

CITY COUNCIL MINUTES

City Council Chambers
September 27, 1988

The meeting was called to order at 5:07 p.m.

Present on roll call: 9 - Hyde, McElliott, Moss, Mykland, Nielsen, Stenger, Vialle, Warrick, and Mayor Sutherland.

The Flag Salute was led by Deputy Mayor Hyde.

CONSENT AGENDA

Approval of the minutes of the regular meeting of September 20, 1988.

RESOLUTIONS:

Resolution No. 30174

Authorizing the submission of a grant application to the Washington State Department of Ecology for \$98,356.00 to upgrade and expand the Recycling Center at the City of Tacoma Landfill.

APPEALS:

Century 21 Prudential Realty, Inc., appealing Audit-Assessment Notice No. AD 5675 by the Department of Tax and License.

Setting Thursday, December 29, 1988 at 9:00 a.m. as the date for hearing by the Hearings Examiner.

HSLA Development Corporation, appealing the decision of the Hearings Examiner relative to Conditions E, F, and G of the site plan modifications for Northshore Division II. (HSLA Development Corporation; File No. 127.238)

Setting Tuesday, October 18, 1988 at approximately 5:30 p.m. as the date set for hearing by the City Council.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner Agenda for Tuesday, September 27, 1988.
- b. Minutes of the meeting of the Public Utility Board, August 24, 1988.
- c. Minutes of the meeting of the Tacoma Planning Commission, September 7, 1988.

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Council Member Vialle moved that the Consent Agenda, including Resolution No. 30174, be approved. Seconded by Council Member Moss. Voice vote was taken and carried. The Consent Agenda was declared approved.

PUBLIC HEARINGS AND APPEALS: (Began at 5:10 p.m.)

This is the date set for hearing the appeal of Highland Point Associates on a condition of the Hearings Examiner's decision and recommendation relative to the request for reclassification and related site plan modifications for the property located west of Narrows Drive in the vicinity of the Cushman transmission lines. (Highland Point Associates, File Nos. 120.1244 and 127.253A)

Mayor Sutherland said we have been notified by the attorney for Highland Point Associates that they wish to continue working on this particular issue and would suggest that we set this over for a period of one week. Council Member Stenger moved that we set the Public Hearing and Appeals for the Highland Point Associates over until October 4, 1988. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

R E G U L A R A G E N D A

COMMUNICATIONS:

Hearings Examiner recommending approval of the request for site plan modifications to allow the construction of a 24-hour convenience store with gas pumps on the property located on the northeast corner of South 56th and Orchard Streets. (Barghausen Consulting Engineers, Inc.; File Nos. 120.1190A and 121.1111)

Mayor Sutherland moved to concur in the recommendation of the Hearings Examiner. Seconded by Deputy Mayor Hyde. Voice vote was taken and carried with Council Member Mykland voting Nay. The motion was declared adopted.

FINAL READING OF ORDINANCES:

Ordinance No. 24199

Vacating a portion of the alley between 53rd and 54th Avenues N.E. south of 27th Street N.E. to include the vacated area in the existing substation site. (Department of Public Utilities; File No. 124.877)

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2

Roll call vote was taken, resulting as follows:

Ayes: 9 - Hyde, McElliott, Moss, Mykland, Nielsen, Stenger, Vialle, Warrnick, and Mayor Sutherland.

Nays: 0.

The Ordinance was declared passed.

Substitute Ordinance No. 24201

Authorizing the issuance and sale of limited tax general obligation bonds in the amount of \$1,690,000.00 to provide funds for the acquisition of property located near the Bicentennial Pavilion and for the acquisition, construction and installation of advertising sign panels in the Tacoma Dome.

Mayor Sutherland moved to suspend the rules to consider Substitute Ordinance No. 24201. Seconded by Council Member Stenger. Voice vote was taken and carried.

The Mayor announced that also at the same time we have Resolution No. 30182 which is not on the agenda but is on the dias, it is also part of this consideration and would indicate that we will be discussing both the ordinance and the resolution.

Roll call vote was taken on Substitute Ordinance No. 24201, resulting as follows:

Ayes: 8 - Deputy Mayor Hyde, McElliott, Moss, Nielsen, Stenger, Vialle, Warrnick, and Mayor Sutherland

Nays: 1 - Mykland.

The Ordinance was declared passed.

Mayor Sutherland moved to suspend the rules to consider Resolution No. 30182. Seconded by Deputy Mayor Hyde. Voice vote was taken and carried.

Resolution No. 30182

Directing that revenues generated by the property acquired for the Bicentennial Pavilion and by Dome signage be applied to repay the General Fund and that funds be transferred from the Parking Garage Enterprise Fund and the Tacoma Dome Operating Fund to the General Fund for such purposes.

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

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Ordinance No. 24203

Appropriating \$200,744.00 from the Open Space Fund to purchase 27.93 acres of land along the western slope of the city for open space purposes; authorizing the execution of a real estate purchase agreement with Paul Miller in the amount of \$200,744.00; and declaring an emergency making necessary the passage of this ordinance.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Hyde, McElliott, Moss, Mykland, Nielsen, Stenger, Vialle, Warrick, and Mayor Sutherland.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 24204

Amending Chapter 1.24 of the Official Code relative to "Certification of Eligibles" to allow for designation by gender in addition to ethnic category under the Notice of Intent Procedure.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Hyde, McElliott, Moss, Mykland, Nielsen, Stenger, Vialle, Warrick, and Mayor Sutherland.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 24205

Authorizing the acceptance of \$6,887.54 from the Federal Drug Enforcement and Administration; and depositing in and appropriating said sum from the Uniform Controlled Substance Trust Fund for payment to the Tahoma Narcotics Enforcement Team.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Hyde, McElliott, Moss, Mykland, Nielsen, Stenger, Vialle, Warrick, and Mayor Sutherland.

Nays: 0.

The Ordinance was declared passed.

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4

Ordinance No. 24206

Authorizing the execution of a grant award contract with the State of Washington in the amount of \$2,875,000.00; and depositing in and appropriating said sum from the Union Station Restoration Fund for the purpose of stabilizing Union Station and planning and designing attendant properties.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Hyde, McElliott, Moss, Mykland, Nielsen, Stenger, Vialle, Warrnick, and Mayor Sutherland.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 24207

Amending the Official Code of the City of Tacoma by adding a new section to be known and designated as Chapter 5.16 defining smoking and nonsmoking areas and penalties for violations.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Hyde, McElliott, Moss, Mykland, Nielsen, Stenger, Vialle, Warrnick, and Mayor Sutherland.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 24209

Providing for the formation of L.I.D. No. 5683 for the installation of an 8-inch water main and fire hydrants in East "M" Street from East 32nd Street to East 34th Street.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Hyde, McElliott, Moss, Mykland, Nielsen, Stenger, Vialle, Warrnick, and Mayor Sutherland.

Nays: 0.

The Ordinance was declared passed.

Mayor Sutherland proclaimed the week of October 2-8, 1988 to be National Respiratory Therapy Week, and presented the proclamation to Mr. Paul Thackera, Patient Care Manager at St. Joseph Respiratory Center.

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5

FIRST READING OF ORDINANCES:

Ordinance No. 24210

Amending Chapter 13.06 of the Official Code to reclassify the property located in the vicinity of the south side of South 74th Street approximately 800 feet east of South Madison Street from a "C-2" Commercial District and a "R-2" One-Family Dwelling District to a "M-1" Light Industrial District to construct a mini-storage development. (Bruce Wheeler; File No. 120.1257)

Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Deputy Mayor Hyde. 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. 24211

Amending Chapter 1.24 of the Official Code regarding "Posting of Eligible Lists" to provide for the breaking of ties on open examinations by random test identification number.

The Ordinance was set over for final reading next week.

Ordinance No. 24212

Accepting a grant award contract from the U.S. Department of Housing and Urban Development in the amount of \$119,965.00; depositing in and appropriating said sum from the Miscellaneous Grant Summary Fund; and authorizing a temporary noninterest bearing loan in the amount of \$12,000.00 from the General Fund to the Miscellaneous Grant Summary Fund for the purpose of administering housing programs for the elimination of housing discrimination.

The Ordinance was set over for final reading next week.

Mayor Sutherland moved to suspend the rules to consider Resolution No. 30181. Seconded by Council Member Vialle. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 30181

Authorizing the execution of agreements with Tacoma Community house in the amount of \$8,000.00 for translation services and King County in the amount of \$29,928.00 for a Fair Housing Outreach Program.

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

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6

RESOLUTIONS:

Purchase Resolution No. 30175

Awarding contracts to:

1. Tac-Matic Vending, Inc., for vending concessions at the Tacoma Municipal Building - Specification No. G-055-88;
2. Motorola, Inc. on their bid of \$29,498.33 and General Electric Company on their bid of \$35,433.61, for radio equipment - Pierce County Contract No. 5598 and Kitsap County Contract dated August 24, 1988;
3. Don Small and Sons on their bid of \$12,774.18 to provide and install overhead hose reel and pump system, lubrication, and maintenance service - Specification No. 086-88;
4. Beall Trans-Liner, Inc., on their bid of \$3,171,131.04 for sludge transport equipment - Specification No. G-218-88;
5. Madsen Electric on their bid of \$61,070.70 for Pacific Avenue replica streetlight installation and sidewalk repair - Specification No. G-267-87;
6. Sherwin Williams Company, in the amount of \$9,848.55 to increase their contract for paint and related items - Specification No. G-122-87; and
7. Lone Star Northwest, in the amount of \$10,000.00 to increase their contract for building and construction materials - Open Purchase Order No. 23042.

Council Member Nielsen moved that the Purchase Resolution be adopted. Seconded by Council Member Warnick.

Speaking to the Council was Mr. Dick Paulson, Owner of Tac-Matic Vending, Inc.

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

Resolution No. 30176

Authorizing the execution of an agreement between the Tacoma-Pierce County Health Department and Burlington Northern West for office space at 3633 Pacific Avenue.

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

Resolution No. 30177

Authorizing the execution of Amendment 1 to the agreement with Disciplined Investment Advisors in the amount of \$157,750.00 to provide investment management services from October 1, 1988 through September 30, 1989.

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

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7

Resolution No. 30178

Authorizing the execution of an agreement with Wilshire Associates in the amount of \$90,000.00 to provide pension consulting services from October 1, 1988 through September 30, 1989.

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

Resolution No. 30179

Authorizing the sale of surplus property located at the southwest corner of South 96th and Yakima Streets to Melvin H. Groves for \$17,121.00.

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

Resolution No. 30180

Authorizing the release of a portion of a sewer easement near East 27th and "G" Streets to clear title to the property.

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

UNFINISHED BUSINESS:

Mayor Sutherland stated that Substitute Ordinance No. 24156 is scheduled for final reading next week and that staff has asked that we table the ordinance. After discussion regarding this matter, it was decided that the ordinance will be brought before the Council next week and the Council could table it at that time if they so desired.

REPORTS BY CITY MANAGER:

Mr. Backstein said that in Ordinance No. 24209 which the Council passed earlier this evening, there is a difference in the legal description in the body of the ordinance and asked the Council's authority to make Section 1 conform with the title.

Mayor Sutherland moved that the City Attorney be authorized to properly correct the ordinance as indicated dealing with the property description. Seconded by Council Member Mykland. Voice vote was taken and carried. The motion was declared adopted.

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8

Mr. Backstein said that in relation to the emergency medical services ordinance, which was passed last week, staff had talked to Fire Union representatives who have some concern about the word "tax" in the phrase "continuation of emergency medical tax levy." It talks about this in the body of the ordinance, and he asked to retain the option of adding the words "emergency medical services" or something like that if, after discussion, that appears to be a better way to present it. He indicated there is time to do this before it goes on the ballot. Council Member Vialle moved to give Mr. Backstein that authority. She indicated she had a number of people call her after the election and indicate that they almost voted "no" on the proposition because the ballot title/description was confusing. Seconded by Council Member Stenger. Voice vote was taken and carried. The motion was declared adopted.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Mayor Sutherland stated that last week Council had set a hearing for October 25th to discuss the mixed commercial zoning in the Central Business District. He said he had a question from staff wondering just how extensive the mailing notice for that hearing should be: should it be the parties of record, should it be only the people that have appealed or all of the addresses involved in the zoning discussion (which would be significant). Staff has indicated that they would be willing to do any or all of the above but they requested some clarification. He said he had indicated that, because the issue is significant and there was a great deal of interest, we should go through the normal noticing which would have a notice mailed to every party involved in the overall mixed commercial rezone process. He asked for Council concurrence. Mayor Sutherland moved to have a mailing of the large list. Seconded by Council Member Mykland. Voice vote was taken and carried. The motion was declared approved.

Council Member Moss stated he thought it would be very helpful in that notice if we designated where an individual who had some concerns about the zoning could call and get their questions answered or present their views in writing. The City Manager stated that questions relative to this could be directed to the Planning Department.

On proper motion, the meeting was adjourned at 6:27 p.m.



DOUG SUTHERLAND, MAYOR



ATTEST: GENELLE BIRK, CITY CLERK

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