

CITY COUNCIL MINUTES

City Council Chambers
August 24, 1993

The meeting was called to order at 5:10 p.m.

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

The Flag Salute was led by Council Member Silas.

Approval of the minutes of the Tacoma City Council meeting of August 3 and 17, 1993 and study sessions of May 11 and 18, 1993.

PETITION:

Danny Meyer, requesting the reclassification of the property located at 3102 South 12th Street from an "R-2" One-Family Dwelling District and an "R-3" Two-Family Dwelling District to a "C-2" Commercial District to expand an autobody shop building and provide on-site parking. (Danny Meyer; File No. 120.1368) (Carried forward from the meeting of August 17, 1993.)

For referral to the Hearing Examiner.

RESOLUTIONS:

Resolution No. 32294 (Carried forward from the meeting of August 17, 1993.)

Setting Tuesday, September 28, 1993, at 1:30 p.m. as the date for a hearing by the Hearing Examiner on the request to vacate a portion of the east 30 feet of Cedar Street north of North 33rd Street. (Norman P. Schieke; File No. 124.981.)

Resolution No. 32295 (Carried forward from the meeting of August 17, 1993.)

Setting Tuesday, September 28, 1993, at 1:30 p.m. as the date for a hearing by the Hearing Examiner on the request to vacate the northerly portion of Sunset Drive in the plat of THE NARROWS. (Stan Selden; File No. 124.983.)

Resolution No. 32296 (Carried forward from the meeting of August 17, 1993.)

Setting Monday, September 13, 1993, at 5:00 p.m. as the date for a public hearing by the Hearing Examiner relative to L.I.D. No. 5722 for the installation of water mains and fire hydrants from the McMillin Reservoir to 122nd Avenue East and 176th Street East.

Resolution No. 32297 (Carried forward from the meeting of August 17, 1993.)

Setting Monday, September 13, 1993, at 5:00 p.m. as the date for a public hearing by the Hearing Examiner relative to L.I.D. No. 5723 for the installation of water mains and fire hydrants in North Alder Street and North 32nd Street.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearing Examiner Agenda for Tuesday, August 17 and 24, 1993.
- b. Minutes of the meeting of the Municipal Authority, July 28, 1993.
- c. Minutes of the meeting of the Tacoma Arts Commission, July 13, 1993.
- d. Minutes of the meeting of the Tacoma Transportation Committee, July 8, 1993.
- e. Minutes of the meeting of the Commission on Children, Youth and Families, July 8, 1993.
- f. Minutes of the meeting of the Landmarks Preservation Commission, July 28, 1993.
- g. Minutes of the meeting of the Public Utility Board and study session of July 14, 1993.
- h. Minutes of the meeting of the Tacoma-Pierce County Board of Health, July 7, 1993.
- i. Minutes of the meeting of the Tacoma Employees' Retirement Board and the Quarterly Manager's meeting, May 27, 1993.
- j. Citizens' petition protesting 57th Avenue N.E. being made a through street.
- k. Monthly Financial Reports of the Belt Line Division, Light Division, Water Division, Data Processing Fund, Fleet Services Fund, and Geographical Information System Fund for June 1993.
- l. Total Service Delivery Report of the Humane Society for Tacoma and Pierce County for May and June 1993.
- m. Annual Report for the Suggestion Award Program, 1992.

Council Member Nielsen moved that the Consent Agenda, including Resolution Nos. 32995, 32996 and 32997, be approved. Seconded by Council Member Moss. Voice vote was taken and carried. The Consent Agenda was declared approved.

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REGULAR AGENDA

COMMUNICATIONS:

- a. City Attorney submitting Findings of Fact, Conclusions of Law, and Decision relative to the formation of L.I.D. No. 8570 for permanent pavement on Visscher Street from North 42nd Street north 300 feet. (Carried forward from the meeting of August 17, 1993.)

Mayor Vialle moved to concur in the recommendations as submitted by the City Attorney. Seconded by Council Member Moss. Voice vote was taken and carried. The motion was declared adopted.

- b. Hearing Examiner recommending denial of Shoreline Management Substantial Development Permit No. 141.539 to allow individuals with interest in the property located adjacent to a Commencement Bay waterway and regulated by the Washington State Department of Ecology under an order, consent decree or NPDES Permit to perform investigation, cleanup, control and/or treatment of contaminated storm water, ground water, soils, storm water solids, and other contaminated materials, excluding process waste water; or is subject to sampling of soil, water, or sediment for chemical or biological analyses. (Washington State Department of Ecology; File No. 141.539.)

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

- c. Hearing Examiner submitting Shoreline Management Substantial Development Permit No. 141.549 to allow the installation of spill response equipment at an existing petroleum/chemical marine transfer facility at 250 East D Street. (Superior Oil Company; File No. 141.549.)

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

- d. Hearing Examiner recommending the approval of a modification of a previously approved site plan to reclassify the property located approximately 75 feet east of the northeast corner of South 15th Street and Union Avenue to develop 3,900

square feet of office space in two buildings. (Rich and Robyn Wilkerson; File No. 120.1352.A.)

Mayor Vialle moved to concur in the recommendations of the Hearings Examiner. Seconded by Council Member Moss. Voice vote was taken and carried. The motion was declared adopted.

FINAL READING OF ORDINANCES:

Ordinance No. 25346 (Carried forward from the meeting of August 17, 1993.)

Amending the Pay and Compensation Plan to implement rates of pay in accordance with the collective bargaining agreement with the United Transportation Union - Switch Crews.

Roll call vote was taken, resulting as follows:

Ayes: 9 -- Baarsma, Evans, McElliott, Miller, Moss, Mykland, Nielsen, Silas, and Mayor Vialle.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 25347 (Carried forward from the meeting of August 17, 1993.)

Providing for the formation of L.I.D. No. 8570 for permanent pavement on Visscher Street from North 42nd Street north 300 feet.

Roll call vote was taken, resulting as follows:

Ayes: 9 -- Baarsma, Evans, McElliott, Miller, Moss, Mykland, Nielsen, Silas, and Mayor Vialle.

Nays: 0.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 25348 (Carried forward from the meeting of August 17, 1993.)

Authorizing the acceptance of donations in the amount of \$2,000 from S.C. Johnson Wax; \$1,000 from the Steel Recycling Institute; \$2,000 from US West Direct; and depositing in and appropriating said sums from the Miscellaneous Grants Summary Fund for assisting a public education campaign on the recycling of empty aerosol cans and phone books.

Mayor Vialle moved to suspend the rules to consider Substitute Ordinance No. 25348. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

The Substitute Ordinance was set over for final reading next week.

Ordinance No. 25349 (Carried forward from the meeting of August 17, 1993.)

Repealing Chapter 6.12 of the Official Code relative to bondsmen.

The Ordinance was set over for final reading next week.

Ordinance No. 25350 (Carried forward from the meeting of August 17, 1993.)

Appropriating \$9,000 from the Miscellaneous Special Revenue Fund for acquiring rights-of-way; and declaring an emergency and making necessary the passage of this ordinance.

The Ordinance was set over for final reading next week.

Ordinance No. 25351 (Carried forward from the meeting of August 17, 1993.)

Amending Section 13.06.375 of the Official Code relative to Special Property Uses for recreational facilities.

The Ordinance was set over for final reading next week.

Ordinance No. 25352 (Carried forward from the meeting of August 17, 1993.)

Amending Chapter 1.29 of the Official Code relative to the Human Rights Commission.

The Ordinance was set over for final reading next week.

Ordinance No. 25353 (Carried forward from the meeting of August 17, 1993.)

Renaming a portion of South K Street from Division Avenue to Sixth Avenue "Martin Luther King, Jr. Way" effective October 1, 1993.

The Ordinance was set over for final reading next week.

Ordinance No. 25354

Vacating a portion of South 58th Street east of Tyler Street to utilize the north half of the property for additional parking for the AMVETS Post and to combine the south half of the property with the Metropolitan Park District property for future use.

Council Member Mykland 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.

The Ordinance was set over to a date to be determined.

Ordinance No. 25355

Vacating the alley rights-of-way north of South 14th Street between Sprague Avenue and Ferry Street to combine the vacated areas with the abutting properties to provide controlled access and improved security.

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

The Ordinance was set over to a date to be determined.

Ordinance No. 25356

Amending Chapter 13.06 of the Official Code to reclassify the property located at the north side of South 19th Street in the vicinity of West Union Avenue from an "R-2" One-Family Dwelling District and an "R-2TM" Medical Center Transitional District to a "C-1" Commercial District to convert an existing office building into a banking facility and to construct a new bank drive-up facility.

Mayor Vialle 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.

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The Ordinance was set over to a date to be determined.

Ordinance No. 25357

Authorizing the execution of an amendment to the agreement with Pierce County Department of Aging and Long Term Care; depositing in and appropriating \$15,000 from the Miscellaneous Grants Summary Fund for expanding the 1993 Mental Health Brokering, Title III-B Program to include services to non-English speaking citizens.

The Ordinance was set over for final reading next week.

Ordinance No. 25358

Appropriating \$17,165 from the Unreserved Fund Balance of the Handicapped Services Fund for handicap supplies and declaring an emergency making necessary the passage of this ordinance.

The Ordinance was set over for final reading next week.

Ordinance No. 25359

Amending Section 1.06.100 of the Official Code relative to waiving the printing fee of \$50 for indigent candidates to be included in the Official Voters' Pamphlet.

Speaking before Council was:

Robert Hill

1016 North Huson

The Ordinance was set over for final reading next week.

Ordinance No. 25360

Amending Section 13.02 of the Official Code relative to ratifying the Land Use Management Plan and its elements.

The Ordinance was set over for final reading next week.

PUBLIC HEARINGS AND APPEALS: (Began at 6:10 p.m.)

- a. Metropolitan Park District of Tacoma, appealing the decision of the Hearing Examiner relative to the preliminary plat approval for the division of 5.65 acres into 32 residential lots located north of South 74th Street in

the vicinity of Verde Street extended. (Laurence Ortengren; File No. 125.329.) (Carried forward from the meeting of August 17, 1993.)

Deputy Mayor Mykland moved to dismiss the appeal of the Metropolitan Park District as requested by the appellant and remand the matter back to the Hearing Examiner for appropriate action. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

- b. Bill Hall and Bill Kellis, appealing the decision of the Hearing Examiner relative to L.I.D. 8574 for asphalt paving on the alley between North 26th and North 27th Streets from Starr Street east 470 feet. (Carried forward from the meeting of August 17, 1993.)

Council Member Mykland moved to continue the appeal of Bill Hall and Bill Kellis to the meeting of September 28, 1993. Seconded Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

The appeal of Bill Hall and Bill Kellis will be considered at the regular City Council meeting of September 28, 1993.

- c. This is the date set for a public hearing on the proposed sale of the Monte Vista Substation located on South 84th and Lawrence Streets to Pierce County. (Carried forward from the meeting of August 17, 1993.)

There were no speakers before the City Council. The hearing was declared closed at 6:30 p.m.

RESOLUTIONS:

Purchase Resolution No. 32298 (Carried forward from the meeting of August 17, 1993.)

Awarding contracts to:

1. Sea Chem Company, on their bid of \$25,000; Western Paper Co., on their bid of \$20,000; West Coast Paper Co., on their bid of \$8,500; and Unisource Corp., on their bid of \$6,000 for janitorial paper supplies - Specification No. G-028-92;
2. American Building Maintenance Co., on their bid of \$92,465.40 for janitorial services of the Municipal Building and Municipal Services Center - Specification No. G-209-92;
3. S & W Utility Contractors, Inc., on their bid of \$49,520.98 for an extension of a sanitary sewer line relative to L.I.D. No. 3947 - Specification No. G-201-93;

4. Tillotson Custom Concrete, on their bid of \$31,804.69 for a cement concrete sidewalk on the north side of Sixth Avenue in the vicinity of Titlow Park and Sunset Drive to Mt. View Avenue - Specification No. G-234-93;
5. J.L.R., Inc., on their bid of \$172,105.50 for business district street furniture and street tree planting - Specification No. G-232-93;
6. D.F.R., Inc., on their bid of \$19,433.80 and Egghead Software, on their bid of \$11,585.72 for computer hardware and software - Specification No. G-026-93;
7. Rejecting all bids for sanitary sewer replacement - Specification No. G-228-93;
8. Lachat Instruments, on their bid of \$54,066 for a flow injection analyzer - Specification No. G-034-93;
9. Chevron U.S.A. Products Co., on their bid of \$54,000 for motor oil and lubricants - State Contract #154-91;
10. Altec Industries, on their bid of \$122,969.61 for a Derrick digger on cab and chassis - Specification No. G-037-93.
11. Pacific Utility Equipment Co., on their bid of \$88,516.80 for a 40-foot manlift - Specification G-038-93;
12. Constructors - PAMCO, on their bid of \$848,936.13 for storm and sanitary sewers on Blair Waterway at Lincoln Avenue - Specification No. G-211-93; and
13. Rejecting all bids for Cheney Stadium Reroof - Specification No. G-233-93.

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

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

Resolution No. 32299 (Carried forward from the meeting of August 17, 1993.)

Authorizing the purchase of property located at 200th Street East and approximately 54th Avenue East from John and Dorothy Brazier for an electrical substation.

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

Resolution No. 32300 (Carried forward from the meeting of August 17, 1993.)

Confirming the sale of Electric System Revenue Bonds, Junior Lien Series of 1993, in the amount of \$3,318,500 to finance certain improvements to the electric system.

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

Resolution No. 32301 (Carried forward from the meeting of August 17, 1993.)

Authorizing the execution of an amendment to the Neighborhood Preservation Program agreement with the Municipal Authority in the amount of \$200,000 for the Rental Rehabilitation Program.

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

Purchase Resolution No. 32302

Awarding contracts to:

1. Ramlo Well Drilling, on their bid of \$40,000, for well drilling at Leach Creek Holding Basin - Emergency Purchase Order No. 45243; and
2. Olson Brothers Excavating, Inc. on their bid of \$39,081.95, for sanitary sewer replacement on East 66th Street, East D Street to East E Street - Specification No. G-200-93.

Council Member Moss moved that the Purchase Resolution, including waiving formal bidding procedures on Item No. 1, be adopted. Seconded by Council Member McElliott.

Voice vote was taken and carried on the Purchase Resolution. The Purchase Resolution, including waiving formal bidding procedures on Item No. 1, was declared adopted.

Resolution No. 32303

Authorizing the execution of an agreement with the Metropolitan Park District in the amount of \$183,332 for the Northwest Point Development Project.

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. 32304

Authorizing the execution of an agreement with the United Neighborhoods of Tacoma in the amount of \$45,960 for the Eastside Small Business Incubator Project.

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

Resolution No. 32305

Waiving the video production fee for indigent candidates for the 1993 Video Voters' Pamphlet.

Council Member Mykland moved to continue Resolution No. 32305 to the meeting of August 31, 1993. Seconded by Council Member Silas. Voice vote was taken and carried with Council Member Moss voting in opposition. The motion was declared adopted.

Resolution No. 32305 will be considered at the regular City Council meeting of August 31, 1993.

Resolution No. 32306

Expressing the intent to enter into an agreement with the Hilltop Homeownership Development Center to assist in the development and implementation of the Hilltop Homeownership Program.

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

UNFINISHED BUSINESS:

None.

REPORTS BY CITY MANAGER:

Mr. Ray E. Corpuz, Jr., City Manager, requested an Executive Session to discuss potential and pending litigation and personnel matters, not to exceed 30 minutes.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Council Member Evans requested staff to examine a process whereby citizens could be notified of proposed street changes for example, when deadend streets or made into thoroughfares.

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Council Member Baarsma expressed his appreciation to City and Metropolitan Park District staff for their efforts in putting together the Northwest Point Development Project.

Council Member Baarsma indicated that there were several news articles about the City and its image. He reported that during the past three years there have been approximately 10,000 individuals coming to this area to determine whether to attend our universities. Last year the University of Washington received 4,000 applications for 700 freshmen seats and 65% of those seats were filled by students from out of state. Council Member Baarsma also indicated that the retention rate for students staying for the full four years is over 60%, nearly 70% today.

Council Member Miller expressed his gratitude for the excellent quality of productions produced by the staff of Municipal TV for their video production on First Night and for the August CityScape issue.

Mayor Vialle thanked participants for the successful Paint Tacoma Beautiful project this past weekend.

Council Member Silas thanked *The Morning News Tribune* for their fair reporting on crime in Tacoma.

Council Member McElliott thanked staff for the work done on street striping in the Eastside.

Mayor Vialle moved to recess to Executive Session to discuss potential and pending litigation and personnel matters, the session not to exceed 30 minutes. Seconded by Council Member Miller. Voice vote was taken and carried. The motion was declared adopted.

Council recessed to Executive Session at 6:25 p.m. At 7:05 p.m. Mayor Vialle announced the Executive Session would be extended an additional 25 minutes. The meeting reconvened at 7:25 p.m.

Mayor Vialle moved that the City Manager be authorized to execute a Consent Decree with the United States Department of Justice, the United States Environmental Protection Agency, and the Washington State Department of Ecology, substantially in the draft form filed with the City Clerk, to be a global settlement of all compliance issues related to the North End Sewer Treatment Plant, and to include the following basic elements:

1. Upgrade to the plant, at a cost of \$7.5 million;
2. Interim affluent limits;
3. A two-year evaluation period for future limits;
4. Dismissal of pending litigation;
5. Compromise and payment of a civil penalty not to exceed \$550,000;

and directing the City Manager to negotiate a compromise of the civil penalty, including directing of penalty funds to a supplemental environmental project. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

Mayor Vialle moved to authorized the City of Tacoma to enter into final settlement with Continental Heller Construction, Inc. in the case of Apollo Sheet Metal, Inc. v. University Mechanical Contractors, et al., Pierce County Cause No. 92-2-02112-4; Harris Rebar Seattle, Inc. v. City of Tacoma et al., King County Cause No. 92-2-03940-1; and Cochran, Inc. v. Continental Heller Construction, Inc. et al., Pierce County Cause No. 93-2-00424-4 in the total amount of \$75,000 pursuant to the settlement agreement in the form to be approved by the City Attorney's office. Seconded by Council Member Miller. Voice vote was taken and carried. The motion was declared adopted.

On proper motion, the meeting was adjourned at 7:30 p.m.



 KAREN L. R. VIALLE, MAYOR

ATTEST: 
 for GENELLE BIRK, CITY CLERK