

## CITY COUNCIL MINUTES

City Council Chambers  
April 26, 1988

The meeting was called to order at 5:00 p.m.

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

The Flag Salute was led by Council Member Mykland.

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### CONSENT AGENDA

Approval of the minutes of the regular meeting of April 19, 1988.

#### RESOLUTIONS:

##### Resolution No. 29999

Authorizing the submittal of a grant application to the Department of Housing and Urban Development in the amount of \$243,000.00 for continuation of Tacoma's Rental Rehabilitation Program.

##### Resolution No. 30000

Setting Tuesday, May 10, 1988 at approximately 5:30 p.m. as the date for a public hearing by the City Council regarding the City's Three-Year Housing Assistance Plan (1985-1988) goals relating to assisted housing resources.

#### ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner Agenda for Tuesday, April 26, 1988.
- b. Minutes of the meeting of the Citizens' Affirmative Action Advisory Committee, February 11, 1988 and March 10, 1988.
- c. Minutes of the meeting of the Civil Service Board, April 4, 1988.
- d. Minutes of the meeting of the Landmarks Preservation Commission, April 13, 1988.
- e. Minutes of the meeting of the Public Utility Board, March 23, 1988.
- f. Minutes of the meeting of the Tacoma Planning Commission, April 4, 1988.

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- g. Monthly Financial Reports of the Belt Line Division, Data Processing Division, Fleet Services Fund, Light Division, Self-Insurance Claim Fund and Water Division, February 1988.
- h. Monthly Report of the Tacoma Police Department, March 1988.

Council Member Vialle moved that the Consent Agenda, including Resolution Nos. 29999 and 30000, be approved. Seconded by Deputy Mayor Hyde. Voice vote was taken and carried. The Consent Agenda was declared approved.

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Mayor Sutherland announced that Ordinance No. 24041 would be continued to the Council meeting of May 31, 1988. He also stated that Council would recess to Executive Session to discuss litigation and personnel matters following a proclamation.

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Mayor Sutherland proclaimed the week of April 30, 1988 - May 7, 1988 to be "Bike Safety Week," and presented the proclamation to Mr. Bob Speicher, President of the West Tacoma Optimist Club and Mr. Win Kingen, Chair of the Bike Safety Week committee.

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

Council recessed to Executive Session at 5:13 p.m.

At 5:44 p.m., Mayor Sutherland re-entered the Council Chambers and stated that the Executive Session would extend for an additional 10 minutes.

Council reconvened at 5:54 p.m.

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REGULAR AGENDA

COMMUNICATIONS:

- a. Hearings Examiner recommending denial of the request for reclassification of the property located approximately 250 feet north of the northeast corner of South 84th and "D" Streets (8223 South "D" Street) from a "R-2" One-Family Dwelling District to a "R-3" Two- and Three-Family Dwelling District to allow the retention of a third dwelling unit on a site which has been determined to have legal nonconforming use rights for a duplex. (Richard R. Stromberg; File No. 120.1232)

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Mayor Sutherland moved to concur in the recommendations of the Hearings Examiner. Seconded by Deputy Mayor Hyde. Voice vote was taken and carried. The motion was declared adopted.

- b. Hearings Examiner submitting an Order of Dismissal Without Prejudice relative to the appeal of Tacoma Mini Warehouse Investors of Audit Assessment Notice No. AD 5607.

Mayor Sutherland moved to concur in the recommendations of the Hearings Examiner. Seconded by Deputy Mayor Hyde. Voice vote was taken and carried. The motion was declared adopted.

- c. Hearings Examiner advising that the remonstrance for L.I.D. No. 2607 has reached 60.27% and that the district cannot be formed.

Mayor Sutherland advised that this is informational only and no action is required.

- d. City Clerk advising that the Civil Service Board has filed a proposed amendment to Personnel Rule 1.24.570 of the Civil Service and Personnel Rules to allow the Civil Service Board to suspend competition on recommendation of the Personnel Director for implementing classification reallocations to a higher class as a result of the Ewing classification study.

Mayor Sutherland advised that this is informational only and no action is required. He also noted that the Personnel Department would present an ordinance to the Council for first reading on May 3, 1988, regarding this matter.

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FINAL READING OF ORDINANCES:

Ordinance No. 24073

Providing for the sale and issuance of a series of the City's electric system revenue bonds in the aggregate principal amount of \$59,900,000.00 to provide part of the funds necessary for the acquisition, construction and installation of certain additions and improvements to the City's electric system.

Mayor Sutherland moved to suspend the rules to consider Substitute Ordinance No. 24073, providing for the issuance of electric system revenue bonds in the aggregate principal amount of \$60,400,000.00. Seconded by Council Member Warrick. Voice vote was taken and carried. The motion was declared adopted.

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

Ayes: 8 - Hyde, McElliott, Moss, Nielsen, Stenger, Vialle, Warrick, and Mayor Sutherland.

Nays: 1 - Mykland.

The Substitute Ordinance was declared passed.

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Ordinance No. 24074

Amending Title 5 of the Official Code by repealing a subsection (j) of Section 5.26.020 defining vicious dogs and Section 5.26.040, "Harboring Vicious or Dangerous Dog" and add a new Chapter 5.27 relating to potentially dangerous dogs to bring the City in compliance with State Law.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Hyde, McElliott, Moss, Mykland, Stenger, Vialle, Warnick, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Nielsen.

The Ordinance was declared passed.

Ordinance No. 24075

Transferring \$34,500.00 from the Contingency Fund to the Miscellaneous Special Revenue Fund, Right-of-Way Acquisition Account; appropriating said sum from the Miscellaneous Special Revenue Fund, to purchase property for future right-of-way purposes for alignment of the South 38th - 40th Streets improvement between South Tacoma Way and Tyler Street.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Hyde, McElliott, Moss, Stenger, Vialle, Warnick, and Mayor Sutherland.

Nays: 1 - Mykland.

Absent: 1 - Nielsen.

The Ordinance was declared passed.

Ordinance No. 24076

Amending the Pay and Compensation Plan to implement 1988 rates of pay with the Service Employees International Union Local 123 and the International Association of Machinists and Aerospace Workers Local 160.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Hyde, McElliott, Moss, Mykland, Stenger, Vialle, Warnick, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Nielsen.

The Ordinance was declared passed.

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Ordinance No. 24077

Providing for the formation of L.I.D. No. 8485 to construct permanent pavement with storm drainage on:

1. Cushman Avenue from South 58th to South 59th Streets;
2. South 76th Street from South Lawrence to South Warner Streets;
3. South 62nd Street from South Prospect to South Fife Streets; and
4. South Fife Street from South 74th Street south 350 feet more or less to the dead end.

Rod Kerslake, Hearings Examiner, stated that the remonstrance on segment #2 was now at 51.5% and also that one of the property owners would need to dedicate their property on segment #2. As a result of these difficulties, the Hearings Examiner recommended that segment #2 be removed from LID No. 8485.

Mayor Sutherland moved to remove segment #2 from LID No. 8485. Seconded by Council Member Mykland. Voice vote was taken and carried. The motion was declared adopted.

Segment #2 was removed from LID No. 8485.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Hyde, McElliott, Mykland, Nielsen, Stenger, Vialle, Warrnick, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Moss.

The Ordinance, as amended, was declared passed.

Ordinance No. 24078

Providing for the formation of L.I.D. No. 3900 for the construction of sanitary sewers in:

1. 49th Avenue N.E. from 33rd Street N.E. to 43rd Street N.E.;
2. 41st Street N.E. from 49th Avenue N.E. west 900 feet more or less;
3. 42nd Street N.E. from 49th Avenue N.E. west 625 feet;
4. 43rd Street N.E. from 49th Avenue N.E. to a point 315 feet more or less west of 45th Avenue N.E.;
5. An easement between 41st Street N.E. and 43rd Street N.E. 375 feet more or less east of 45th Avenue N.E.; and
6. An easement between 42nd Street N.E. and 43rd Street N.E. 625 feet more or less east of 45th Avenue N.E.

Roll call vote was taken, resulting as follows:

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

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Nays: 0.

The Ordinance was declared passed.

Ordinance No. 24079

Providing for the formation of L.I.D. No. 3903 for the construction of sanitary sewers in Norpoint Way N.E. from 40th Avenue N.E. east 300 feet more or less.

Roll call vote was taken, resulting as follows:

Ayes: 8 - McElliott, Moss, Mykland, Nielsen, Stenger, Vialle, Warrick, and Deputy Mayor Hyde.

Nays: 0.

Absent: 1 - Mayor Sutherland.

The Ordinance was declared passed.

Ordinance No. 24080

Providing for the formation of L.I.D. No. 3906 for the construction of sanitary sewers in 26th Street N.E. from 64th Avenue N.E. west 540 feet more or less.

Roll call vote was taken, resulting as follows:

Ayes: 8 - McElliott, Moss, Mykland, Nielsen, Stenger, Vialle, Warrick, and Deputy Mayor Hyde.

Nays: 0.

Absent: 1 - Mayor Sutherland.

The Ordinance was declared passed.

Ordinance No. 24081

Providing for the formation of L.I.D. No. 5677 for the construction of water mains and the installation of fire hydrants on:

1. Canyon Road from 128th Street East to 192nd Street East;
2. west on 192nd Street approximately 1,200 feet;
3. 181st Street East;
4. 63rd Avenue East;

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5. 184th Street East; and
6. Frederickson Industrial Park Road East.

Roll call vote was taken, resulting as follows:

Ayes: 6 - Hyde, Moss, Nielsen, Stenger, Warnick, and Mayor Sutherland.

Nays: 2 - McElliott and Vialle.

Absent: 1 - Mykland.

The Ordinance was declared passed.

Ordinance No. 24084

Providing for the formation of L.I.D. No. 2606 for the placement of a 2-inch asphalt surface treatment on:

1. Highland Street from South 18th Street south 195 feet more or less;
2. "I" Street from East 65th Street to East 66th Street;
3. "K" Street from East 51st Street to East 52nd Street;
4. "M" Street from South 62nd Street to South 64th Street;
5. East 37th Street from "K" Street to Howe Street; and
6. Division Lane from Tacoma Avenue South west 175 feet more or less.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

The Ordinance was declared passed.

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FIRST READING OF ORDINANCES:

Ordinance No. 24041 (Continued from the meeting of March 29, 1988.)

Amending the Pay and Compensation Plan to establish 1988 rates of pay for unrepresented employees.

Mayor Sutherland moved to continue the Ordinance to the meeting of May 31, 1988. Seconded by Council Member Vialle. Voice vote was taken and carried. The motion was declared adopted.

The Ordinance will be considered at the regular City Council meeting of May 31, 1988.

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Ordinance No. 24082

Authorizing the execution of a grant award contract with the Department of Housing and Urban Development in the amount of \$7,000.00; and depositing in and appropriating said sum from the Miscellaneous Grants Summary Fund to implement projects in the Emergency Shelter Grant Program.

The Ordinance was set over for final reading next week.

Ordinance No. 24083

Amending Title 13 of the Official Code to establish a new Chapter (13.09) designating the South Tacoma groundwater aquifer system as the "South Tacoma Groundwater Protection District."

The Ordinance was set over for final reading to May 10, 1988.

Ordinance No. 24085

Appropriating \$65,000.00 from the Bicentennial Pavilion Repair and Maintenance Fund for meeting a portion of the expenditures of retaining a consultant to design the Bicentennial Pavilion renovation; authorizing the execution of an agreement with Loschky, Marquardt and Nesholm for consulting services; and declaring an emergency making necessary the passage of this ordinance.

The Ordinance was set over for final reading next week.

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Mayor Sutherland moved that the Council consider Public Hearings and Appeals. Seconded by Deputy Mayor Hyde. Voice vote was taken and carried. The motion was declared adopted.

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PUBLIC HEARINGS AND APPEALS: (Began at 6:44 p.m.)

This is the date set for hearing the appeal of City of Tacoma relative to Audit Assessment Notice AD 5461, Magnuson Enterprises Inc.

Council Member Warrick stated that due to litigation matters, he would be abstaining from consideration of this appeal. He then left the Council Chambers.

Rod Kerslake, Hearings Examiner, made a presentation to the Council regarding his decision.

Harding Roe, the attorney representing the City of Tacoma, gave the reasons for the appeal.

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Joseph Tucci, the attorney representing Magnuson Enterprises, Inc., spoke in support of the Hearings Examiner's decision.

Rebuttal testimony was then provided by Mr. Roe and Mr. Tucci.

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

Roll call vote was taken, resulting as follows:

Ayes: 5 - Hyde, Moss, Mykland, Nielsen, and Mayor Sutherland.

Nays: 3 - McElliott, Stenger, and Vialle.

Absent (and abstaining): 1 - Warrnick.

The appeal was denied.

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RESOLUTIONS:

Resolution No. 29998 (Continued from the meeting of April 19, 1988.)

Creating the Hilltop Area Task Force to make recommendations to the City Council for the improvement and betterment of the Hilltop and "K" Street areas, and for the elimination of drugs and other illegal activities.

Mayor Sutherland moved to suspend the rules to consider Substitute Resolution No. 29998. Seconded by Deputy Mayor Hyde. Voice vote was taken and carried. The motion was declared adopted.

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

Purchase Resolution No. 30001

Awarding contracts to:

1. Mocon Corporation on their bid of \$147,685.00 for the cleaning of East "T" Street gulch storm line - Specification No. G-212-88;
2. General Chemical Company on their bid of \$47,432.00 for a television inspection system - Specification No. G-013-88;
3. Totem Electric of Tacoma, Inc., in the amount of \$4,825.03 to increase their contract for electrical power revisions at the Tacoma Dome - Specification No. G-276-87;
4. Dye Plastics, Inc., on their bid of \$613,467.50 for plastic refuse containers - Specification No. G-023-88;

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5. Concrete Boutique on their bid of \$41,085.85 for sidewalk removal and replacement at Stewart and Gault Middle Schools and 13th year curb ramps at Stewart Middle School - Specification No. G-204-88;
6. Norris Paint Company on their bid of \$20,817.26 for traffic line paint - Washington State Contract No. 259-87; and
7. Zumar Industries, Inc., on their bid of \$14,533.00 for traffic lane markers - Washington State Contract No. 112A-86.

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

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

Resolution No. 30002

Authorizing the execution of an agreement with Ergometrics and Applied Personnel Research, Inc., in the amount of \$20,600.00 to develop and validate a Firefighter recruit physical ability assessment.

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

Council Member Mykland moved to continue Resolution No. 30002 to the meeting of May 3, 1988. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

The Resolution will be considered at the regular City Council meeting of May 3, 1988.

Resolution No. 30004

Authorizing the sale of 2,500 feet of railroad track, known as the Track 5 extension, adjacent to Dock Street between South 4th Street and South 15th Street to the Burlington Northern Railroad Company for \$25,000.00.

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. 30005

Authorizing the acquisition of property located in the vicinity of West 19th Street and Grandview Drive from the estate of Arnold H. Beeken to allow a sewer pump station site.

Council Member Mykland 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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Resolution No. 30006

Authorizing the execution of a conditional lease agreement with Investco Financial Corporation for the lease of the steam plant property on City Waterway.

Mayor Sutherland moved to continue Resolution No. 30006 to the meeting of May 3, 1988. Seconded by Council Member Mykland. Voice vote was taken and carried. The motion was declared adopted.

The Resolution will be considered at the regular City Council meeting of May 3, 1988.

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REPORTS BY CITY MANAGER:

Erling O. Mork, City Manager, stated that the Personnel/Labor Relations Director had four residency waivers to present to the Council.

Richard J. Sokolowski, Personnel/Labor Relations Director, requested a six month, temporary residency waiver for Joseph Diaz, Assistant City Attorney, Municipal Court.

Council Member Mykland moved to grant a six month temporary residency waiver to Joseph Diaz. Seconded by Council Member Vialle. Voice vote was taken and carried. The motion was declared adopted.

Mr. Sokolowski then requested a six month extension of the residency waiver for Darrell Brookins, Light Dispatcher, Department of Public Utilities.

Deputy Mayor Hyde moved to grant Darrell Brookins a six month extension of his residency waiver. Seconded by Council Member Warnick. Voice vote was taken and carried. The motion was declared adopted.

Mr. Sokolowski then requested a permanent residency waiver for Lorraine Carnahan, Administrative Secretary, Police Department.

After discussion, Deputy Mayor Hyde moved to grant a permanent residency waiver to Lorraine Carnahan. Seconded by Mayor Sutherland. Voice vote was taken and carried. The motion was declared adopted.

Mr. Sokolowski requested a three year extension of the residency waiver for Stan Thaut, Fire Chief.

Council Member Mykland moved to grant a one year extension of the residency waiver for Stan Thaut. Seconded by Deputy Mayor Hyde. Voice vote was taken and carried. The motion was declared adopted.

Council Member Moss stated that the Council should set a specific time and date to deal with the question of residency waivers.

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COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Mayor Sutherland provided copies of letters he had recently received from the King County Council and from the Seattle Goodwill Games Organizing Committee regarding the 1990 Goodwill Games. He made comments relative to this matter.

Mayor Sutherland moved that the claims and legal matters regarding the following individuals be settled in the manner recommended by the City Attorney: Troy Janssen, Hertzog v. City, Ted Bowsfield, and James Knutsen, et al. Seconded by Council Member Warrick. Voice vote was taken and carried. The motion was declared adopted.

Council Member McElliott questioned what sort of legislative action the Council would take relative to the 1990 Goodwill Games.

Mayor Sutherland discussed the options open to the Council on this matter.

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On proper motion, the meeting was adjourned at 7:59 p.m.

ATTEST:

  
GENELLE BIRK, CITY CLERK

  
DOUG SUTHERLAND, MAYOR

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