-0470](#) Minutes of the Planning Commission, May 4, 2016.

8. [16-0452](#) Minutes of the Tacoma Community Redevelopment Authority, April 14, 2016.

CONSENT AGENDA

9. [16-0471](#) Minutes of the City Council study session, May 10, 2016.
10. [16-0466](#) Minutes of the City Council special meeting, February 20, 2016.
11. [16-0467](#) Minutes of the City Council meeting, May 3, 2016.
12. [16-0468](#) Minutes of the City Council meeting, May 10, 2016.
13. [16-0469](#) Minutes of the City Council meeting, May 17, 2016.

RESOLUTIONS

14. [RES39445](#) A resolution authorizing the execution of an Interlocal Agreement with the Yakima Consortium for Regional Public Safety for the installation of software allowing access to the Yakima County jail records database for the purpose of tracking City inmates housed at Yakima County jail facilities.
[Christopher Bacha, Chief Deputy City Attorney; Elizabeth Pauli, City Attorney]

FINAL READING OF ORDINANCES

15. [ORD28354](#) An ordinance vacating the south 125 feet of the alley between Union Avenue and Puget Sound Avenue, north of South 40th Street, to consolidate the properties and facilitate future development.
(Active Investments Co., LLC; File No. 124.1360)
[Phyllis K. Macleod, Hearing Examiner]

MOTION: Deputy Mayor Mello moved to adopt the Consent Agenda, including Resolution No. 39445 and final reading of Ordinance No. 28354.

SECONDED BY: Council Member Woodards.

ACTION: Voice vote was taken and carried to adopt the Consent Agenda, including Resolution No. 39445 and final reading of Ordinance No. 28354. The Consent Agenda was declared adopted.

Ayes: 8 - Blocker, Ibsen, Lonergan, McCarthy, Mello, Thoms, Woodards and Mayor Strickland

Absent: 1 - Campbell

PROCLAMATIONS/RECOGNITIONS/PRESENTATIONS/ANNOUNCEMENTS

16. [16-0450](#) Presentation from State Farm Insurance to Summer Jobs 253.
Ms. Stephanie Jordan and Ms. Wendi Thomas, State Farm Insurance, provided a check for \$20,000 for the Summer Jobs 253 program.

PUBLIC COMMENT

Public Comment began at 5:13 p.m.

Speaking before the City Council:

1. Nick Fediay, citizen, speaking on Ordinance No. 28361.

Council Member Campbell arrived here, at 5:14 p.m.

2. Al Switzer, citizen, speaking on Ordinance No. 28361.
3. Jerry Torrey, citizen, speaking on Ordinance No. 28361.

Public Comment ended at 5:22 p.m.

REGULAR AGENDA

APPOINTMENTS

17. [RES39446](#) A resolution appointing Tony Warfield to the Board of Ethics to fill an unexpired term to expire December 31, 2016.
[Doris Sorum, City Clerk; Elizabeth Pauli, City Attorney]

MOTION: Deputy Mayor Mello moved to adopt Resolution No. 39446.

SECONDED BY: Council Member Woodards.

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

Ayes: 9 - Blocker, Campbell, Ibsen, Lonergan, McCarthy, Mello, Thoms, Woodards and Mayor Strickland

18. [RES39447](#) A resolution revising the appointment of City Council members to various national, state, regional, and local committees, boards, and commissions, including the City Council's standing committees, for the year 2016.
[Doris Sorum, City Clerk; Elizabeth Pauli, City Attorney]

MOTION: Deputy Mayor Mello moved to adopt Resolution No. 39447.

SECONDED BY: Council Member Woodards.

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

Ayes: 9 - Blocker, Campbell, Ibsen, Lonergan, McCarthy, Mello, Thoms, Woodards and Mayor Strickland

PURCHASE RESOLUTIONS

19. [RES39448](#) A resolution awarding a contract to Advanced Broadcast Solutions, LLC, in the amount of \$2,308,759, plus sales tax, budgeted from the Cable TV Fund, for television and audio visual equipment replacement in the City Council Chambers, TV Tacoma studio, remote production truck, and master control center - Specification No. CM16-0181F.
[Jeff Lueders, Cable Communications and Franchise Services Manager; Gwen Schuler, Director, Media and Communications]

MOTION: Deputy Mayor Mello moved to adopt Resolution No. 39448.

SECONDED BY: Council Member Woodards.

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

Ayes: 9 - Blocker, Campbell, Ibsen, Lonergan, McCarthy, Mello, Thoms, Woodards and Mayor Strickland

20. [RES39449](#) A resolution awarding a contract to Owen Equipment Co., in the amount of \$398,915.74, plus sales tax, budgeted from Wastewater Fund, for a five-yard combination jet vacuum sewer cleaner/vactor - Washington State Contract No. 01912.
[Judith Scott, Operation and Maintenance Division Manager; Michael P. Slevin III, P.E., Director, Environmental Services]

MOTION: Deputy Mayor Mello moved to adopt Resolution No. 39449.

SECONDED BY: Council Member Woodards.

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

Ayes: 9 - Blocker, Campbell, Ibsen, Lonergan, McCarthy, Mello, Thoms, Woodards and Mayor Strickland

21. [RES39450](#) A resolution awarding a contract to OSW Equipment & Repair Inc., in the amount of \$468,760, plus sales tax, budgeted from the Fleet Equipment Rental Fund, for five steel taper side dump bodies, two steel three-axle pup trailers, and related modifications - Specification No. GF16-0153F.
[Justin E. Davis, Facilities Division Manager;
Kurtis D. Kingsolver, P.E., Director, Public Works]

MOTION: Deputy Mayor Mello moved to adopt Resolution No. 39450.

SECONDED BY: Council Member Woodards.

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

Ayes: 9 - Blocker, Campbell, Ibsen, Lonergan, McCarthy, Mello, Thoms, Woodards and Mayor Strickland

22. [RES39451](#) A resolution authorizing an increase to the contract with Tye Miller, Inc., dba T. Miller Construction, in the amount of \$5,207.54, plus sales tax, for a cumulative total of \$409,450.05, budgeted from the Capital Projects REET Fund, for additional project improvements with the construction of the Chinese Reconciliation Park Phase III - Specification No. PW14-0675F.
[Chris E. Larson, P.E., Engineering Division Manager;
Kurtis D. Kingsolver, P.E., Director, Public Works]

MOTION: Deputy Mayor Mello moved to adopt Resolution No. 39451.

SECONDED BY: Council Member Woodards.

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

Ayes: 9 - Blocker, Campbell, Ibsen, Lonergan, McCarthy, Mello, Thoms, Woodards and Mayor Strickland

23. [RES39452](#) A resolution authorizing an increase to the contract with Green Earthworks Construction, Inc., in the amount of \$100,000, sales tax not applicable, for a cumulative total of \$300,000, budgeted from the Dangerous Building Fund, for nuisance abatement services - Specification No. NC15-0182F.
[Nadia Chandler Hardy, Director, Neighborhood and Community Services]

MOTION: Deputy Mayor Mello moved to adopt Resolution No. 39452.

SECONDED BY: Council Member Woodards.

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

Ayes: 9 - Blocker, Campbell, Ibsen, Lonergan, McCarthy, Mello, Thoms, Woodards and Mayor Strickland

24. [RES39453](#) A resolution authorizing an increase to the contract with KONE Inc., in the amount of \$1,523,600.00, plus sales tax, plus a 10 percent contingency, for a cumulative total of \$1,832,601.30, budgeted from the Municipal Building Acquisition and Operations Fund, for elevator preventative and routine maintenance at various facilities and updating the Municipal Building elevators - U.S. Communities Contract No. 201414653.
[Justin E. Davis, Facilities Division Manager;
Kurtis D. Kingsolver, P.E., Director, Public Works]

MOTION: Deputy Mayor Mello moved to adopt Resolution No. 39453.

SECONDED BY: Council Member Woodards.

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

Ayes: 9 - Blocker, Campbell, Ibsen, Lonergan, McCarthy, Mello, Thoms, Woodards and Mayor Strickland

25. [RES39454](#) A resolution authorizing an increase to the contract with 3MW Studio LLP, dba 3 Square Blocks, LLP, in the amount of \$66,208.46, sales tax not applicable, for a cumulative total of \$308,798.46, budgeted from the NEP Watershed Grant and Miscellaneous Planning Grants, to provide additional assistance in the development of the Tacoma Mall Subarea Plan and Environmental Impact Statement through June 30, 2017 - Specification No. PL14-0428F.
[Brian Boudet, Planning Division Manager;
Peter Huffman, Director, Planning and Development Services]

MOTION: Deputy Mayor Mello moved to adopt Resolution No. 39454.

SECONDED BY: Council Member Woodards.

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

Ayes: 9 - Blocker, Campbell, Ibsen, Lonergan, McCarthy, Mello, Thoms, Woodards and Mayor Strickland

PUBLIC HEARINGS AND APPEALS

28. [16-0435](#) This is the date set for a public hearing by the City Council on the proposed Six-Year Comprehensive Transportation Improvement Program amended for the years 2015-2016 and 2017-2022.
[Jennifer Kammerzell, Senior Engineer; Kurtis D. Kingsolver, P.E., Director, Public Works]

The public hearing began at 5:30 p.m.

No one came forward to address the City Council.

The public hearing ended at 5:42 p.m.

FINAL READING OF ORDINANCES

26. [ORD28361](#) An ordinance amending Chapter 8.30 of the Municipal Code, relating to public nuisances, and Title 13, entitled "Land Use Regulatory Code", relating to marijuana use regulations, and terminating the temporary moratorium concerning the production, processing, researching and retail sale of marijuana.
[Brian Boudet, Planning Division Manager;
Peter Huffman, Director, Planning and Development Services]

MOTION: Council Member Thoms moved to amend Ordinance No. 28361, Exhibit B, page 3, section 13.06.565.C.11, by adding a new subsection "D" to read as follows: "Marijuana retail uses shall be dispersed within a minimum of 1,000 feet from each other." and renumbering the remaining portions of the subsection as necessary.

SECONDED BY: Deputy Mayor Mello.

Mayor Strickland allowed Public Comment on the motion because the changes were substantive.

Speaking before the City Council:

1. Nick Fediay, citizen.

ACTION: Voice vote was taken and failed. The motion was declared failed.

Ayes: 2 - Lonergan and Thoms

Nays: 7 - Blocker, Campbell, Ibsen, McCarthy, Mello, Woodards and Mayor Strickland

Mayor Strickland and Council Member Thoms discussed the intent of the next amendment is to have a 1,000 foot buffer around sensitive use areas and a 500 foot buffer in the downtown area.

MOTION: Council Member Thoms moved to to amend Ordinance No. 28361, Exhibit B, page 2, Section 13.06.565.C.11, to modify the proposed subsection "A" to read as follows: "as provided in RCW 69.05.331 and WAC 314-55-050, marijuana uses shall not be allowed to locate within 1,000 feet of elementary schools, secondary schools, playgrounds, public parks, recreation/community centers, libraries, child care centers, schools, game arcades, and public transit centers. For purposes of this standard these uses are as defined in WAC 314-55."

Council Member Thoms further moved to add to proposed subsection "B" before the word marijuana provided that within the downtown area and modify proposed subsection "C" to read as follows: "marijuana retail uses shall not be allowed to locate within 1,000 feet of correctional facilities, court houses, drug rehabilitation facilities, substance abuse facilities, and detoxification centers." and renumber the remaining portions of this subsection as necessary.

SECONDED BY: Deputy Mayor Mello.

City Attorney Elizabeth Pauli clarified that the amendment would keep subsection "A" in full and places a 500 foot buffer for the downtown area.

Mayor Strickland stated the amendment could be that the City Council will adopt the staff recommendation when it comes to buffers.

Council Member Thoms confirmed that was the intent of his amendment.

Discussion ensued regarding the staff recommendations and buffers.

Deputy Mayor Mello clarified that the amendment before the City Council is to have a 1,000 foot buffer around sensitive use areas, a 500 foot buffer in the downtown area, and a 100 foot buffer around transit centers.

Discussion ensued regarding the amendment.

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

Ayes: 9 - Blocker, Campbell, Ibsen, Lonergan, McCarthy, Mello, Thoms, Woodards and Mayor Strickland

ACTION: Roll call vote was taken on Ordinance No. 28361.

The Ordinance, as amended, was declared passed by the following vote:

Ayes: 9 - Blocker, Campbell, Ibsen, Lonergan, McCarthy, Mello, Thoms, Woodards and Mayor Strickland

FIRST READING OF ORDINANCES

27. [ORD28362](#) An ordinance to improve, update and streamline the Municipal Code by amending Chapter 1.22, relating to police courts; and by repealing the following Chapters: Chapter 1.80, relating to the Youth Building Tacoma Training and Employment Program; Chapter 2.15, relating to the Weights and Measures Code; Chapter 8.26, relating to Medicines and Drugs, Samples; Chapter 8.48, relating to Slot and Pinball Machines; Chapter 9.1, relating to Railroad Trains; Chapter 9.28, relating to Pedestrian Mall; Chapter 12.12, relating to Transit System Rates, Fares and Charges; and repealing Title 15, entitled Airports.
[Christopher Bacha, Chief Deputy City Attorney; Elizabeth Pauli, City Attorney]

ACTION: Ordinance No. 28362 was set over for final reading on June 7, 2016.

PUBLIC HEARINGS AND APPEALS

The public hearing was held earlier in the meeting.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS BY THE CITY MANAGER

There was no report.

COMMENTS AND COMMITTEE REPORTS OF THE CITY COUNCIL

Community Vitality and Safety Committee

There was no report.

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Council Member Ibsen provided information on the Mason Gulch Public Workshop on Wednesday, May 25, 2016, at the Center for Urban Waters, located at 326 East D Street, at 6:00 p.m.

Council Member Campbell provided information on a community cleanup event on Saturday, June 4, 2016, for the Dometop, First Creek, and West McKinley neighborhoods at the Tacoma Dome parking lot, located at 2727 East D Street.

Mayor Strickland announced that the City Council business meeting and study session on Tuesday, May 31, 2016 have been cancelled.

ADJOURNMENT

On proper motion, the meeting was adjourned at 6:46 p.m.

Marilyn Strickland, Mayor

Doris Sorum, City Clerk