

CITY COUNCIL MINUTES

City Council Chambers
May 14, 1991

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

Present on roll call: 8 - Evans, McElliott, Miller, Moss, Mykland, Nielsen, Warnick, and Mayor Vialle.

The Flag Salute was led by Council Member Evans.

C O N S E N T A G E N D A

Approval of the minutes of the meeting of May 7, 1991.

PETITIONS:

New Jerusalem Church of God requesting the reclassification of the property located at the east side of South M Street between South 14th and South 15th Streets from an "R-2" One-Family Dwelling District to an "R-4-L" Low-Density Multiple-Family Dwelling District.

For referral to the Hearings Examiner.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner Agenda for Tuesday, May 14, 1991.
- b. Minutes of the meeting of the Tacoma Planning Commission, April 15, 1991.
- c. Minutes of the meeting of the Civil Service Board, April 1, 1991.
- d. Citizens' petition requesting placement of a stop light at the intersection of North 17th and Narrows Drive, construction of temporary concrete highway barriers along the west side of North Jackson Street, and the redesign of the Narrows Drive/North Jackson arterial.

Council Member Nielsen moved that the Consent Agenda be approved. Seconded by Council Member Evans. Voice vote was taken and carried. The Consent Agenda was declared approved.

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

ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS:

Resolution No. 31331

Appointing Dolores I. Silas to fill the vacated District No. 3 City Council position through December 31, 1991.

Deputy Mayor Mykland moved that the Resolution be adopted. Seconded by Council Member Moss.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

The Resolution was declared passed.

Council Member Silas was sworn in by the City Clerk, Ms. Genelle Birk.

Resolution No. 31332

Appointing members to various committees, boards and commissions.

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

Mayor Vialle moved to recess to Executive Session to discuss pending and potential litigation matters, the session not to exceed 45 minutes. Seconded by Deputy Mayor Mykland. Voice vote was taken and carried. The motion was declared adopted.

Council recessed to Executive Session at 5:15 p.m. and at 6:00 p.m., Deputy Mayor Mykland announced that Executive Session will be extended an additional 5 minutes. Council reconvened at 6:05 p.m.

Mayor Vialle proclaimed the week of May 20-25, 1991, to be "Bike to Work Week," and presented the proclamation to Ms. Jan Wieser.

PUBLIC HEARINGS AND APPEALS: (Began at 6:15 p.m.)

This is the date set for hearing the appeal of the Arlington Residential Coalition on the decision of the Hearings Examiner relative to the reclassification and site plan for the property located on the northwest

2

corner of the intersection of South 80th and Pine Streets. (Investco Financial Corporation; File Nos. 120.1298 and 127.305)

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

Deputy Mayor Mykland declared that he had been approached by residents of the Arlington Coalition to discuss this matter, but he did not discuss the matter. All other Council Members indicated that they did receive correspondence pertaining to the appeal by mail, but they did not contact either parties.

Mr. Gordon Crandall, Hearings Examiner Pro Tem, spoke regarding his decision relative to the reclassification and site plan for the property located on the northwest corner of the intersection of South 80 Street and Pine Street.

Mr. Patrick O'Malley, representing Arlington Residential Coalition, appellant, presented his reasons for the appeal.

Mr. Bill Lynn, representing Investco Corporation, spoke in support of the Hearings Examiner Pro Tem's decision.

Deputy Mayor Mykland moved to remand this issue back to the Hearings Examiner to review the following considerations. Seconded by Council Member Evans.

1. Re-examine the Planning and Development Services Department's recommendation.
2. Examine height impact considerations.
3. Examine traffic impacts.
4. Examine safety issues relating to children walking to Arlington School.
5. Further research the air traffic liability issue the City may be incurring.
6. Provide rationale for having a gate on the north end of the project and open space on the south end.

Roll call vote was taken, resulting as follows:

Ayes: 4 - Evans, Mykland, Nielsen, Silas, and Mayor Vialle.

Nays: 4 - McElliott, Moss, Nielsen and Warnick.

Absent: 1 - Miller.

The Motion failed.

Council Member Nielsen moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner and deny the appeal. Seconded by Council Member Moss.

50

Roll call vote was taken, resulting as follows:

Ayes: 3 - Moss, Nielsen and Warnick.

Nays: 5 - Evans, McElliott, Mykland, Silas and Mayor Vialle.

Absent: 1 - Miller.

The Motion failed.

Deputy Mayor Mykland moved to uphold the appellants' appeal. Seconded by Council Member McElliott. After discussion, the maker and seconded of the motion withdrew their motion.

Deputy Mayor Mykland moved to continue the decision of the appeal for one week to May 21, 1991 to order to prepare the issues of density and other matters concerning the appeal. Seconded by Mayor Vialle. Voice vote was taken and carried. The motion was declared adopted.

The hearing was declared closed at 7:45 p.m.

Deputy Mayor Mykland moved, at 7:45 p.m., to recess for 5 minutes. Seconded by Council Member Nielsen. Voice vote was taken and carried. The Council reconvened at 7:50 p.m.

FINAL READING OF ORDINANCES:

Ordinance No. 24707

Vacating North 3rd Street between K and L Streets, northwesterly of Division Avenue to provide on-site parking for the abutting church and the Bavarian Restaurant. (Jesse O. Thomas and Christ Church; File No. 124.913)

Roll call vote was taken, resulting as follows:

Ayes: 8 - Evans, McElliott, Miller, Moss, Nielsen, Silas, Warnick, and Deputy Mayor Mykland.

Nays: 0.

Absent: 1 - Mayor Vialle.

The Ordinance was declared passed.

Ordinance No. 24879 - Substitute No. 2 (Continued from the meeting of April 23, 1991.)

4

Amending Chapter 12.08 of the Official Code to adopt the revised Sanitary Sewer Rate Structure and the revised Storm Drainage Utility Rates.

Council Member Nielsen moved to continue Ordinance No. 24879, Substitute No. 2 for one week to May 21, 1991. Seconded by Deputy Mayor Mykland. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 24903

Appropriating and transferring an additional \$5,600,000 from the Sewer Utility Fund to the Storm Drainage Sub-fund for construction of the Leach Creek Stormwater Treatment and Flood Control Project; and declaring an emergency making necessary the passage of this ordinance.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Evans, McElliott, Miller, Moss, Mykland, Nielsen, Silas, Warnick, and Deputy Mayor Mykland.

Nays: 0.

Absent: 1 - Mayor Vialle.

The Ordinance was declared passed.

Ordinance No. 24904

Authorizing the enactment of an additional real estate excise tax in the amount of one-quarter of one-percent of the selling price of real property effective June 1, 1991; and amending Chapter 6.91 of the Official Code by adding Section 6.91.025 regarding the tax.

Council Member Miller moved to amend Ordinance No. 24904 by adding the following language prior to the last sentence of the ordinance. Seconded by Council Member Evans.

"Provided that it is the Council's intent that revenue produced by this additional excise tax shall be used to supplement, rather than displace funds set aside by Council for capital improvements."

Council Member Nielsen moved to amend the amendment to read as follows. Seconded by Council Member McElliott.

"Provided that it is the Council's intent that revenue produced by this additional excise tax shall be used to supplement, rather than displace funds set aside by Council for capital improvements projects only."

After discussion, the maker and seconded the motion withdrew their motion.

Council Member Nielsen moved and Council Member McElliott seconded the motion to amend the amendment to read:

"Provided that it is the Council's intent that revenue produced by this additional excise tax shall not be used to displace funds set aside by the Council for capital improvements, but shall be designated for growth management related capital improvements only."

Voice vote was taken and carried. Council Member Miller voted in opposition. The motion was declared adopted.

Council Member Silas moved to set the ordinance over for the purpose of addressing issues raised tonight at a Study Session. Seconded by Deputy Mayor Mykland. The maker of the motion withdrew her motion.

Council Member Nielsen moved to suspend the rules to allow additional testimony on Ordinance No. 24904 as amended prior to roll call vote on the Ordinance. Voice vote was taken and carried. The motion was declared adopted.

Speaking before Council were:

Elliott Sweeney
Bob Camp
Bud Grummel

Association of Realtors
Builders Assoc. of Pierce County
Association of Realtors

Roll call vote was taken on Ordinance No. 24904 as amended.

Ayes: 3 - Evans, Miller and Moss.

Nays: 5 - McElliott, Nielsen, Silas, Warnick and Deputy Mayor Mykland.

Absent: 1 - Mayor Vialle.

The Ordinance, as amended, failed and was continued for reconsideration for one week to May 21, 1991.

Ordinance No. 24905

Authorizing the submittal of a grant application to the United States Department of Labor in the amount of \$57,000 to provide services to homeless veterans; appropriating \$7,500 from the General Fund as match for the grant; and declaring an emergency making necessary the passage of this ordinance.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Evans, McElliott, Miller, Moss, Nielsen, Silas, Warnick, and Deputy Mayor Mykland.

Nays: 0.

Absent: 1 - Mayor Vialle.

The Ordinance was declared passed.

Ordinance No. 24906

Transferring \$25,000 from the Contingency Fund to the General Fund; appropriating said sum from the General Fund to retain expert legal services relative to environmental problems at the Union Station site; and declaring an emergency making necessary the passage of this ordinance.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Evans, McElliott, Miller, Moss, Nielsen, Silas, Warnick, and Deputy Mayor Mykland.

Nays: 0.

Absent: 1 - Mayor Vialle.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 24909

Amending Chapter 13.06 of the Official Code to reclassify the property located between South 48th Street on the south, South 47th Street on the north, South Wilkeson Street on the east, and I-5 on the west from an "R-2-T" Residential Commercial Transitional District and an "R-2" One-Family Dwelling District to an "C-2" Commercial District to construct a 50,900 square foot building. (Rembold Trust, Inc.; File No. 120.1327)

Deputy Mayor Mykland moved to remove Ordinance No. 24909 from the agenda. Seconded by Council Member Warnick. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 24909 was removed from the agenda.

Ordinance No. 24910

Vacating portions of South 48th and Hosmer Streets to include the vacated rights-of-way within the parking and landscaped areas of a proposed new retail facility. (Rembold Trust, Inc.; File No. 124.932)

Deputy Mayor Mykland moved to remove Ordinance No. 24911 from the agenda. Seconded by Council Member Warnick. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 24910 was removed from the agenda.

Ordinance No. 24911

Authorizing the execution of an agreement with the Tacoma Housing Authority for the provision of additional crime suppression and prevention activities by

the Tacoma Police Department; depositing in and appropriating \$95,714 from the General Fund to the Tacoma Police Department for said services.

The Ordinance was set over for final reading next week.

Ordinance No. 24912

Amending Chapter 13.06 of the Official Code to rename and amend the existing Commercial Special Review District to provide additional development and parking standards.

The Ordinance was set over for final reading next week.

RESOLUTIONS:

Purchase Resolution No. 31333

Awarding a contract to:

Northwest Cascade, on their bid of \$2,269,554.15 for the Leach Creek Stormwater Treatment and Flood Control Project - Specification No. G-216-91.

Deputy Mayor Mykland moved that the Purchase Resolution be adopted. Seconded by Council Member Evans.

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

Resolution No. 31334

Authorizing the execution of a contract with Seattle Northwest Securities in the amount of \$32,215 to provide financial consulting services relative to the issuance of \$19,250,000 in Refuse Utility revenue bonds in the fall of 1991.

Council Member Nielsen moved to suspend the rules to consider Substitute Resolution No. 31334. Seconded by Council Member Miller. Voice vote was taken and carried. The motion was declared adopted.

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

Resolution No. 31335

Authorizing the execution of an extension of the 1991-1992 Amendment to the Interlocal Agreement with Pierce County in the amount of \$50,000 for the Safe Streets campaign.

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

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

Resolution No. 31336

Recognizing and encouraging cultural and ethnic diversity in the City of Tacoma and providing for consideration of cultural and ethnic diversity in appointments to all boards, commissions and committees of the City.

Deputy Mayor Mykland moved to continue Resolution No. 31336 for one week to May 21, 1991. Seconded by Council Member McElliott. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 31337

Adopting the one-year Community Development Plan for 1991-1992 to guide the use of Community Development Block Grant funding.

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

REPORTS BY CITY MANAGER:

Mr. Ray E. Corpuz, Jr., City Manager, reminded Council of the Council Budget Update Session on Thursday, May 16, 1991. Council will be considering a CIP project at that meeting and suggested that Council could also review the issues raised concerning the real estate excise tax Ordinance at that meeting. Mr. Corpuz also announced that the Study Session of May 21, 1991 was also available for Council to review the excise tax concerns. Council directed staff to provide a report on how the amendment to Ordinance No. 24904 will affect the program.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Deputy Mayor Mykland moved to approve Mayor Vialle's trip to Russia May 22 - June 2, 1991. Seconded by Council Member Moss. Voice vote was taken and carried. The motion was declared adopted.

On proper motion, the meeting was adjourned at 9:10 p.m.

ATTEST:


GENELLE BIRK, CITY CLERK


KAREN L. R. VIALLE, MAYOR