CITY COUNCIL MINUTES

City Council Chambers March 20, 1990

The meeting was called to order at 5:06 p.m.

Present on roll call: 9 - Evans, McElliott, Miller, Moss, Mykland, Nielsen, Stenger, Warnick, and Mayor Vialle.

The Flag Salute was led by Council Member Mykland.

CONSENT AGENDA

RESOLUTIONS:

Resolution No. 30802

Setting Monday, April 9, 1990, at 5:00 p.m. as the date for a hearing by the Hearing Examiner on L.I.D. No. 8538 for the placement of permanent pavement with storm drains on Portland Avenue from East 11th Street north approximately 1,530 feet.

Resolution No. 30803

Setting Monday, April 9, 1990, at 5:00 p.m. as the date for a hearing by the Hearing Examiner on L.I.D. No. 5687 for the installation of water mains and fire hydrants in 128th Street East from 67th Avenue East to 68th Avenue Court East and in 67th Avenue East from 125th Street Court East to 128th Street East and in 125th Street Court East from 67th Avenue East approximately 340 feet east.

Resolution No. 30804

Setting Tuesday, April 3, 1990, at approximately 5:30 p.m. as the date for a public hearing by the City Council on the "Draft 6th Avenue Design Plan."

Resolution No. 30805

Setting Tuesday, March 27, 1990, at approximately 5:30 p.m. as the date for a public hearing by the City Council on the request of the Economic Development Corporation of Pierce County to approve the issuance of industrial revenue bonds in the amount of \$7,000,000.00 to Brown & Haley for the acquisition, construction and equipping of a new industrial facility at 100 East 26th Street.

Resolution No. 30806

Setting Tuesday, April 3, 1990, at approximately 5:30 p.m. as the date for a public hearing by the City Council to consider the 1990-91 Proposed Statement of Community Development Objectives and Projected Use of Funds for the Sixteenth Year Community Development Block Grant Program.

ASSESSMENT ROLLS:

The Director of Public Utilities presents the Assessment Rolls for the following:

L.I.D. No. 5677 for the construction of a water main in Canyon Road from 128th Street East to 192nd Street East, 192nd Street East from Canyon Road to approximately 1,200 feet west (Unit A) and within the 23rd Lot Plat of Frederickson Industrial Park (Unit B).

Setting Monday, April 23, 1990, at 5:00 p.m. as the date for a hearing by the Hearing Examiner.

<u>L.I.D. No. 5683</u> for the construction of a water main in East "M" Street from East 34th Street to the alley north of East 32nd Street.

Setting Monday, April 23, 1990, at 5:00 p.m. as the date for a hearing by the Hearing Examiner.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearing Examiner Agenda for Tuesday, March 20, 1990.
- b. Minutes of the meeting of the Tacoma Planning Commission, February, 21, 1990.
- c. Corrected minutes of the meeting of the Urban Waterfront Committee, January 31, 1990.
- d. Minutes of the meeting of the Hilltop Area Task Force, February 12, 1990.
- e. Minutes of the meeting of the Municipal Authority, February 22, 1990.
- f. Tacoma-Pierce County Humane Society Total Service Delivery for January 1990.

Council Member Moss moved that the Consent Agenda, including Resolution Nos. 30802, 30803, 30804, 30805, and 30806, be approved. Seconded by Deputy Mayor Stenger. Voice vote was taken and carried. The Consent Agenda was declared approved.

REGULAR AGENDA

ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS:

Presentation of Suggestion Awards.

Mayor Vialle presented a certificate and a check to Mr. John Bronow of the Public Works Department for his suggestion concerning the method of the evening debris cleanup of the resource recovery plant.

Mayor Vialle proclaimed the month of April 1990 to be "Census Month" and presented the proclamation to Ms. Virginia Taylor, liaison of the 1990 Census.

Mayor Vialle presented a proclamation to Mr. Irwin Krigsman, Principal of Wilson High School and to Coach Chris Meyer and the Wilson High School Swim Team and extended the expression of pride of the City for their accomplishments in winning the Washington State Swim Championship.

COMMUNICATIONS:

Hearing Examiner submitting Shoreline Management Substantial Development Permit No. 141.463 to allow the development of a transient moorage facility with a floating breakwater on the north side of Ruston Way at McCarver Street extended (Old Town Dock). (Planning Department; File No. 141.463)

Mayor Vialle moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Moss. Roll call vote was taken, resulting as follows: Ayes: 9 - Evans, McElliott, Miller, Moss, Mykland, Nielsen, Stenger, Warnick, and Mayor Vialle. Nays: 0. The motion was declared adopted.

Mayor Vialle announced that public hearing "b" which is on amendments to the "Generalized Land Use Plan" regarding interim policies to be used when considering requests for reclassification of vacant "R-1" or "R-2" One-Family Districts had been canceled and a resolution would be considered later in the agenda to remand this matter to the Planning Commission.

FINAL READING OF ORDINANCES:

Ordinance No. 24413

Vacating a portion of North 11th Street between Jackson Avenue and Cascade Avenue, northerly of SR-16 to combine the vacated area with the abutting properties for driveway and yard purposes. (Arthur Decaro and Edward Cuzzetto; File No. 124.881A)

Roll call vote was taken, resulting as follows:

Ayes: 9 - Evans, McElliott, Miller, Moss, Mykland, Nielsen, Stenger, Warnick, and Mayor Vialle.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 24581

Amending the Fire Code and Supplementary Life Safety Code by repealing and reenacting Chapter 3.02 and amending Section 3.05.040 of the Official Code; and adopting the 1988 Edition of the Uniform Fire Code.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Evans, McElliott, Miller, Moss, Mykland, Nielsen, Stenger, Warnick, and Mayor Vialle.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 24582

Amending Chapter 7.20 of the Official Code relating to permit requirements for residential alarm systems to provide an avenue for appeals.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Evans, McElliott, Miller, Moss, Mykland, Nielsen, Stenger, Warnick, and Mayor Vialle.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 24583

Amending Chapter 11.04 of the Official Code to require motorists to carry proof of vehicle insurance.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Evans, McElliott, Miller, Moss, Mykland, Nielsen, Stenger, Warnick, and Mayor Vialle.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 24584

Amending Chapter 12.06 of the Official Code to implement an electric rate adjustment effective April 2, 1990.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Evans, Miller, Moss, Mykland, Nielsen, Stenger, Warnick, and Mayor Vialle.

Nays: 1 - McElliott.

The Ordinance was declared passed.

Ordinance No. 24585

Providing for the levy of the third year assessment for the Downtown Business Improvement Area; approving the BIA annual budget and work program; and appropriating \$589,861.00 for the purposes, project activities, and services approved for the third annual period.

Council Member Miller announced that he would abstain from consideration of this matter and left the Council Chambers.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Evans, McElliott, Moss, Mykland, Nielsen, Stenger, Warnick, and Mayor Vialle.

Nays: 0.

Abstaining: 1 - Miller.

The Ordinance was declared passed.

Ordinance No. 24586

Accepting \$5,000.00 from Puget Sound Bank; depositing said sum in the Miscellaneous Grants Summary Fund; transferring \$5,000.00 from the General Fund to the Miscellaneous Grants Summary Fund; appropriating \$10,000.00 from the Miscellaneous Grants Summary Fund; and authorizing the execution of an agreement with the Tacoma Philharmonic for the April 11, 1990 concert featuring cellist Yo Yo Ma and Jeffrey Kahane.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Evans, McElliott, Miller, Moss, Mykland, Nielsen, Stenger, Warnick, and Mayor Vialle.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 24587

Accepting \$5,000.00 from the Forrest Foundation; depositing said sum in the Miscellaneous Grants Summary Fund; transferring \$5,000.00 from the General Fund to the Miscellaneous Grants Summary Fund; appropriating \$10,000.00 from the Miscellaneous Grants Summary Fund; and authorizing the execution of an agreement with the Tacoma Youth Symphony for the production of Hansel and Gretel.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Evans, McElliott, Miller, Moss, Mykland, Nielsen, Stenger, Warnick, and Mayor Vialle.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 24589

Amending the agreement with the Puyallup Indian Tribe and other government parties; authorizing the expenditure of an additional \$352,000.00 from the Sewer Utility for the relocation of a sewer line and an additional \$958,000.00 from the Water Division of the Public Utilities for the relocation of a water line in the vicinity of the Blair Waterway to accommodate the development of lands being given to the Puyallup Indian Tribe; and declaring an emergency making necessary the passage of this ordinance.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Evans, McElliott, Miller, Moss, Mykland, Nielsen, Stenger, Warnick, and Mayor Vialle.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 24590

Providing for the formation of L.I.D. No. 5694 for the installation of water mains and fire hydrants in 144th Street East, 134th Avenue East, 154th Street East, 133rd Avenue East and the proposed plat of Grandridge.

Roll call vote was taken, resulting as follows:

Ayes: 6 - Evans, Miller, Moss, Nielsen, Stenger, and Warnick.

Nays: 3 - McElliott, Mykland, and Mayor Vialle.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 24588 (Continued from the meeting of March 13, 1990.)

Transferring \$5,000.00 from the Contingency Fund to the General Fund; and appropriating said sum for the grand reopening celebration of the Main Branch of the Tacoma Public Library and declaring an emergency making necessary the passage of this ordinance.

The Ordinance was set over for final reading next week.

PUBLIC HEARINGS AND APPEALS: (Began at 5:30 p.m.)

a. This is the date set for a public hearing by the City Council to consider amendments to Chapter 13.06 of the Official Code regarding the regulations for Day Care Centers and Family Day Care Homes.

Tom Dolan, Planning Department, made a presentation to the Council on the proposed amendments.

Mayor Vialle called for public testimony:

Speaking to the Council was:

Stu Tursky

920 North Mason

There being no further testimony, Mayor Vialle declared the public hearing closed at 5:41 p.m.

b. This is the date set for a public hearing by the City Council on the amendments to the "Generalized Land Use Plan" regarding interim policies to be used when considering requests for reclassification of vacant "R-1" or "R-2" One-Family Dwelling Districts.

Mayor Vialle stated that this public hearing has been cancelled. She also stated a resolution to remand the matter to the Planning Commission would be considered by Council later in the meeting.

Ordinance No. 24591

Amending Chapter 13.06 of the Official Code to reclassify the property located on the west side of South Puget Sound Avenue north of South 76th Street from a

"R-2" One-Family Dwelling District to a "C-2" Commercial District to allow the expansion of a retail auto sales lot. (Robert L. Larson; File No. 120.1294)

Council Member Nielsen moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Deputy Mayor Stenger. Voice vote was taken and carried, with Council Member Mykland voting nay. Voice vote was taken and carried. The motion was declared adopted.

Final reading of the Ordinance was set over to a date to be determined.

Ordinance No. 24592

Vacating a portion of the alley between South Tacoma Way and Puget Sound Avenue south of South 74th Street to combine the vacated alley right-of-way with the abutting properties in order to expand an existing automobile sales lot. (Robert L. Larson; File No. 120.902)

Council Member Moss moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Miller. Voice vote was taken and carried, with Council Member McElliott and Council Member Mykland voting nay. The motion was declared adopted.

Final reading of the Ordinance was set over to a date to be determined.

Ordinance No. 24593

Authorizing the execution of an amendment to the agreement with McKeever/Morris, Inc. in the amount of \$5,000.00 for tasks associated with Phase IV of the Tacoma Solar Access Project; transferring \$5,000.00 from the General Fund to the Miscellaneous Grants Summary Fund; and appropriating \$5,000.00 for said purpose.

The Ordinance was set over for final reading next week.

Ordinance No. 24594

Creating and establishing the Cumulative Reserve-Pantages Centre Fund to be used for the replacement and repair of equipment at the Pantages Centre.

The Ordinance was set over for final reading next week.

Ordinance No. 24595

Accepting donations totaling \$2,678.00 from various firms and individuals; and depositing in and appropriating said sum from the Miscellaneous Trust Summary Fund for expenses associated with the Police Department DARE Program.

The Ordinance was set over for final reading next week.

Ordinance No. 24596

Accepting \$5,000.00 from the Seattle Organizing Committee; depositing said sum in the Miscellaneous Grants Summary Fund; transferring \$5,000.00 from the General Fund to the Miscellaneous Grants Summary Fund; appropriating \$10,000.00 from the Miscellaneous Grants Summary Fund; and authorizing the execution of an agreement with the Tacoma Art Museum for the exhibition of "Between Spring and Summer."

The Ordinance was set over for final reading next week.

Ordinance No. 24597

Accepting \$5,000.00 from the US West Foundation; depositing said sum in the Miscellaneous Grants Summary Fund; transferring \$5,000.00 from the General Fund to the Miscellaneous Grants Summary Fund; appropriating \$10,000.00 from the Miscellaneous Grants Summary Fund; and authorizing an agreement with the Tacoma Symphony for a concert featuring pianist Cecil Licad.

The Ordinance was set over for final reading next week.

RESOLUTIONS:

Resolution No. 30799

Authorizing the execution of a lease agreement with the Unlimited Hydroplane Hall of Fame and Museum for the lease and development of the Municipal Dock Building and other City property in the vicinity of 1131-1137 Dock Street.

Deputy Mayor Stenger moved that the Resolution be adopted. Seconded by Council Member Warnick.

Speaking to the Council was:

Bob Williams

Unlimited Hydroplane Hall of Fame and Museum

Council Member Miller moved to amend the lease agreement by substituting pages 2, 8, 9, 18 and 22. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

Council Member Evans moved that Paragraph II be amended to read as follows:

The total term of this lease shall not be greater than 30 years. There shall be an initial term of two years, a subsequent term of three years, and five consecutive five-year terms thereafter. The renewal of this

Lease beyond the initial two-year term will be contingent upon the Museum's having secured funding sufficient to perform all construction and operation of the Museum for the entire lease term and options contained herein. Said funding shall be obtained and in place, together with satisfactory insurance and construction performance bonds required by Paragraph VI.4 and insurance required by Paragraph XVIII. Renewal of the second term, of three years, will be contingent upon satisfactory completion of the proposed construction. Each renewal term will be subject to performance by Museum under the terms and conditions of this Lease.

Seconded by Council Member Moss.

Voice vote was taken and the motion failed.

Council Member Evans moved that Paragraph III.2 be amended to read as follows:

Right of Access to Property. During the initial two-year term, the Museum shall have a non-exclusive right to have access to any part of the Premises and those properties where construction or development is contemplated at all reasonable times for the purpose of obtaining data and making various tests concerning the property necessary to carry out this Agreement; provided that the Museum shall not store any property, equipment, or materials in the Municipal Dock Building until an automatic sprinkler system has been installed and approved by the Tacoma Fire Department.

Seconded by Council Member McElliott.

After discussion and assurances that the sprinkler system would be in place prior to storage in the building, Council Member Evans withdrew his motion. Council Member McElliott concurred with the withdrawal of the motion.

The motion was withdrawn.

Council Member Evans moved that the parking lots described as Parcels "C," "B," and "E" be stricken from Paragraph I, GRANT OF LEASE, which describes the leased premises, and made available to the Lessee by separate permit under reasonable terms and conditions.

The motion died for lack of a second.

Deputy Mayor Stenger moved to approve the lease as amended. Seconded by Council Member Warnick.

Speaking to the Council was:

Ken Bailey

Foss High School student/Tacoma Youth Initiative

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

Speaking to the Council were:

Hank Hibbard

Vice Commodore, Sea Scouts

David Brubaker

President, Brubaker & Associates

Voice vote was taken on the Resolution. The Resolution was declared adopted.

Purchase Resolution No. 30807

Awarding contracts to:

 Tap's Janitorial Service, on their bid of \$12,600.00 for landfill office janitorial service - Specification No. G-022-90;

 Kaplan Paper Company, in the amount of \$13,000.00 to increase their contract for yearly supply of bond paper - Specification No. G-008-89;

 Bill's Towing, in the amount of \$39,605.00 to increase their contract for towing services north zone - Specification No. G-023-89;

4. Burn's Towing, in the amount of \$38,933.00 to increase their contract for towing services south zone - Specification No. G-022-89;

 Digital Equipment Corporation, in the amount of \$23,295.55 for Police Computer Equipment - Sole Source;

6. Utility Services Company, Inc., in the amount of \$41,802.22 for pump repairs at Cleveland Way Pump Station - Emergency Purchase Order No. E-37521:

7. Clover Park Vocational Institute, in the amount of \$5,600.00, Plants Northwest, in the amount of \$3,840.00, Emerald Turf, in the amount of \$3,200.00, Furney Nursery, in the amount of \$2,023.00, Buckley Tree Nursery, in the amount of \$1,493.00, Landscape Bark, in the amount of \$520.00, and Teufel Nursery, in the amount of \$464.00 for Goodwill Games landscaping at Cheney Stadium — Single Source; and

 Rejecting all bids for Fire Department Pumper Trucks - Specification No. G-092-89.

Council Member Moss moved that the Purchase Resolution be adopted, including waiving the formal bidding procedures on Item Nos. 5, 6 and 7. Seconded by Council Member Warnick.

Voice vote was taken and carried on the Purchase Resolution. The Purchase Resolution was declared adopted.

Resolution No. 30808

Authorizing the execution of a lease agreement with Ken and Gail Wheeler for the rental of the house at the Tacoma Narrows Airport.

Council Member Mykland moved that the Resolution be adopted. Seconded by Council Member Nielsen. Voice vote was taken and carried. The Resolution was declared adopted.

Resolution No. 30809

Authorizing the execution of Amendment No. 6 to the agreement with Parametrix, Inc., to report and summarize performance testing for all major components of the Deepwater Outfall from the Central Treatment Plant.

Council Member Mykland moved that the Resolution be adopted. Seconded by Council Member Nielsen. Voice vote was taken and carried. The Resolution was declared adopted.

Resolution No. 30810

Authorizing the extension of the agreement with the Downtown Local Development Council to provide for the administration of the Business Improvement Area from May 1, 1990, through April 30, 1991.

Council Member Miller announced that he would abstain from consideration of this matter and left the Council Chambers.

Council Member Mykland moved that the Resolution be adopted. Seconded by Deputy Mayor Stenger. Voice vote was taken and carried, with Council Member Miller abstaining. The Resolution was declared adopted.

Resolution No. 30811

Authorizing the execution of final escrow instructions for the disposition of funds and property involved in the Puyallup Indian Tribe settlement.

Council Member Mykland moved that the Resolution be adopted. Seconded by Mayor Vialle. Voice vote was taken and carried. The Resolution was declared adopted.

Resolution No. 30812

Authorizing the execution of an amendment to the NPP Agreement with the Municipal Authority to increase the funding allocation by \$40,000.00 for a loan related to the completion of 22 residential units at 1932-36 Pacific Avenue.

Mayor Vialle moved that the Resolution be adopted. Seconded by Council Member Mykland. Voice vote was taken and carried. The Resolution was declared adopted.

Resolution No. 30813

Authorizing the extension of the due date for \$2,285,134.00 of interfund loans to the Tacoma Union Station Renovation Fund from the UDAG Grant Trust Fund, the General Fund, the Arterial Street Fund, and the Cumulative Reserve for Replacement of Fire Equipment Fund to April 30, 1990.

Council Member Mykland moved that the Resolution be adopted. Seconded by Council Member Warnick. Voice vote was taken and carried. The Resolution was declared adopted.

Resolution No. 30814

Adopting interim policies protecting existing and future single-family areas to be used by the Hearing Examiner and the City Council when considering reclassification requests for vacant "R-1" or "R-2" One-Family Dwelling Districts through December 31, 1990 and directing a review of the Generalized Land Use Plan.

Council Member Mykland moved to suspend the rules to consider Substitute Resolution No. 30814. Seconded by Mayor Vialle. Voice vote was taken and carried. The motion was declared adopted.

Council Member Mykland moved that the Substitute Resolution be adopted. Seconded by Mayor Vialle.

Council Member Mykland read the amended portion of Substitute Resolution No. 30814 into the record: Line 18:... amending the Generalized Land Use Plan adopted by Resolution No. 26395, are remanded to the Tacoma Planning Commission, and the Commission is directed to hold a public hearing on these policies and to have a recommendation to the City Council by May 15, 1990.

BE IT FURTHER RESOLVED that the Planning Commission is directed to review the Generalized Land Use Plan to determine the suitability and adequacy of the plan to maintain the low density residential character of the city and to protect its single-family areas from being adversely impacted by multi-family and other development.

Voice vote was taken and carried. The Substitute Resolution was declared adopted.

Resolution No. 30815

Requesting the Washington State Housing Finance Commission to designate the Hilltop-Upper Tacoma Area as a targeted area for the Single Family Home Ownership Program; and expressing the intent of the City to support the program with Neighborhood Preservation Program funds.

Mayor Vialle moved that the Resolution be adopted. Seconded by Council Member Evans.

Speaking to the Council was:

Bill Smitherman

Washington State Senator

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

REPORTS BY CITY MANAGER:

Ray E. Corpuz, Jr., City Manager, requested an Executive Session to discuss litigation and property acquisition.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Deputy Mayor Stenger stated that Council had received a letter dated March 14, 1990 from Lee Cameron regarding the Cultural Marketing Program of the Visitor and Convention Bureau. He requested a shift of Five Thousand Seven Hundred Dollars (\$5,700) in funding from the Heritage Tours Brochure to the Visitor's Guide to the Arts. He requested staff prepare a motion or resolution to accomplish this.

Mayor Vialle moved that the City Attorney be directed to review the Code of Ethics for applicability to City advisory boards, committees, and commissions, and to draft new provisions, if necessary, which apply to such boards, committees and commissions. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

Mayor Vialle moved that Council Member Paul Miller be appointed as the designated Council Member to assist the Mayor in securing the governmental funding for the Broadway Theatre District and that he be added to the Broadway Theatre District Task Force. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

Mayor Vialle moved to recess to Executive Session to discuss litigation and property acquisition, the session not to exceed 30 minutes. Seconded by Deputy Mayor Stenger. Voice vote was taken and carried. The motion was declared adopted.

Council recessed to Executive Session at 7:43 p.m.

At 8:11 p.m., Deputy Mayor Stenger re-entered the Council Chambers and stated the Council would continue in Executive Session for an additional 20 minutes.

Council reconvened at 8:25 p.m.

Mayor Vialle moved that the proper officers of the City of Tacoma be authorized and directed to settle the case of <u>DeAnn Lancaster v. City of Tacoma</u>, Pierce County Cause No. 86-2-05096-1. This case is to be settled on the basis discussed in executive session, and is a structured settlement having a present value of approximately \$176,703. Also, that the lawsuit with Pierce County filed in Thurston County for distribution of tax proceeds be settled for fifty percent (50%) of the amount claimed or \$48,000.

Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

On proper motion, the meeting was adjourned at 8:28 p.m.

ATTEST;

ENELLE BIRK, CITY CLERK

WPC.0658G.