

CITY COUNCIL MINUTES

City Council Chambers
April 29, 1986

The meeting was called to order at 5:05 p.m.

Present on roll call: 9 - Hyde, Ladenburg, McElliott, Mykland, Nielsen, Rasmussen, Stenger, Warnick, and Mayor Sutherland.

The Flag Salute was led by Council Member Ladenburg.

CONSENT AGENDA

Approval of the minutes of the regular meeting of April 22, 1986.

PETITIONS:

Albert R. Bird requesting the reclassification of the property located at the southeast corner of South 47th Street and Junett Street from an "R-3" to an "R-3-T" District.

Karl Jones requesting the reclassification of the property located at the easterly side of South Tyler Street approximately 200 feet south of South 38th Street from an "R-3" to an "R-4-L" District.

For referral to the Hearings Examiner.

RESOLUTIONS:

Resolution No. 29171

Setting Tuesday, June 10, 1986 at 9:30 a.m. as the date for hearing by the Hearings Examiner the request to vacate portions of the east 10 feet of Oakes Street, north of North 30th Street and the adjacent alley. (Victor and Pauline Brown; File No. 124.814)

Resolution No. 29172

Setting Tuesday, June 10, 1986 at 9:30 a.m. as the date for hearing by the Hearings Examiner the request to vacate a portion of the alley east of "A" Street, south from East 46th Street 120 feet. (Rainier Financial Services Company; File No. 124.816)

NOTE: If the microfilmed document is less clear than this notice, it is due to the quality of the original document.

Resolution No. 29173

Authorizing the submittal of a grant application to the Washington State Library for funding for the addition of meeting rooms at the new Allenmore and Eastside Branch Libraries.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner Agenda for Tuesday, April 29, 1986.
- b. Minutes of the meetings of the Human Rights Commission, February 20, 1986 and March 20, 1986.
- c. Minutes of the meeting of the Landmarks Preservation Commission, April 9, 1986.
- d. Minutes of the meeting of the Tacoma Arts Commission Study Session, March 5, 1986.
- e. Minutes of the meeting of the Tacoma Arts Commission, March 18, 1986.
- f. The Municipal Authority Report of Examination, Sixth Examination, State of Washington, Office of State Auditor, September 1983 thru December 1984.
- g. Assessment of Development Potential, Downtown Tacoma, The Tacoma-Pierce County Economic Development Board, March 1986.
- h. City of Tacoma Annual Detail Budget for 1986.
- i. City of Tacoma Annual Program Budget for 1986.
- j. 1986-87 Proposed Statement of Community Development Objectives and Projected Use of Funds for the Twelfth Year Community Development Block Grant Program.

Mayor Sutherland moved to remove Resolution No. 29173 from the agenda. Seconded by Council Member Hyde. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 29173 was removed from the agenda.

Deputy Mayor Rasmussen moved that the Consent Agenda, including Resolution Nos. 29171 and 29172 be approved. Seconded by Council Member Hyde. Voice vote was taken and carried. The Consent Agenda, as amended, was declared approved.

Mayor Sutherland and Joe Stortini, Pierce County Executive, presented certificates and awards to the winners of the Housing and Urban Development Fair Housing Poster Contest.

NOTE: If the microfilmed document is less clear than this notice, it is due to the quality of the original document.

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

ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS:

Resolution No. 29182

Appointing Council Member Greg Mykland to the Appointments Committee to fill the unexpired term of Council Member John Ladenburg whose term expires January 7, 1988.

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

COMMUNICATIONS:

- a. Hearings Examiner submitting the Findings of Fact, Conclusions of Law, and Decision relative to the appeal of Audit Assessment Notice Nos. AD5309 and AD5310 by MetLife Capital Corporation.

Mayor Sutherland moved to concur with the Findings of Fact, Conclusions of Law, and Decision of the Hearings Examiner. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

- b. Hearings Examiner submitting his Findings, Conclusions, and Decision relative to requests for site plan approval and a 96-stall parking variance for the development of a shopping center in a "C-P-N" Planned Neighborhood Shopping District at the southeast corner of North Pearl Street and North 11th Street. (Pay 'N Pak Corporation; File Nos. 127.255 and 130.2698)

Mayor Sutherland moved to concur with the Findings of Fact, Conclusions of Law, and Decision of the Hearings Examiner. Seconded by Council Member Hyde. Voice vote was taken and carried. The motion was declared adopted.

- c. Hearings Examiner submitting the Findings of Fact, Conclusions of Law, and Decision relative to the appeal of Audit Assessment Notice No. AD5382 by Reeder Management, Inc.

Mayor Sutherland moved to concur with the Findings of Fact, Conclusions of Law, and Decision of the Hearings Examiner. Seconded by Council Member Mykland. Voice vote was taken and carried. The motion was declared adopted.

FINAL READING OF ORDINANCES:

Ordinance No. 23599

Appropriating \$40,000.00 from the Right-of-Way Acquisition Fund to acquire a 2.22 acre parcel for the 51st Street N.E. project and the realignment of High Point Drive project and other parcels of property which may become necessary for right-of-way purposes during 1986.

NOTE: If the microfilmed document is less clear than this notice, it is due to the quality of the original document.

Mayor Sutherland moved to suspend the rules to consider corrected Ordinance No. 23599. Seconded by Deputy Mayor Rasmussen. Voice vote was taken and carried. The motion was declared adopted.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Hyde, Ladenburg, McElliott, Mykland, Nielsen, Rasmussen, Stenger, Warrick, and Mayor Sutherland.

Nays: 0.

The Ordinance, as corrected, was declared passed.

Ordinance No. 23600

Amending Titles 5 and 6 of the Official Code relating to animals, impounding, penalties and licensing to update and clarify fees, fines and penalties, and to respond to increasing problems involving vicious dogs.

Mayor Sutherland moved to suspend the rules to consider Substitute Ordinance No. 23600. Seconded by Council Member Hyde. Voice vote was taken and carried. The motion was declared adopted.

Council Member Hyde moved to amend Substitute Ordinance No. 23600, on page 2, line 21, Item (j), to read as follows:

(j) "VICIOUS DOG" as the term is used in this title means any dog which causes injury, or to otherwise endanger the safety of human beings or domestic animals; or any dog which attacks a human being or domestic animal one or more times without provocation; or any dog which has been quarantined for the third time for biting human beings.

Seconded by Council Member Mykland. Voice vote was taken and failed. The motion was declared failed.

Roll call vote was taken on the Substitute Ordinance, resulting as follows:

Ayes: 8 - Hyde, Ladenburg, McElliott, Nielsen, Rasmussen, Stenger, Warrick, and Mayor Sutherland.

Nays: 1 - Mykland.

The Substitute Ordinance was declared passed.

Ordinance No. 23601

Amending Section 2 of Ordinance No. 22490 to allow for the transfer of Admissions Tax revenues resulting from events at the Tacoma Dome into the Tacoma Dome Operating Fund.

NOTE: If the microfilmed document is less clear than this notice, it is due to the quality of the original document.

City Council Minutes - Page 5 - April 29, 1986

Roll call vote was taken, resulting as follows:

Ayes: 6 - Hyde, Ladenburg, Nielsen, Rasmussen, Warnick, and Mayor Sutherland.

Nays: 3 - McElliott, Mykland, and Stenger.

The Ordinance was declared passed.

Ordinance No. 23602

Approving and confirming the assessment roll for L.I.D. No. 3873 for the construction of sanitary sewers in North 48th Street from North Highland Avenue to North Pearl Street.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Hyde, Ladenburg, McElliott, Mykland, Nielsen, Rasmussen, Stenger, Warnick, and Mayor Sutherland.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 23603

Providing for the formation of L.I.D. No. 3887 for the construction of sanitary sewers from South 38th Street north 300 feet more or less approximately 480 feet east of South Tyler Street on the north side of South 38th Street.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Hyde, Ladenburg, McElliott, Mykland, Nielsen, Rasmussen, Stenger, Warnick, and Mayor Sutherland.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 23604

Providing for the formation of L.I.D. No. 5668 for the construction of water mains and fire hydrants in Gregory Street, East 36th Street and East 37th Street from East "T" Street to Roosevelt Avenue.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Hyde, Ladenburg, McElliott, Mykland, Nielsen, Rasmussen, Stenger, Warnick, and Mayor Sutherland.

Nays: 0.

The Ordinance was declared passed.

NOTE: If the microfilmed document is less clear than this notice, it is due to the quality of the original document.

5

Mayor Sutherland proclaimed the week of May 4-10, 1986, to be "Teacher Appreciation Week" and presented a proclamation to Ms. Arlene Dennett, of the Parent-Teacher-Student Association.

Mayor Sutherland proclaimed the week of May 1-7, 1986, to be "Respect for Law Week," and presented the proclamation to Mr. Jack Richardson, of the Optimist Club.

FIRST READING OF ORDINANCES:

Ordinance No. 23605

Amending Chapter 13.06 of the Official Code to reclassify the property located at the east side of Tacoma Mall Boulevard between South 50th and South 52nd Streets extended east from an "R-2" One-Family Dwelling District and an "R-2-T" Residential Commercial Transitional District to a "C-2" Commercial District to allow for the construction of two commercial buildings. (Richard L. Kloppenburg; File Nos. 120.1148 and 130.2686)

Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Nielsen. 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. 23606

Vacating South 52nd Street from Tacoma Mall Boulevard to the SR-5 Freeway fence, and a portion of the property "turned back" to the City by the State of Washington lying westerly of SR-5 and north of South 52nd Street. (Richard Kloppenburg; File No. 124.806)

Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member 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. 23607

Vacating a portion of South 78th Street, west of Wilkeson Street. (Sterling Recreation Organization; File No. 124.809)

Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member 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.

NOTE: If the microfilmed document is less clear than this notice, it is due to the quality of the original document.

Ordinance No. 23608

Accepting grants of \$2,500.00 from the Washington State Arts Commission, \$2,000.00 from Merrill Lynch, and \$2,000.00 from Pacific First Federal; transferring \$6,500.00 from the General Fund to the Miscellaneous Grants Summary Fund; and appropriating \$13,000.00 from the Miscellaneous Grants Summary Fund to produce a "Guide To Public Art" and fund the Symphony in the Park concerts.

The Ordinance was set over for final reading next week.

Ordinance No. 23609

Accepting a contribution from Pacific Northwest Bell in the amount of \$3,000.00; transferring \$3,000.00 from the General Fund to the Miscellaneous Grants Summary Fund; and appropriating \$6,000.00 from the Miscellaneous Grants Summary Fund for supporting the publication of a "Guide to the Arts in Tacoma."

The Ordinance was set over for final reading next week.

Ordinance No. 23610

Amending Chapter 11.36 of the Official Code to increase the speed limit to 30 miles per hour on East Dock Street from South 4th Street to East Puyallup Avenue.

The Ordinance was set over for final reading next week.

Mayor Sutherland moved that the Council would consider Citizen's Request to be Heard and Public Hearings and Appeals. Seconded by Council Member Hyde. Voice vote was taken and carried. The motion was declared adopted.

CITIZEN'S REQUEST TO BE HEARD: (Began at 6:04 p.m.)

Judith Jacobs, spokesperson for the Steering Committee of the newly established Children's Museum of Tacoma, requesting to speak on the Children's Museum.

Mr. Paul Van Giffin spoke to the Council regarding the Children's Museum.

PUBLIC HEARINGS AND APPEALS: (Began at 6:19 p.m.)

- a. Heritage Homecrafters, Inc. appealing the decision of the Hearings Examiner relative to the request for a variance to allow an attached wooden deck to within nine feet of the north property line. (Heritage Homecrafters, Inc.; File No. 130.2650)

Ms. Ernetta Weathersby, Hearings Examiner, spoke to the Council regarding her decision.

NOTE: If the microfilmed document is less clear than this notice, it is due to the quality of the original document.

Mr. Stephen Fersch, representing Heritage Homecrafters, Inc., stated the reasons for his appeal.

Deputy Mayor Rasmussen moved to concur in the Findings of Fact, Conclusions of Law, and Recommendations of the Hearings Examiner and deny the appeal. Seconded by Council Member Hyde. Voice vote was taken and carried. The motion was declared adopted.

The appeal was denied.

- b. Heritage Homecrafters, Inc. appealing the decision of the Hearings Examiner relative to the request for a variance to allow a deck, a bay window, and a heat pump within a short distance from property lines. (Heritage Homecrafters, Inc.; File No. 130.2651) (Began at 6:57 p.m.)

Ms. Ernetta Heathersby, Hearings Examiner, spoke to the Council regarding her decision.

Mr. Stephen Fersch, representing Heritage Homecrafters, Inc., presented the reasons for this appeal.

Council Member Hyde moved to concur in the Findings of Fact, Conclusions of Law, and Recommendations of the Hearings Examiner and deny the appeal. Seconded by Council Member McElliott.

After further discussion, Council Member Nielsen moved to continue the appeal for a period of one week in order to obtain from the City Engineer more information relative to the prospective relocation of the sewer easement on the property. Seconded by Deputy Mayor Rasmussen. Voice vote was taken and carried. The motion was declared adopted.

The appeal will be considered at the regular City Council meeting of May 6, 1986.

- c. This is the date set for a public hearing on the 1986-87 Proposed Statement of Community Development Objectives and Projected Use of Funds for the Twelfth Year Community Development Block Grant Program. (Began at 7:27 p.m.)

Mr. Keith Palmquist, Community Development Director, made a presentation to the Council regarding the objectives and projected use of funds.

Speaking to the Council were:

Linda Bowman
Rick Hansen
Carol Hubbard
John Castele

Maureen Howard
Bernard Pickney

Urban Policy Committee
1215 Firland Drive, Puyallup
Hilltop Day Care Center
President of the Board of Directors,
Hilltop Day Care Center
3320 South Eighth Street, Tacoma
502 North "I" Street, Tacoma

There being no further testimony, Mayor Sutherland declared the public hearing closed at 8:00 p.m.

RESOLUTIONS:

Purchase Resolution No. 29174

Awarding contracts to:

1. American La France on their bid of \$20,156.23 for aerial ladder parts, single source;
2. Fire Control Northwest on their bid of \$12,414.80 for aqueous film forming foam - Specification No. G-022-86;
3. Sea-Western, Inc. on their bid of \$21,565.36 for MSA regulator kits and composite cylinders - Specification No. G-026-86;
4. Graybar Electric on their bid of \$11,971.73 for luminaire purchase - Specification No. G-027-86;
5. Robison Construction, Inc. on their bid of \$451,045.03 for roadway realignment and resurfacing on East 38th Street from McKinley Avenue to Portland Avenue - Specification No. G-205-86;
6. J. J. Sprague, Inc. on their bid of \$110,710.00 for Type A Catch Basin Replacement Program - Specification No. G-206-86; and
7. Asahara Landscaping on their bid of \$25,524.50 for the design and installation of an irrigation system for Memorial Park - Specification No. G-210-86.

Deputy Mayor Rasmussen moved that the Purchase Resolution be adopted, including waiving the formal bidding requirements on Purchase Item No. 1. Seconded by Council Member Nielsen.

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

Resolution No. 29175

Authorizing the execution of an option to purchase agreement with Glacier Park Company for the conveyance of the Union Station and surrounding property to the City.

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

Speaking to the Council was:

Linda Bowman

Urban Policy Committee

Mayor Sutherland moved to amend the resolution to add:

BE IT FURTHER RESOLVED THAT the authority to execute the Offer to Purchase will become effective only at such time as a legal description has been submitted and accepted by the City Manager and the City Attorney, and any encumbrances thereon have been reviewed and accepted by the City Attorney and the City Manager, at which time said legal description shall be attached as Exhibit A to the Offer to Purchase and the said encumbrances shall be listed in Exhibit B thereto.

NOTE: If the microfilmed document is less clear than this notice, it is due to the quality of the original document.

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

Voice vote was taken and carried on the Resolution as amended. The Resolution, as amended, was declared adopted.

Resolution No. 29176

Approving the Statement of Objectives and Projected Use of Community Development Block Grant Funds and the request for Community Development Block Grant funds in the amount of \$2,025,000.00.

Council Member Hyde moved that the Resolution be adopted. Seconded by Council Member Stenger.

Speaking to the Council were:

Linda Bowman
Inez Taylor
Doug Delin
Thomas Dixon

Urban Policy Committee
Eastside Improvement Group
Eastside Resident
Tacoma Urban League

Deputy Mayor Rasmussen moved to delay the expenditure of \$154,000.00 designated for the construction of the Eastside Community Center until such time as the City has had the opportunity to explore an alternative involving the Tacoma Housing Authority Community Center facility, which is presently located in the same general vicinity. It is requested that City staff work with Park District staff to determine the feasibility of this alternative and to report their findings and recommendations to the Council within 45 days. In the event that a workable alternative can be developed, the \$154,000 would be returned to the Urban Policy Committee for reprogramming recommendations. Seconded by Mayor Sutherland.

Council Member Hyde moved to amend the motion after the words "Park District staff" to insert the words: "and Eastside Community Group." Seconded by Council Member Ladenburg. The motion was accepted as a friendly amendment to the preceding motion.

Speaking on the motion to amend the Resolution were:

Linda Bowman
Bill Factory

Urban Policy Committee
Eastside Resident

Roll call vote was taken on the motion to amend the Resolution, resulting as follows:

Ayes: 3 - Rasmussen, Stenger, and Mayor Sutherland.

Nays: 6 - Hyde, Ladenburg, McElliott, Mykland, Nielsen, and Warnick.

The motion was declared failed.

Voice vote was taken and carried on the Resolution with Mayor Sutherland voting "nay." The Resolution was declared adopted.

NOTE: If the microfilmed document is less clear than this notice, it is due to the quality of the original document.

Resolution No. 29177

Authorizing the execution of an agreement with Hart Crowser and Associates, Inc. to provide assistance in the design of a collector line, pump station and pressure line for the installation of a sewer line for Salmon Beach.

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

Resolution No. 29178

Authorizing a temporary loan in the amount of \$185,000.00 from the General Fund to the Public Works Revolving Fund to provide working funds for construction.

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

Resolution No. 29179

Authorizing the execution of a personal services agreement with URS-Wright Forsen in the amount of \$39,990.00 for the design and preparation of final plans and specifications for the Central Business District Hillclimb located at 1134 Commerce Street.

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

Resolution No. 29180

Authorizing the termination of the City's participation of the "Home Sweet Home" public art project, returning the \$10,000.00 contribution of Allied Arts of Tacoma-Pierce County and transferring the balance for the project into the General Fund.

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

Resolution No. 29181

Expressing the intent to purchase an Automated Fingerprint Identification System with Pierce County for approximately \$900,000.00 each and supporting the recommendation of the joint City/County AFIS Review Committee in its selection of Morpho Systems, Inc.

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

NOTE: If the microfilmed document is less clear than this notice, it is due to the quality of the original document.

REPORTS BY CITY MANAGER:

James L. Walton, Assistant City Manager, requested an executive session to discuss possible litigation.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Mykland requested a report from staff relative to the Tacoma Housing Authority Community Center, the report to include its present uses and the condition of the facility.

Mayor Sutherland moved to recess to Executive Session to discuss possible litigation, the session not to exceed ten minutes. Seconded by Deputy Mayor Rasmussen. Voice vote was taken and carried. The motion was declared adopted.

Council recessed to Executive Session at 8:59 p.m. and reconvened at 9:06 p.m.

On proper motion, the meeting was adjourned at 9:07 p.m.


DOUG SUTHERLAND, MAYOR

ATTEST:


GENELLE BIRK, CITY CLERK

HPC.6554.G

NOTE: If the microfilmed document is less clear than this notice, it is due to the quality of the original document.