

CITY COUNCIL MINUTES

City Council Chambers  
March 13, 1990

The meeting was called to order at 5:04 p.m.

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

The Flag Salute was led by Council Member Evans.

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CONSENT AGENDA

Approval of the minutes of the meeting of February 27, 1990.

RESOLUTIONS:

Resolution No. 30792

Setting Tuesday, March 20, 1990, at approximately 5:30 p.m. as the date for a public hearing by the City Council concerning amendments to the "Generalized Land Use Plan" regarding interim policies to be used when considering requests for reclassification of vacant R-1 or R-2 "One-Family Dwelling Districts."

APPEALS:

Warren G. Backman and Ralph Grinnell representing affected neighbors, appealing the decision of the Hearing Examiner relative to site plan approval and reclassification of the property located on the southeast corner of North 37th and Pearl Streets from a "R-2" One-Family Dwelling District to a "R-3PRD" Planned Residential Development District to allow the construction of 187 multiple-family units. (REM Development Co.; File No. 120.1289-127.0295)

Setting Tuesday, April 17, 1990, at approximately 5:30 p.m. as the date for hearing by the City Council.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearing Examiner Agenda for Tuesday, March 13, 1990.
- b. Minutes of the meeting of the Public Utility Board, February 14, 1990.
- c. Minutes of the meeting of the Civil Service Board, February 5, 1990.
- d. Minutes of the meeting of the Human Rights Commission, January 18, 1990.

- e. Minutes of the meeting of the Appointments Committee, February 26, 1990.
- f. Minutes of the meeting of the Tacoma Planning Commission, February 5, 1990.
- g. Minutes of the meeting of the Tacoma Beautification Committee, January 17, 1990.
- h. Minutes of the meetings of the Urban Policy Committee, February 15, 21, and 22, 1990.
- i. Annual Financial Reports of the Belt Line Division, Data Processing Division, Fleet Services Fund, Self-Insurance Claim Fund, 1989.
- j. Monthly Financial Reports of the Light Division and Water Division, December 1989.
- k. Annual Statement of the Tacoma Employees' Retirement System Investment Advisory Committee.
- l. Citizen petitions opposing the re-opening of the North 23rd Street Bridge to vehicular traffic.

Council Member Nielsen moved that the Consent Agenda, including Resolution No. 30792, be approved. Seconded by Council Member Mykland. Voice vote was taken and carried. The Consent Agenda was declared approved.

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R E G U L A R   A G E N D A

ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS:

Resolution No. 30793

Appointing members to various committees, boards and commissions.

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.

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COMMUNICATIONS:

- a. Hearing Examiner submitting Shoreline Management Substantial Development Permit No. 141.460 to allow the repair and restoration of an existing groin pier and off-street parking area and the construction of a new storm-water outfall on the property located approximately 125 feet north of the northerly edge of Ruston Way and westerly of the Carr Street right-of-way extended (2315 Ruston Way). (Kuppler-Diel Architects; File No. 141.460)

Council Member Nielsen moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. 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. Absent: 1 - Stenger. The motion was declared adopted.

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- b. Hearing Examiner submitting Shoreline Management Substantial Development Permit No. 141.454 to allow the development of a two-story, 17,000 square foot, overwater water-related/water-dependent retail/office building, the restoration and expansion of an existing deck structure and the construction of an upland off-street parking area, riprapping, bulkhead restoration, associated public access amenities, landscaping and an outfall line for storm drainage on the property located on the north side of Ruston Way, westerly of the Carr Street right-of-way extended (2319 Ruston Way). (Kuppler-Diel Architects; File No. 141.454)

Council Member Nielsen moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Mykland. Roll call vote was taken, resulting as follows: Ayes: 8 - Evans, McElliott, Miller, Moss, Mykland, Nielsen, Warnick, and Mayor Vialle. Nays: 0. Absent: 1 - Stenger. The motion was declared adopted.

- c. Hearing Examiner submitting Shoreline Management Substantial Development Permit No. 141.461 to allow the development of an upland restroom facility at Owens Beach at Point Defiance Park. (Metropolitan Park District; File No. 141.461)

Council Member Nielsen moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Mykland. Roll call vote was taken, resulting as follows: Ayes: 8 - Evans, McElliott, Miller, Moss, Mykland, Nielsen, Warnick, and Mayor Vialle. Nays: 0. Absent: 1 - Stenger. The motion was declared adopted.

- d. Hearing Examiner submitting Shoreline Management Substantial Development Permit No. 141.459 to allow the dredging of approximately 40,000 cubic yards of material, the construction of an overwater pier and new mooring dolphins, the replacement of fuel transfer loading arms on an existing pier, the installation of four 1,000 gallon storage tanks along with the paving of an existing roadway, the construction of an 8 inch water main with hydrant and sprinkling and foam fire protection systems, foam house and storage building on the property adjacent to the Port of Tacoma Road, approximately 800 feet northwesterly of Lincoln Avenue (1735 Port of Tacoma Road). (Jay W. Spearman; File No. 141.459)

Council Member Mykland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Warnick. Roll call vote was taken, resulting as follows: Ayes: 8 - Evans, McElliott, Miller, Moss, Mykland, Nielsen, Warnick, and Mayor Vialle. Nays: 0. Absent: 1 - Stenger. The motion was declared adopted.

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FINAL READING OF ORDINANCES:

Ordinance No. 24571

Authorizing the acceptance of a vacuum cleaner valued at \$700.00 from Big Vac, Inc., to be used at the Lighthouse Senior Center.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Stenger.

The Ordinance was declared passed.

Ordinance No. 24575

Establishing a Tacoma/Pierce County Commission for Children, Youth and Their Families; authorizing the execution of an inter-local agreement with Pierce County related to said Commission; and appropriating \$20,676.00 from the General Fund as partial payment of the expenses of the Commission for the remainder of 1990.

Council Member Nielsen moved to suspend the rules to consider Substitute Ordinance No. 24575. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

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

Ayes: 7 - Evans, Miller, Moss, Mykland, Nielsen, Warnick, and Mayor Vialle.

Nays: 1 - McElliott.

Absent: 1 - Stenger.

The Substitute Ordinance was declared passed.

Ordinance No. 24576

Amending Chapter 13.06 of the Official Code regarding penalty provisions to specifically identify parties responsible for zoning violations.

Roll call vote was taken, resulting as follows:

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

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Nays: 0.

Absent: 1 - Stenger.

The Ordinance was declared passed.

Ordinance No. 24578

Amending Chapter 12.08 of the Official Code to adopt revised Sanitary Sewer Service Rates effective April 1, 1990.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Stenger.

The Ordinance was declared passed.

Ordinance No. 24579

Authorizing the issuance, appropriation, and sale of Limited Tax General Obligation Bonds in the amount of \$5,000,000.00 for the purpose of acquiring equipment for the General Fund and General Fund supported portions of the City's Equipment Rental Fund.

Mayor Vialle moved to suspend the rules to consider Substitute Ordinance No. 24579. Seconded by Council Member Mykland. Voice vote was taken and carried. The motion was declared adopted.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Evans, Miller, Moss, Mykland, Nielsen, Warnick, and Mayor Vialle.

Nays: 1 - McElliott.

Absent: 1 - Stenger.

The Ordinance was declared passed.

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FIRST READING OF ORDINANCES:

Ordinance No. 24580

Amending Chapter 13.06 of the Official Code to reclassify the property located at the north side of East 72nd Street west of East "K" Street from a "R-2" One-Family Dwelling District and a "R-2-T" Residential Commercial Transitional

District to a "R-3PRD" Planned Residential Development District to allow the development of 164 apartment units. (Steve Polito; File No. 120.1293)

Council Member Nielsen moved to concur in the Findings, Conclusions and Recommendations of the Hearing 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.

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Mayor Vialle said that Ordinance No. 24585 was on for first reading and should be considered after the Public Hearing. She stated she would like to consider the Public Hearing before doing the appeal. She stated that if there was no objection she would like to move to Public Hearings and Appeals and consider Item b first.

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PUBLIC HEARINGS AND APPEALS: (Began at 5:35 p.m.)

- b. This is the date set for a public hearing by the City Council on the budget and program for year three of the Downtown Business Improvement Area (BIA).

Peter Luttrupp, Assistant Director/City Treasurer, made a presentation to the Council regarding this matter and informed the Council that Mr. John James, President of the Local Development Council of Tacoma, and Police Chief Ray Fjetland were here to speak to the Council and perhaps also interested property owners and the general public.

Council Member Miller said, as previously discussed with the City Attorney, he does have an involvement in this area of the BIA and would be excusing himself from the public hearing and the reading of the ordinance. Council Member Miller then left the Council Chambers.

Mr. John James, Associate at Frank Russell Company and President of the Local Development Council, made a presentation to the Council and read into the record letters from other businesses in the area who are happy with the BIA program.

Speaking to the Council were:

Police Chief Ray Fjetland  
 Jim Burgess  
 Bob Sandos

Tacoma Police Department  
 Business Improvement District  
 Director of Development and  
 Marketing for Cornerstone  
 Columbia Development Co.  
 in Pierce County  
 Secretary of Local Development  
 Council

Greg Pratt

There being no further testimony, the public hearing was declared closed at 5:55 p.m.

- a. This is the date set for hearing the appeal of Charlie Wilson regarding the decision of the Hearing Examiner to deny the request for construction of a wooden fence on the deck of his property located at the southwest corner of 6th Avenue extended and Wilton Road.

Mayor Vialle explained the rule relative to appeal before the City Council.

Rod Kerslake, Hearing Examiner, reviewed the facts of the appeal for the Council.

Mr. Robert Casey, Attorney representing Charlie Wilson, stated the reasons for the appeal.

Mr. Robert Mack, Attorney representing Mr. Michael Ebert, made a presentation to the Council regarding the appeal.

Rebuttals were in turn provided by Mr. Casey and Mr. Mack.

Mayor Vialle moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner and deny the appeal. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

The appeal was denied.

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Ordinance No. 24581

Amending the Fire Code and Supplementary Life Safety Code by repealing and reenacting Chapter 3.02 and amending Section 3.05.040 of the Official Code; and adopting the 1988 Edition of the Uniform Fire Code.

The Ordinance was set over for final reading next week.

Ordinance No. 24582

Amending Chapter 7.20 of the Official Code relating to permit requirements for residential alarm systems to provide an avenue for appeals.

The Ordinance was set over for final reading next week.

Ordinance No. 24583

Amending Chapter 11.04 of the Official Code to require motorists to carry proof of vehicle insurance.

The Ordinance was set over for final reading next week.

Ordinance No. 24584

Amending Chapter 12.06 of the Official Code to implement an electric rate adjustment effective April 2, 1990.

Speaking to the Council were:

Ray Tenneson  
Blair Moore

Simpson Tacoma Kraft Company  
Occidental Chemical

The Ordinance was set over for final reading next week.

Ordinance No. 24585

Providing for the levy of the third year assessment for the Downtown Business Improvement Area; approving the BIA annual budget and work program; and appropriating \$589,861.00 for the purposes, project activities, and services approved for the third annual period.

The Ordinance was set over for final reading next week.

Ordinance No. 24586

Accepting \$5,000.00 from Puget Sound Bank; depositing said sum in the Miscellaneous Grants Summary Fund; transferring \$5,000.00 from the General Fund to the Miscellaneous Grants Summary Fund; appropriating \$10,000.00 from the Miscellaneous Grants Summary Fund; and authorizing the execution of an agreement with the Tacoma Philharmonic for the April 11, 1990 concert featuring cellist Yo Yo Ma and Jeffrey Kahane.

The Ordinance was set over for final reading next week.

Ordinance No. 24587

Accepting \$5,000.00 from the Forrest Foundation; depositing said sum in the Miscellaneous Grants Summary Fund; transferring \$5,000.00 from the General Fund to the Miscellaneous Grants Summary Fund; appropriating \$10,000.00 from the Miscellaneous Grants Summary Fund; and authorizing the execution of an agreement with the Tacoma Youth Symphony for the production of Hansel and Gretel.

The Ordinance was set over for final reading next week.

Ordinance No. 24588

Transferring \$5,000.00 from the Contingency Fund to the General Fund; and appropriating said sum for the grand reopening celebration of the Main Branch of the Tacoma Public Library.

Mayor Vialle moved to continue this Ordinance to the meeting of March 20, 1990, per request of staff. Seconded by Council Member Mykland. Voice vote was taken and carried. The motion was declared adopted.

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The Ordinance was set over for first reading on March 20, 1990.

Ordinance No. 24589

Amending the agreement with the Puyallup Indian Tribe and other government parties; authorizing the expenditure of an additional \$352,000.00 from the Sewer Utility for the relocation of a sewer line and an additional \$958,000.00 from the Water Division of the Public Utilities for the relocation of a water line in the vicinity of the Blair Waterway to accommodate the development of lands being given to the Puyallup Indian Tribe; 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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RESOLUTIONS:

Resolution No. 30782 (Continued from the meeting of February 27, 1990.)

Authorizing the execution of an amendment to the contract with Dye Plastics Inc., to provide for a revised delivery schedule for 10,000 plastic refuse containers.

Council Member Nielsen moved to suspend the rules to consider Substitute Resolution No. 30782. Seconded by Council Member Warnick. Voice vote was taken and carried. The motion was declared adopted.

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

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

Resolution No. 30784 (Continued from the meeting of February 20, 1990.)

Authorizing the execution of a five year lease agreement with Mattson Management Company for the housing of the Upper Tacoma Services Program.

Council Member Warnick moved that the Resolution be adopted. Seconded by Council Member Moss.

Council Member Mykland moved to remove Resolution No. 30784 from the agenda. Seconded by Council Member Warnick. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 30784 was removed from the agenda.

Resolution No. 30790 (Continued from the meeting of February 27, 1990.)

Authorizing the execution of a license agreement with the Christian Outreach Fellowship of Tacoma and the Tacoma Ministerial Alliance for the use of the Tacoma Dome Convention Center on April 15, 1990.

Mayor Vialle stated that this Resolution should be considered after Resolution No. 30797.

Purchase Resolution No. 30794

Awarding contracts to:

1. Professional Services Unlimited, Inc., in the amount of \$62,177.18 to increase and extend their contract for Janitorial Services - Specification No. G-286-88;
2. Glidden Company, Inc., in the amount of \$16,000.00 to increase and extend their contract for paint and related items - Specification No. G-122-88;
3. Pape & Sons, Company, Inc., on their bid of \$64,710.49 for replacement of a failed sanitary sewer line in the alley between East 32nd Street and Wright Avenue from East "D" to East "G" Streets - Specification No. G-200-90;
4. R T & T Construction, Inc., on their bid of \$33,612.50 for Edison Elementary School neighborhood curb and gutter construction, street repair, and sidewalk replacement - Specification No. G-201-90;
5. First National Auto Lease, in the amount of \$19,404.00 to increase and extend their contract for auto lease - Purchase Order No. 28034;
6. Western Temporary Services, in the amount of \$9,738.47 to increase their contract for temporary services - Specification No. G-085-88;
7. E.J. Rody & Sons, Inc., in the amount of \$310,000.00 for emergency construction of a 54" storm sewer from Marine View Drive extension to the Hylebos Waterway - Emergency Purchase Order No. E-36440;
8. Tucci & Sons, Inc., in the amount of \$51,670.00 for emergency sanitary sewer replacement in the alley between North 9th and North 10th Streets from Washington Street to Adams Street - Emergency Purchase Order No. E-36442;
9. Tucci & Sons, Inc., in the amount of \$33,750.00 for emergency excavation of a storm sewer inlet in Northeast Tacoma - Emergency Purchase Order No. E-35985;
10. Xerox Corporation, in the amount of \$34,000.00 for the annual maintenance agreement for the Xerox Highspeed Copier - Sole Source;
11. J.J. Sprague, Inc., in the amount of \$23,950.00 to increase their contract for 1989 type "A" catch basin replacement program and 1989 radius improvement program - Specification No. G-230-89; and
12. Ferguson and Sons, Inc., on their bid of \$25,989.40 for surveying equipment - Specification No. G-005-90.

Council Member Warnick moved that the Purchase Resolution be adopted and to waive formal bidding procedures on items 7, 8, 9 and 10. Seconded by Council Member Moss.

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

Resolution No. 30795

Authorizing the settlement of the claim of Danny Heaton against the City of Tacoma, Light Division.

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. 30796

Authorizing the execution of revised long-term industrial electrical power supply agreements with Atochem North America (formerly Pennwalt), Boise Cascade Corporation, Occidental Chemical Corporation, Simpson Tacoma Kraft Company and Union Carbide Industrial Gases, Inc.

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

Resolution No. 30797

Amending Resolution No. 30226 to add an additional category to the rate schedule for the Tacoma Dome Convention Center to provide for reduced or waived rental fees for nonprofit or charitable organizations.

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

Resolution No. 30790

Authorizing the execution of a license agreement with the Christian Outreach Fellowship of Tacoma and the Tacoma Ministerial Alliance for the use of the Tacoma Dome Convention Center on April 15, 1990.

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

Roll call vote was taken, resulting as follows: Ayes: 6 - Evans, Miller, Moss, Mykland, Nielsen and Mayor Vialle. Nays: 2 - McElliott and Warnick. Absent: 1 - Stenger. The Resolution was declared adopted.

Resolution No. 30798

Authorizing the execution of an agreement with the Local Initiative Support Corporation and Pierce County in the amount of \$25,000.00 to assist with predevelopment costs for low-income housing or economic development projects being implemented by non-profit developers.

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. 30800

Authorizing the execution of an agreement with Nunno Corporation, Ltd., for erecting aircraft hangers at the Tacoma Narrows Airport.

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

Resolution No. 30801

Expressing the support of the Tacoma City Council for the Broadway Theater District project and authorizing negotiations with federal, state, county and other City governments regarding public sector contributions for said project.

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

REPORTS BY CITY MANAGER:

Ray Corpuz, City Manager, said there is no report tonight even though he had indicated a need for an Executive Session. He stated that the Executive Session would be at next week's Council meeting.

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COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Mayor Vialle moved to direct the City Clerk to transmit the alleged violation of the Ethics Code complaint as filed in the office of the City Clerk to the Hearing Examiner in accordance with Tacoma City Code Section 1.46.050. Seconded by Council Member Warnick. Voice vote was taken and carried. The motion was adopted.

Council Member Mykland moved to excuse Deputy Mayor Stenger from tonight's meeting. Seconded by Council Member Nielsen. Voice vote was taken and carried.

Council Member Mykland stated that he, Mayor Vialle and Council Member Miller went bowling this week-end and started off the Bowl-A-Thon for Big Brothers/Big Sisters. He also stated that another great event that took place this week-end was in the South End of Tacoma at 78th and Fawcett Streets where a number of citizens and youth of that community got together to cleanup City-owned property that was the location of the rape/mutilation of the little

seven-year-old boy. In his opinion it was a heroic effort of a community that was brought together by some bad circumstances.

Council Member Warnick informed everyone that the UPS Women's Swimming Team won its second national championship over the week-end. He also stated that a young man who attends Foss High School, David Shull, was the third-place winner in the National Science Contest for high school students sponsored by Westinghouse; he is the recipient of a \$15,000 scholarship.

Council Member Moss reminded everybody that tomorrow at 1:45 p.m. at 1319 South 14th Street, Senator Brock Adams and Mayor Vialle and others will be announcing what hopefully will be the beginning of rehabilitation of a portion of the Hilltop area. He stated that it's called a coordinated investment strategy.

Mayor Vialle requested that the Council be present for the March 14th event.

Council Member Evans said that tonight are the party caucuses and urged council to attend the one in their neighborhood and exercise your rights as a citizen.

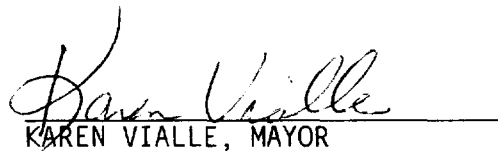
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On proper motion, the meeting was adjourned at 8:10 p.m.

ATTEST:



GENELLE BIRK, CITY CLERK

  
KAREN VIALLE, MAYOR

WPC.0620G.

HEARING EXAMINER HEARING AGENDA

Hearings scheduled for Tuesday, March 13, 1990, City Council Chambers, First Floor, Tacoma Municipal Building, 747 Market Street.

The hearing items set forth will be heard at the time specified or as shortly thereafter as possible.

10:30 A.M. TO 12:00 NOON

1. ESM, INC. (DASH POINT ESTATES DIVISION II) (#125.303) - Preliminary Plat Approval requested to subdivide a 41.2 acre site into 129 residential lots; located in the vicinity of Browns Point Boulevard and Parkview Drive N.E.

1:30 P.M. TO 3:30 P.M.

2. OLYMPIC SPORTS (#120.1301) - Reclassification from "R-2" One-family Dwelling District to a "C-2" Commercial District; located on the east side of Tacoma Mall Boulevard between South 60th and 64th Streets.
3. OLYMPIC SPORTS (#120.1268A) - Modification of a previously approved "C-2" Reclassification to allow development of two retail establishments on the east side of Tacoma Mall Boulevard between South 60th Street and South 64th Street.