

CITY COUNCIL MINUTES

City Council Chambers
May 6, 1986

The meeting was called to order at 5:03 p.m.

Present on roll call: 8 - Ladenburg, McElliott, Mykland, Nielsen, Rasmussen, Stenger, Warrnick, and Mayor Sutherland. Absent: 1 - Hyde.

(Council Member Hyde arrived at 5:05 p.m.)

The Flag Salute was led by Council Member Stenger.

CONSENT AGENDA

Approval of the minutes of the regular meeting of April 29, 1986.

PETITIONS:

Pacific General Construction, Inc. requesting the reclassification of the property located at the southwest corner of Browns Point Boulevard N.E. and McMurray Road from an "R-4-LT" to a "C-1" District.

For referral to the Hearings Examiner.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner Agenda for Tuesday, May 6, 1986.
- b. Minutes of the meeting of the Appointments Committee, April 21, 1986.
- c. Minutes of the meeting of the Citizens Transportation Advisory Committee, January 9, 1986.
- d. Minutes of the meeting of the Public Utility Board, April 9, 1986.
- e. Minutes of the meeting of the Tacoma Employees' Retirement System Board, March 27, 1986.
- f. Minutes of the meeting of the Tacoma Beautification Committee, March 19, 1986.
- g. Tacoma Employees' Retirement System - report of purchases and sales of investments, March 1986.
- h. 1985 Fourth Quarter Report, Human Rights Department.
- i. Total Work Report of the Tacoma-Pierce County Humane Society & S.P.C.A., March 1986.
- j. Report of the Director of Finance, March 1986.
- k. Monthly Financial Reports for the Belt Line Division, Data Processing Division, Fleet Services Fund, Light Division, Self-Insurance Claim Fund and Water Division, March 1986.

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Deputy Mayor Rasmussen moved that the Consent Agenda be approved. Seconded by Council Member Warrick. Voice vote was taken and carried. The Consent Agenda was declared approved.

REGULAR AGENDA

ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS:

Resolution No. 29183

Appointing members to various committees, boards, and commissions.

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

Council Member Hyde arrived at 5:05 p.m.

COMMUNICATIONS:

- a. Hearings Examiner submitting Shoreline Management Substantial Development Permit No. 141.381 to allow improvements to an existing loading dock facility for oil products located on the Port of Tacoma Road approximately 800 feet northwesterly of Lincoln Avenue. (U. S. Oil and Refining Company; File No. 141.381)

Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Ladenburg. Roll call vote was taken, resulting as follows: Ayes: 9 - Hyde, Ladenburg, McElliott, Mykland, Nielsen, Rasmussen, Stenger, Warrick, and Mayor Sutherland. Nays: 0. The motion was declared adopted.

- b. Hearings Examiner submitting Shoreline Management Substantial Development Permit No. 141.382 to allow the construction of a marina and yacht sales office for an existing 37 slip marina facility located at the southwest corner of East "D" Street and East 18th Street, which will include modifications to the approved parking lot lay out, float lay out, landscaping plan, and the overall site plan. (J. E. Meaker; File No. 141.382)

Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Hyde. Roll call vote was taken, resulting as follows: Ayes: 9 - Hyde, Ladenburg, McElliott, Mykland, Nielsen, Rasmussen, Stenger, Warrick, and Mayor Sutherland. Nays: 0. The motion was declared adopted.

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FINAL READING OF ORDINANCES:

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.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

The Ordinance was declared passed.

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."

Roll call vote was taken, resulting as follows:

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

Nays: 0.

The Ordinance was declared passed.

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.

Mayor Sutherland moved to continue Ordinance No. 23610 to the meeting of May 13, 1986. Seconded by Council Member Harnick. Voice vote was taken and carried. The motion was declared adopted.

The Ordinance will be considered at the regular City Council meeting of May 13, 1986.

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FIRST READING OF ORDINANCES:

Ordinance No. 23611

Amending Section 5.20 of the Official Code to correct commercial refuse can collection rates and establish a charge for a 30-yard drop-off box-temporary service.

The Ordinance was set over for final reading next week.

Ordinance No. 23612

Expressing approval of the transfer of the cable television franchise created by Ordinance No. 19050 to TCI Cable Television of Washington, Inc.

Mayor Sutherland stated that Section 8.1 of the City Charter requires that amendments of a franchise shall be passed at least 15 days after its introduction.

Robert J. Backstein, City Attorney, stated that on May 27, 1986, there would be a substitute ordinance before the Council which will include procedural changes requested by the representatives from TCI Cable Television of Washington, Inc.

The Ordinance was set over for final reading on May 27, 1986.

RESOLUTIONS:

Purchase Resolution No.29184

Awarding contracts to:

1. Start Computing, Inc. on their bid of \$19,941.92 for Kaypro Computer Equipment - Specification No. G-028-86;
2. Photo & Sound on their bid of \$20,589.80, Proline Video on their bid of \$10,377.00, and Custom Video on their bid of \$3,311.62 for video equipment - Specification No. G-023-86;
3. Tucci & Sons, Inc. on their bid of \$73,863.70 for the emergency slide repair for Brown's Point Boulevard - Informal Bid No. 6928;
4. Reinforced Earth Company on their bid of \$30,000.00 for retaining wall material for Brown's Point Boulevard Slide Repair - Informal Bid No. 6928; and
5. S&W Construction on their bid of \$18,268.87 for sanitary sewer replacement on South 41st Street and Park Avenue - Specification No. G-211-86.

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

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Mayor Sutherland moved to waive the formal bidding procedures on Purchase Item No. 4. Seconded by Council Member Hyde. Voice vote was taken and carried. The motion was declared adopted.

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

Resolution No. 29185

Authorizing the acquisition of property from the State Department of Transportation located at the intersection of the Olympic Boulevard right-of-way and Jackson Avenue for open space purposes.

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

Resolution No. 29186

Authorizing the execution of a quit claim deed in favor of the Metropolitan Park District for approximately 38 feet of tidelands located at Salmon Beach North.

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

Mayor Sutherland moved to recess to Executive Session to discuss labor relations matters, the session not to exceed 20 minutes. Seconded by Council Member Hyde. Voice vote was taken and carried. The motion was declared adopted.

Council recessed to Executive Session at 5:29 p.m. and reconvened at 5:49 p.m.

PUBLIC HEARINGS AND APPEALS: (Began at 5:50 p.m.)

- a. This is the date set for hearing the appeal of Heritage Homecrafters, Inc. regarding 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) (Continued from the meeting of April 29, 1986.)

Ernetta Weathersby, Hearings Examiner, reviewed the appeal for the Council.

Deputy Mayor Rasmussen moved to overrule the Hearings Examiner and sustain the appeal, based on appropriate agreements being reached regarding the easement. Seconded by Council Member Nielsen.

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Council Member Harnick commented on the recommendations of City staff to incorporate arrangements and provisions that will protect the City's interests in regard to the sewer easement that is currently being built on. He stated that it was an important and necessary part of the settlement and also recognized that the adjacent property owner was in agreement with the easement requested and recommended that the Council support the motion.

Council Member Hyde stated that this was an extremely unique situation and that this was not a precedent setting situation.

Council Member Rasmussen indicated that statements were made that a part of the problem was shared by the City of Tacoma. He said that he did not accept that statement. He felt that the burden was entirely upon the applicant; however, because of the extenuating circumstances, it was appropriate to grant the variance.

Voice vote was taken and carried. The motion was declared adopted.

The appeal was upheld.

Mayor Sutherland called for Mr. Donald N. H. Adams to speak regarding the next appeal. Mr. Adams did not respond.

Robert Backstein, City Attorney, reviewed the circumstances of the appeal and stated there were individuals present in the Council Chambers in opposition to Mr. Adams' appeal.

Mayor Sutherland moved to set aside Appeals Item "b" to the end of the agenda, since it was not yet 6:00 p.m. Seconded by Council Member Hyde. Voice vote was taken and carried. The motion was declared adopted.

REPORTS BY CITY MANAGER:

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

Richard Sokolowski, Personnel/Labor Relations Director, requested a one-year residency waiver for Mr. Ted Coates, Director of Public Utilities.

Council Member Nielsen moved to grant a one-year residency waiver to Mr. Ted Coates. Seconded by Council Member Rasmussen. Voice vote was taken and carried. The motion was declared adopted.

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COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Council Member Hyde passed out to the Council the second Marine Resources Protection report from the Tacoma-Pierce County Health Department. He gave a review of the major points and conclusions of the report.

PUBLIC HEARINGS AND APPEALS: (Began at 6:05 p.m.)

- b. This is the date set for hearing the appeal of Donald N. H. Adams regarding the recommendation and decision of the Hearings Examiner concerning a noise fence at the Highland Golf and Racquet Club.

Mayor Sutherland again called for Mr. Donald N. H. Adams for a presentation regarding his appeal. Mr. Adams did not respond.

Rick Rosenblatt, City Clerk's Office, gave a review of the appeal notification process.

Mayor Sutherland asked for an indication of the number of neighbors present in the audience who were in support of the Hearings Examiner's decision. Mr. Fred Whitney, representing the Homeowners' Association, and three other neighbors indicated they were present in support of the Hearings Examiner's decision.

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

The appeal was denied.

On proper motion, the meeting was adjourned at 6:07 p.m.

ATTEST.


GENELLE BIRK, CITY CLERK


DOUG SUTHERLAND, MAYOR

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