

CITY COUNCIL MINUTES

City Council Chambers
March 21, 1989

The meeting was called to order at 5:07 p.m.

Present on roll call: 8 - Hyde, McElliott, Moss, Mykland, Nielsen, Vialle, Warnick, and Mayor Sutherland. Absent: 1 - Stenger.

The Flag Salute was led by Deputy Mayor Hyde.

CONSENT AGENDA

Approval of the minutes of the regular meetings of February 28, 1989, and March 7, 1989.

PETITIONS:

Pearl Street Associates c/o Zenczak & Partners, requesting the reclassification of the property located at Westgate Boulevard and North Pearl Street from a "R-2" District to a "R-2-T", "R-4-L" and "C-1" Districts to allow construction of an apartment village and a four building office and commercial complex.

For referral to the Hearing Examiner.

RESOLUTIONS:

Resolution No. 30364

Setting Tuesday, April 4, 1989, at approximately 5:30 p.m. as the date for a public hearing by the City Council to consider the 1989-90 Proposed Statement of Community Development Objectives and Projected Use of Funds for the Fifteenth Year Community Development Block Grant Program.

Resolution No. 30365

Setting Tuesday, April 11, 1989, at approximately 5:30 p.m. as the date set for a public hearing by the City Council concerning the Union Station Master Plan.

Resolution No. 30366

Setting Tuesday, April 25, 1989, at approximately 5:30 p.m. as the date for a public hearing by the City Council concerning the draft Amendment which provides a five year update to the "Recreation and Open Space Facilities Plan."

Resolution No. 30367

Setting Tuesday, May 16, 1989, at 10:30 a.m. as the date for hearing by the Hearing Examiner the request to vacate portions of North 22nd and Visscher Streets and adjacent alleys. (W. Towne Collins; File No. 124.886)

Resolution No. 30372

Setting Tuesday, April 4, 1989, at approximately 5:30 p.m. as the date for hearing by the City Council on the budget and program for year two (2) of the Downtown Business Improvement area (BIA).

APPEALS:

Century 21 ABC Realty, Inc., (File No. T-60989) appealing a portion of Audit-Assessment Notice AD 5732 from the Department of Tax and License for the period of January 1, 1975, to January 1, 1984.

Setting Thursday, August 10, 1989, at 9:00 a.m. as the date for hearing by the Hearing Examiner.

ASSESSMENT ROLLS:

The Director of Public Works presents the Assessment Roll for the following:

L.I.D. No. 8435 for the installation of permanent pavement with storm drainage as necessary, street lighting, landscaping and plaza-type amenities in Broadway Plaza from South 9th Street to South 11th Street together with a \$50,000.00, 10-year maintenance fund.

Setting, Monday, April 24, 1989, at 5:00 p.m. as the date for hearing by the Hearing Examiner.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearing Examiner Agenda for Tuesday, March 21, 1989.
- b. Minutes of the meeting of the Public Utility Board, February 22, 1989.
- c. Minutes of the special meeting of the Tacoma-Pierce County Board of Health, February 9, 1989.
- d. Minutes of the meeting of the Tacoma Planning Commission, February 22, 1989.
- e. Minutes of the meetings of the Urban Policy Committee, February 22, 1989, and March 8, 1989.
- f. Citizens' petition opposing the addition of "Sex Orientation" to Chapter 1.29.010 of the Official Code.
- g. Order of Dismissal, Ted Allen Brown, File No. T-58889.

- h. Report on the Status of the Arts in Tacoma/Pierce County and Recommendations for Arts Stabilization by the Tacoma/Pierce County Task Force for the Arts, February 1989.
- i. Annual Financial Reports of the Belt Line Division, Data Processing Division, Fleet Services Fund, and Self-Insurance Claim Fund, 1988.

Council Member Mykland moved that the Consent Agenda, including Resolution Nos. 30364, 30365, 30366, 30367, and 30372, be approved. Seconded by Council Member Vialle. Voice vote was taken and carried. The Consent Agenda was declared approved.

Mayor Sutherland recognized Lilly Warnick of the Tacoma-Pierce County Task Force for the Arts. Mrs. Warnick addressed the Council on the Report on the Status of Arts in Tacoma-Pierce County and Recommendations for Arts Stabilization by the Tacoma-Pierce County Task Force for the Arts. She then introduced other members of the Task Force.

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

FINAL READING OF ORDINANCES:

Ordinance No. 24311

Accepting \$5,000.00 from the Everett Opera Guild; depositing \$5,000.00 in the Miscellaneous Grants Summary Fund; transferring \$5,000.000 from the General Fund to the Miscellaneous Grants Summary Fund; and appropriating \$10,000.00 from the Miscellaneous Grants Summary Fund for the production of "Showboat" by the Tacoma Opera.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Stenger.

The Ordinance was declared passed.

Ordinance No. 24312

Approving and confirming the assessment roll for L.I.D. No. 3899 for the installation of sanitary sewers in South Mason Avenue from South 60th Street north 250 feet, more or less.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Stenger.

The Ordinance was declared passed.

Ordinance No. 24313

Approving and confirming the assessment roll for L.I.D. No. 8468 for the placement of permanent pavement and storm drainage in North Defiance Street from North 45th Street to North 46th Street.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Stenger.

The Ordinance was declared passed.

Ordinance No. 24314

Approving and confirming the assessment roll for L.I.D. No. 3897 for the installation of sanitary sewers in South Madison Street from South 74th Street south 885 feet, more or less.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Stenger.

The Ordinance was declared passed.

Ordinance No. 24315

Approving and confirming the assessment roll for L.I.D. No. 5678 for the installation of a 6-inch water main in East 49th Street from McKinley Avenue approximately 260 feet west of East "G" Street and in East "G" Street from East 48th to East 49th Streets.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Stenger.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 24310

Amending Chapter 13.06 of the Official Code to reclassify the property located on the east side of South Sprague Street between South 60th and South 64th Streets extended from a "R-2" One-Family Dwelling District and a "R-2-T" Residential Commercial Transitional District to a "C-2" Commercial District to construct an 8,100 square foot retail facility. (Wyatt Strapper, Architects; File No. 120.1268)

Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Moss. 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. 24316

Appropriating \$93,634.37 from the Labor-Management Health Care Trust Fund for Fourth Quarter, 1988 Pierce County Medical Bureau, Inc. underwriting losses; and declaring an emergency making necessary the passage of this ordinance.

The Ordinance was set over for final reading next week.

Ordinance No. 24317

Amending Section 6.66.030 of the Official Code to correct a typographical error.

The Ordinance was set over for final reading next week.

Ordinance No. 24318

Appropriating \$293,000.00 from the Sewer Utility Fund for the construction of a Sewer Maintenance Transmission Building; and declaring an emergency making necessary the passage of this ordinance.

The Ordinance was set over for final reading next week.

Ordinance No. 24319

Accepting \$5,000.00 from the First Interstate Bank; depositing said sum in the Miscellaneous Grants Summary Fund; transferring \$5,000.00 from the General Fund to the Miscellaneous Grants Summary Fund; and appropriating \$10,000.00 from the Miscellaneous Grants Summary Fund for the production of "Carmina Burana" by BALLETTACOMA.

The Ordinance was set over for final reading next week.

Ordinance No. 24320

Appropriating \$62,580.00 from the Cumulative Reserve-Tacoma Dome Fund to provide for the construction of a turf storage room and for the purchase of replacement surveillance equipment for the Dome's security system; and declaring an emergency making necessary the passage of this ordinance.

The Ordinance was set over for final reading next week.

PUBLIC HEARINGS AND APPEALS: (Began at 5:31 p.m.)

- a. This is the date set for hearing the appeal of Harbor Lights Restaurant of the decision of the Hearings Examiner relative to a request by George L. Berry for a Shoreline Management Substantial Development Permit No. 141.443 to allow the construction of a restaurant and off-street parking at the northwest corner of Ruston Way and North Junett Streets. (George L. Berry; File No. 141.443)
- b. This is the date set for hearing the appeal of Michael A. Ebert of the decision of the Hearings Examiner relative to a request by George L. Berry for a Shoreline Management Substantial Development Permit No. 141.443 to allow the construction of a restaurant and off-street parking at the northwest corner of Ruston Way and North Junett Streets. (George L. Berry; File No. 141.443)

Mayor Sutherland called on Robert Mack, Michael Ebert, and George Berry.

Robert Mack, attorney representing the Harbor Lights Restaurant, expressed the need for continuation of the appeals for one week to allow him time to review documents regarding an appearance of fairness issue surrounding this particular matter.

Mayor Sutherland requested of George Berry whether a continuance would cause any adverse problems for the developer.

George Berry, representing C&I Company, spoke against the continuation of the appeal; however, he indicated that a one-week continuance would not cause any severe impact on the development.

Michael Ebert stated that a two-week continuation would be preferable to him.

After discussion, Mayor Sutherland stated that a one-week continuation would be all that was allowable. The parties agreed to this one-week continuation.

Bill Barker, City Attorney, requested that Mr. Mack file any pertinent papers with the City by Friday, March 24, 1989, in order to allow time to review that information prior to the appeals next week.

Mayor Sutherland moved to continue appeals A and B to the meeting of March 28, 1989. Seconded by Deputy Mayor Hyde. Voice vote was taken and carried. The motion was declared adopted.

The appeals will be considered at the regular City Council meeting of March 28, 1989.

RESOLUTIONS:

Resolution No. 30338 (Continued from the meeting of February 28, 1989.)

Authorizing the execution of an agreement with Pierce County Department of Assigned Counsel in the amount of \$159,950.00 to furnish legal services to indigent defendants appearing in the Municipal Courts.

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

Resolution No. 30339 (Continued from the meeting of February 28, 1989.)

Authorizing the execution of an agreement with Pierce County in the amount of \$133,460.00 to utilize the Pierce County District Court Probation Department to furnish rehabilitation and treatment programs for 1989.

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

Resolution No. 30315

Approving the preliminary plat of ROOF ADDITION located in the vicinity of 35th Street N.E. and 49th Avenue N.E. to subdivide a 5-acre parcel of land into 29 residential building sites. (Roof Addition/Jim and Stephanie Roof; File No. 125.294)

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

Purchase Resolution No. 30368

Awarding contracts to:

1. Brodsky's, in the amount of \$17,466.24 to increase their contract for Police Department Uniforms - Specification No. G-037-88;
2. First National Auto Lease, in the amount of \$25,466.24 to increase their contract for National Auto Lease - Purchase Order No. 28034;
3. Hovermarine International, in the amount of \$21,879.52 to purchase spare parts for maintenance of fireboats - Single Source;
4. The Waterclear Company, in the amount of \$70,000.00 for the purchase of polymer for the belt filter press - Single Source;
5. E.J. Rody and Sons, Inc., in the amount of \$15,966.97 for the emergency repair of the sanitary sewer located at 624 North "I" Street;
6. S & W Construction, Inc., on their bid of \$27,354.80 for sanitary sewer extension - 26th Street NE, 64th Avenue NE to 62nd Avenue NE, L.I.D. No. LD 3906 - Specification No. G-203-89;
7. Lige and Wm. B. Dickson, on their bid of \$104,555.22 for the demolition of the Samson Hotel located at 1150-1156 South Fawcett - Specification No. G-017-89;
8. Centrecon, Inc., in the amount of \$44,250.00 for ornamental streetlight standards - Single Source;
9. Platt Electric Supply, Inc., on their bid of \$28,439.57 and Graybar Electric Company, Inc., on their bid of \$15,005.76 for lamps, luminaires, circuit breakers - Specification No. G-014-89; and
10. Computers and Applications, on their bid of \$183,590.94, GTE, Northwest, Inc., on their bid of \$124,237.23, Compucom Systems, Inc., on their bid of \$15,928.46, Business Pro Computer Products, on their bid of \$3,768.00, Robert McNeill and Associates, on their bid of \$2,003.00 for personal computer hardware/software and local area network - Specification No. G-007-89.

Council Member Nielsen moved that the Purchase Resolution be adopted, including waiving the formal bidding procedures on Item Nos. 3, 4, 5, and 8. Seconded by Council Member Moss.

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

Resolution No. 30369

Authorizing the execution of an agreement with Bankers Trust Company to provide investment services effective April 1, 1989, through March 31, 1990.

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

Resolution No. 30370

Authorizing the execution of Tacoma Dome License Agreement No. 788 providing for the use of the Tacoma Dome on June 2, 1989, through June 4, 1989, by Circus Vargus.

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

Resolution No. 30371

Authorizing the execution of Amendment No. 6 to the agreement with Tacoma-Pierce County Economic Development Board in the amount of \$33,250.00 to provide assistance and advice in furthering the City's economic development.

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.

REPORTS BY CITY MANAGER:

Erling O. Mork, City Manager, stated that staff had requested an Executive Session to discuss pending litigation.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Council Member Warnick requested a report on who has done the work and what is happening on the burned out buildings along Ruston Way.

Council Member Warnick stated that in the latest edition of "Modern Maturity Magazine" there was an article that listed Tacoma's zoo as one of the nation's finer zoos.

Council Member Warnick stated that the Tacoma Arts Commission had sent a letter to the Council indicating they were having difficulty carrying out their programs due to the lack of personnel in that division. He stated he would like to see the Arts Commission Director position filled and would like this discussed at the forth coming Council Budget Committee meeting.

Council Member Warnick stated that there was an article in the News Tribune regarding the inability of a restaurant owner to utilize the City's programs in a timely manner to build a restaurant. The owner indicated that the process for building his restaurant was badly curtailed by the City. Council Member Warnick stated that the Council had received a letter from Ben Thompson, of the Public Works Department, which pointed out the inaccuracies and distortions of the article. He requested that Mr. Thompson's letter be sent to the publisher and editor of the News Tribune so that they could be aware of the inaccuracies of their article.

Council Member Mykland concurred with Council Member Warnick's statement regarding the filling of the Arts Commission Director position.

Council Member Nielsen moved to excuse Council Member Stenger from tonight's meeting. Seconded by Mayor Sutherland. Voice vote was taken and carried. The motion was declared adopted.

Council Member Nielsen complimented Bill Barker, City Attorney, and Mike Smith, Assistant City Attorney, in their legal endeavors with Pierce County in regards to the Drainage District No. 19 situation in Southeast Tacoma. He stated that the City and County worked together to solve a joint problem, and as a result, the assessment was nullified. He noted that the problem is not completely resolved since this would require some legislative changes. He requested that staff look into a more permanent solution through enactment of state legislation.

Deputy Mayor Hyde moved to suspend the rules to consider an appointment. Seconded Council Member Vialle. Voice vote was taken and carried. The motion was declared adopted.

Deputy Mayor Hyde moved to appoint Ms. Sandy Lawrence to the Capital Projects Advisory Committee. Seconded by Mayor Sutherland. Voice vote was taken and carried. The motion was declared adopted.

Mayor Sutherland stated that the City and County were working together to build a new facility to house the Law Enforcement Support Administration services. He stated that the County has a 1 percent for the Arts Ordinance in effect. He noted that the City's 1 percent for the Arts Ordinance had been repealed and discussed with Council the possibility of utilizing City funds to assist with any art work for the building.

Discussion followed regarding the ramifications and possibility of funding art work for the building. Mayor Sutherland stated that he would have some basic information provided and Council's questions reviewed and brought back to the Council along with a resolution to possibly participate at a later date.

Mayor Sutherland moved to recess to Executive Session to discuss pending litigation, the session not to exceed 15 minutes. Seconded by Council Member Warnick. Voice vote was taken and carried. The motion was declared adopted.

Council recessed to Executive Session at 6:15 p.m. and reconvened at 6:19 p.m.

On proper motion, the meeting was adjourned at 6:30 p.m.

ATTEST:


GENELLE BIRK, CITY CLERK


DOUG SUTHERLAND, MAYOR

WPC 7894.G