



City Council Study Session Minutes

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Tacoma Municipal Building North, Room 16, 733 Market Street, Tacoma, Washington 98402

July 23, 2013

Mayor Strickland called the study session to order at 12:07 p.m.

Council Members Present: 8 – Boe, Campbell, Ibsen, Lonergan, Mello, Walker, Woodards, and Mayor Strickland.

Council Members Absent: 1 – Thoms (arrived at 12:18 p.m.)

Mayor Strickland announced the first study session topic is City construction projects and the draft Six-Year Transportation Program. Chris Larson, Public Works, and Geoff Smyth, Environmental Services, reviewed City construction projects, including coordination and communication, the status of 2012 projects, 2013 project updates, grant funding, and 2013 capital improvement projects. Discussion ensued regarding the geographic distribution of construction projects, and the Flett Pump Station capital improvement project.

Council Member Thoms arrived here, at 12:18 p.m.

Mr. Larson and Mr. Smyth reviewed proposed 2014 projects and provided an update on the draft Six-Year Transportation Program. Discussion ensued regarding grant funding for construction projects and whether the City is required to match at least a portion of the funds, and the construction project map. Mayor Strickland noted Council Members did not receive the list of projects referenced earlier in the presentation.

Mayor Strickland asked for other items of interest. City Manager T.C. Broadnax stated a memo was given to Council with responses to questions arising from information presented at the July 16, 2013 Committee of the Whole meeting regarding Resolution No. 38700, relating to the proposed 2% Earnings Tax on utility companies for street improvements. He then provided background information for the resolution and Proposition No. 1, including how long the City has been evaluating a possible transportation funding measure. Mr. Broadnax reviewed the proposed language for Proposition No. 1, noting it ensures funds would be applied solely to street improvements and the timeline for the ballot measure if Resolution No. 38700 is approved at tonight's Council meeting. He then reviewed responses to three questions relating to Proposition No. 1, including whether it applies to Click! cable television and utility customers located outside the City of Tacoma, and how much it will cost the City to put the measure on the ballot.

City Attorney Elizabeth Pauli stated there will be a substitute at tonight's Council meeting for Resolution No. 38700, relating to the proposed ballot title language. She

then stated Washington State law requires the City Attorney draft the ballot title with a clear and concise description of the matter, and noted some comments were received that suggested the language was not clear. She then stated the word “natural” was added in front of the word “gas” and the word “of” was removed to stay within the word count. Council Member Boe suggested replacing “would” with “will” in the first line.

Ms. Pauli stated if Council votes tonight to forward this item to a vote of the people, state law prohibits the use of a City facility, directly or indirectly, for the purpose of promotion or opposition of any ballot proposition. She then reviewed the following three exceptions to the rule:

- Council is authorized to take action at a public meeting expressing support or opposition to ballot propositions;
- Elected Officials can make statements in support of or opposition to ballot propositions at open press conferences or in response to a specific inquiry; and
- Staff is allowed to continue activities that are part of the regular and normal conduct of City business.

Ms. Pauli encouraged Council Members and staff to consult with the City Attorney’s Office if they are unsure whether an activity is part of the regular conduct of the City. Discussion ensued regarding the types of activities considered regular and normal conduct of City business. Mayor Strickland noted the amount of groups and stakeholders involved in the task force discussion, and that other cities in Washington State have received voter approval to increase utility taxes above six percent for specific purposes. Discussion ensued regarding the amount and funding source of money spent on street improvement projects, the proposed ballot title verbiage, and projects that could be completed with additional funding. Mayor Strickland stated an approval of Resolution No. 38700 tonight does not approve the tax increase, it only forwards the item to a vote of the people.

Discussion continued regarding Proposition No. 1, including the voted bond capacity, the amount of money allocated for the Streets Special Revenue Fund, the order in which street improvement projects will be completed, the deadline for appointing “For” and “Against” Committee members, how Tacoma Power’s rates compared to other utilities in the region and the impact to residential customers, the process for setting Tacoma Public Utility rates, and whether other municipalities can levy a tax on public utilities operating within their jurisdiction. Council Member Lonergan suggested Council Members consider making a commitment to maintain the current level of funding for street improvements, and stated the response to question number 13 in the memo provided is inadequate, and he will rephrase and resubmit the question to staff.

Mayor Strickland called upon Mr. Broadnax for a review of tonight’s Council agenda. Mr. Broadnax recommended, due to the amount of public comment that may be generated, that Interim Public Works Director Kurtis Kingsolver present information regarding Resolution No. 38700 during the Proclamations, Recognitions, and

Presentations portion of tonight's Council meeting. He then stated there will be a substitute for Resolution No. 38700 relating to the proposed ballot title language.

Deputy Mayor Campbell moved to convene to Executive Session pursuant to RCW 42.30.110(1)(i) to discuss potential litigation, the session not to exceed 15 minutes. Seconded by Council Member Lonergan. Voice vote was taken and carried. The motion was declared adopted.

The Council convened to Executive Session at 1:40 p.m. City Attorney Elizabeth Pauli, Chief Deputy City Attorney Bill Fosbre, and Deputy City Attorney Jeff Capell were present.

The Executive Session concluded and the study session reconvened at 1:55 p.m.

There being no further business, the study session was adjourned at 1:55 p.m.

MARILYN STRICKLAND, MAYOR

ATTEST: _____
DORIS SORUM, CITY CLERK