

CITY COUNCIL MINUTES

City Council Chambers
October 19, 1993

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

Present on roll call: 6 - Baarsma, Evans, McElliott, Miller, Silas, and Acting Deputy Mayor Nielsen. Absent: 3 - Moss, Mykland and Mayor Vialle.

The Flag Salute was led by Council Member Miller.

Approval of the minutes of the Tacoma City Council meeting of October 12, 1993.

FIRST READING OF ORDINANCES:

Ordinance No. 25383

Authorizing the acceptance, as a gift, of the value of work provided by the Greater Tacoma Community Foundation in construction of the Theatre on the Square in excess of the payment made therefore by the City.

RESOLUTIONS:

Resolution No. 32364

Setting Tuesday, November 30, 1993, at 9:00 a.m. as the date for a hearing by the Hearing Examiner on the request to vacate a portion of McMurray Road northerly of Marine View Drive. (City of Tacoma, Public Works Department; File No. 124.985)

Resolution No. 32365

Setting Tuesday, November 30, 1993, at 9:00 a.m. as the date for a hearing by the Hearing Examiner on the request to vacate a portion of Adams Street

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northerly of South 35th Street. (City of Tacoma, Public Works Department; File No. 124.986)

Resolution No. 32366

Setting Monday, November 8, 1993, at 5:00 p.m. as the date for a hearing by the Hearing Examiner on L.I.D. No. 3951 for laying sanitary sewers in the alley between Warner and Windom Streets from South 30th Street north 320 feet, more or less.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearing Examiner Agenda, October 19, 1993.
- b. Minutes of the meeting of the Tacoma Arts Commission of September 13, 1993.
- c. Minutes of the meeting of the Tacoma Transportation Committee of September 9, 1993.
- d. Minutes of the meetings of the Environmental Commission of June 14, August 23 and August 27, 1993.
- e. Minutes of the meeting of the Municipal Authority of September 30, 1993.
- f. Minutes of the meeting of the Human Rights Commission of August 19, 1993.
- g. Minutes of the meeting of the Civil Service Board of August 16, 1993.
- h. Minutes of the meeting of the Commission on Children, Youth and Their Families of September 9, 1993.
- i. Director's Report for the Commission on Children, Youth and Families, September 9, 1993.

Council Member Miller moved that the Consent Agenda, including first reading of Ordinance No. 25383 and Resolution Nos. 32364, 32365 and 32366, be approved. Seconded by Council Member Evans. Voice vote was taken and carried. The Consent Agenda was declared approved.

Acting Deputy Mayor Nielsen proclaimed the day of October 23, 1993, to be "Make a Difference Day," and presented the proclamation to Elton Gatewood of the General Services Department.

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REGULAR AGENDA

FINAL READING OF ORDINANCES:

Ordinance No. 25373 (Continued from the meeting of October 5, 1993)

Amending Section 9.17.010 of the Official Code relative to the removal, impoundment, auction and sale of structures or obstructions within the right-of-way area that are dangerous or hazardous.

Roll call vote was taken, resulting as follows:

Ayes: 6 -- Baarsma, Evans, McElliott, Miller, Silas, and Acting Deputy Mayor Nielsen.

Nays: 0.

Absent: 3 -- Moss, Mykland and Mayor Vialle.

The Ordinance was declared passed.

Ordinance No. 24439

Vacating a portion of the south 20 feet of 31st Street N.E. west of Norpoint Way to combine the vacated area with the abutting property for development of a proposed commercial center. (George Schilling; File No. 124.876)

Council Member Miller moved to suspend the rules to consider Substitute Ordinance No. 24439. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

Roll call vote was taken, resulting as follows:

Ayes: 6 -- Baarsma, Evans, McElliott, Miller, Silas, and Acting Deputy Mayor Nielsen.

Nays: 0.

Absent: 3 -- Moss, Mykland and Mayor Vialle.

The Substitute Ordinance was declared passed.

Ordinance No. 25301

Amending Chapter 13.06 of the Official Code to reclassify the property at 1830 South 84th Street from a "C-F-V" Freeway Commercial Vehicular District to a "C-2" Commercial District to allow the development of a tavern and retail use. (Triam, Inc.; File No. 120.1361)

Roll call vote was taken, resulting as follows:

Ayes: 6 -- Baarsma, Evans, McElliott, Miller, Silas, and Acting Deputy Mayor Nielsen.

Nays: 0.

Absent: 3 -- Moss, Mykland and Mayor Vialle.

The Ordinance was declared passed.

Ordinance No. 25307

Amending Chapter 13.06 of the Official Code to reclassify the property located north of East 72nd Street and east of East M Street extended north from a "R-2" One-Family Dwelling District to a "R-2T" Residential-Commercial Transitional District to construct a 38,000 square foot, single-story office building on the northerly half of the site. (Washington State Department of General Administration; File No. 120.1363)

Roll call vote was taken, resulting as follows:

Ayes: 6 -- Baarsma, Evans, McElliott, Miller, Silas, and Acting Deputy Mayor Nielsen.

Nays: 0.

Absent: 3 -- Moss, Mykland and Mayor Vialle.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 25384

Authorizing the acceptance of Modification No. 1 to the grant award agreement with the U.S. Equal Employment Opportunity Commission in the amount of \$4,138.81; depositing in and appropriating said sum from the Miscellaneous Grants Summary fund for processing Title VII cases involving discrimination.

The Ordinance was set over for final reading next week.

Ordinance No. 25385

Amending Chapter 1.46 of the Official Code relative to the purposes, definitions, ethical standards and prohibited practices enumerated in the Ethics Code.

The Ordinance was set over for final reading next week.

Ordinance No. 25386

Authorizing the execution of a grant award contract with the State Office of Archaeology and Historic Preservation, in the amount of \$7,000; depositing in and appropriating said sum from the Miscellaneous Grants Summary Fund for the surveying and inventorying of cultural resources in the Hilltop area.

The Ordinance was set over for final reading next week.

Ordinance No. 25387

Authorizing the City Attorney to institute and prosecute an action in the Superior Court of the State of Washington under the right of eminent domain for the condemnation and acquisition of certain lands for road use in the Taidnapam Park area.

Council Member Miller moved to suspend the rules to consider Substitute Ordinance No. 25387. 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. 25388

Authorizing the issuance and sale of Refuse Utility revenue bonds, in an amount not to exceed \$12,000,000, to refund bond anticipation notes issued in 1991.

The Ordinance was set over for final reading next week.

Acting Deputy Mayor Nielsen introduced Mr. Juriy Avdeev, Vice Chair of City Council/Economics, and Mr. Boris Dzema, President of Vostok Telecom, both from the Sister City of Vladivostok, Russia.

RESOLUTIONS:

Purchase Resolution No. 32367

Awarding a Contract to:

Tacoma Lawn & Garden, in the amount of \$30,899.79, for front deck mowers - Specification No. G-047-93.

Council Member Miller moved that the Purchase Resolution be adopted. Seconded by Council Member McElliott.

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

Resolution No. 32368

Approving an easement for Pierce County for the construction of a new sewer to serve Arrowhead Estates on Light Division property.

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

Resolution No. 32369

Authorizing the execution of a lease agreement with Osborne-McCann Cadillac, in the amount of \$5.40, for the use of five vehicles for the Drug Awareness Resistance Education (DARE) Program .

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

Resolution No. 32370

Authorizing a payment in the amount of \$44,422.82 to State Farm Insurance Company in settlement for damages incurred at a nearby real estate office during the Stage 2 capping of the Tacoma Landfill.

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. 32371

Authorizing the execution of an agreement with the Tacoma Actors Guild (TAG) for use of the new Theatre on the Square for a period of seven years, with three six-year optional terms.

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

Resolution No. 32372

Authorizing the execution of a real estate contract with Davina R. French, in the amount of \$3,850, for the sale of surplus L.I. Guaranty Fund property.

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

Resolution No. 32373

2. Reject all bids for South 23rd and Alaska Mini Park - Specification No. G-046-93.

Acting Deputy Mayor Nielsen moved to suspend the rules to consider Substitute Purchase Resolution No. 32358. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

Substitute Purchase Resolution No. 32358

1. Rastergraphics, Inc., in the amount of \$62,847, for an electrostatic plotter - King County Bid No. 746-92AAB; and
2. Fuji Industries, Inc., on their bid of \$47,432 for the South 23rd and Alaska mini park - Specification No. G-046-93.

Council Member Silas moved to reject Specification No. G-046-93, and instructed staff to find an alternative plan. Seconded by Council Member McElliott. Voice vote was taken and carried. The motion was declared adopted.

Council Member Baarsma moved to suspend the rules to reconsider Ordinance No. 25380. Seconded by Council Member Silas. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 25380

Providing for the formation of L.I.D. No. 5722 for the installation of water mains for the Sunrise Development from the McMillin Reservoir to 144th Street East, in 144th Street, 122nd Avenue East, 176th Street East, and the loop road around the proposed tank site.

Council Member Baarsma moved to continue Ordinance No. 25380 to the Council meeting of November 2, 1993 or sooner for the purpose of considering the issue of extension of water supply services beyond city limits as listed on the City Council/Public Utility Board agenda set for the joint study session for October 20th. Seconded by Council Member Evans

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

Ordinance No. 25380 will be considered at the regular City Council meeting of November 2, 1993 or sooner.

REPORTS BY CITY MANAGER:

Ray E. Corpuz, Jr., City Manager, stated that this was the 19th Annual Women's Awareness Week. He stated that the luncheon would be this Thursday. He then requested an Executive Session, not to exceed 30 minutes, regarding pending and potential litigation and real estate matters.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Council Member Miller moved to excuse Council Member Moss, Deputy Mayor Mykland and Mayor Vialle from tonight's meeting. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

Council Member Miller encouraged the public watching the Council meeting to go at noon this Saturday, October 23, for a public party at the park above the Pierce Transit facility, adjacent to the Theatre on the Square. He stated there will be music and art events.

Council Member Silas stated that she would be leaving at 7:00 p.m. to attend a Neighborhood Council meeting in South Tacoma. Also, she stated that she had talked to Mayor Vialle before the meeting and conveyed that the Mayor was feeling much better after her illness.

Acting Deputy Mayor Nielsen moved to recess to Executive Session, not to exceed 30 minutes, to discuss pending and potential litigation and real estate matters. Seconded by Council Member Miller.

Council recessed at 6:35 p.m.

At 7:05 p.m., Acting Deputy Mayor Nielsen re-entered the Council Chambers and stated that the Executive Session would extend for an additional 10 minutes.

At 7:15 p.m., Acting Deputy Mayor Nielsen re-entered the Council Chambers and stated that the Executive Session would continue for an additional 10 minutes.

Council reconvened at 7:25 p.m.

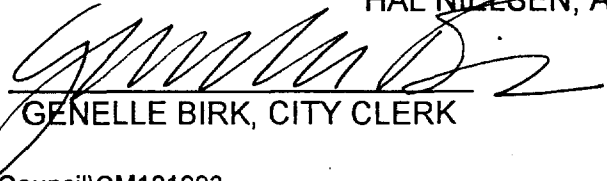
Acting Deputy Mayor Nielsen moved to grant the authority to settle Grice, et.al. v. City of Tacoma in the amount of \$62,500 to \$75,000, and certain other conditions as may be presented at the time of settlement. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

On proper motion, the meeting was adjourned at 7:26 p.m.



HAL NIELSEN, ACTING DEPUTY MAYOR

ATTEST:



GENELLE BIRK, CITY CLERK

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