

CITY COUNCIL MINUTES

City Council Chambers  
July 18, 1989

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

Present on roll call: 6 - Moss, Mykland, Nielsen, Stenger, Vialle and Mayor Sutherland. Absent: 3 - Hyde, McElliott and Warnick.

Mayor Sutherland asked that all citizens remember Mr. Ted Amell who frequently attended City Council meetings and gave testimony and writings on the issues before the City Council. Mr. Amell recently passed away as a result of a heart attack.

The Flag Salute was led by Mayor Sutherland.

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C O N S E N T   A G E N D A

RESOLUTIONS:

Resolution No. 30513

Setting Monday, August 14, 1989, at 5:00 p.m. as the date for a hearing by the Hearing Examiner on L.I.D. No. 5685 for the construction of water mains and fire hydrants in Patrician Lane from Memory Lane to the west line of the Burlington Northern Railroad right-of-way.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearing Examiner Agenda for Tuesday, July 18, 1989.
- b. Minutes of the meeting of the Tacoma-Pierce County Board of Health, June 7, 1989.
- c. Order of Dismissal Without Prejudice, Russell V. Eaton, File No. T-61808.

Council Member Nielsen moved that the Consent Agenda, including Resolution No. 30513, be approved. Seconded by Council Member Vialle. 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

FINAL READING OF ORDINANCES:

Ordinance No. 24388

Authorizing the execution of amendments to the grant award agreements with the U.S. Equal Employment Opportunity Commission in the amounts of \$1,432.00 and \$1,200.00; depositing said sums in the Miscellaneous Grants Summary Fund; and appropriating said sums for training and for an increase in the number of Title VII charges for intake services.

Roll call vote was taken, resulting as follows:

Ayes: 6 - Moss, Mykland, Nielsen, Stenger, Vialle and Mayor Sutherland.

Nays: 0.

Absent: 3 - Hyde, McElliott and Warnick.

The Ordinance was declared passed.

Ordinance No. 24389

Authorizing the execution of an amendment to the agreement with the Pierce County Area Agency on Aging in the amount of \$14,000.00; and depositing in and appropriating said sum from the Miscellaneous Grants Summary Fund for the reimbursement of various case management services for the Department of Human Development.

Roll call vote was taken, resulting as follows:

Ayes: 6 - Moss, Mykland, Nielsen, Stenger, Vialle and Mayor Sutherland.

Nays: 0.

Absent: 3 - Hyde, McElliott and Warnick.

The Ordinance was declared passed.

Ordinance No. 24390

Accepting donations totaling \$2,125.00 from the Orting Chapter, Grand Fraternal Order of Eagles, H-Bar-H Llamas, and the Whittier PTA; depositing said sum in the Miscellaneous Trust Summary Fund; and appropriating \$2,125.00 from the Miscellaneous Trust Summary Fund to support crime prevention activities of the Police Department.

Roll call vote was taken, resulting as follows:

Ayes: 6 - Moss, Mykland, Nielsen, Stenger, Vialle and Mayor Sutherland.

Nays: 0.

Absent: 3 - Hyde, McElliott and Warnick.

The Ordinance was declared passed.

Ordinance No. 24391

Authorizing the execution of a grant agreement in the amount of \$5,000.00 with the Washington State Energy Office; depositing in and appropriating said sum from the Union Station Renovation Fund; and authorizing an agreement with Mr. John Nimmons to investigate the feasibility of utilizing waste bio-gas for heating and cooling facilities in the vicinity of the Tacoma Union Station.

Roll call vote was taken, resulting as follows:

Ayes: 6 - Moss, Mykland, Nielsen, Stenger, Vialle and Mayor Sutherland.

Nays: 0.

Absent: 3 - Hyde, McElliott and Warnick.

The Ordinance was declared passed.

Ordinance No. 24382

Providing for the formation of L.I.D. No. 2608 for the placement of two-inch asphalt surface treatment on an alley and several streets and avenues in the City of Tacoma.

Roll call vote was taken, resulting as follows:

Ayes: 6 - Moss, Mykland, Nielsen, Stenger, Vialle and Mayor Sutherland.

Nays: 0.

Absent: 3 - Hyde, McElliott and Warnick.

The Ordinance was declared passed.

Ordinance No. 24392

Providing for the formation of L.I.D. No. 5690 for installation of water mains and fire hydrants in East 44th Street from the City of Tacoma's Pipeline

right-of-way to Hill Street and in East "M" Street and Hill Street from East 44th Street to the north.

Roll call vote was taken, resulting as follows:

Ayes: 6 - Moss, Mykland, Nielsen, Stenger, Vialle and Mayor Sutherland.

Nays: 0.

Absent: 3 - Hyde, McElliott and Warnick.

The Ordinance was declared passed.

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FIRST READING OF ORDINANCES:

Ordinance No. 24393

Amending Chapter 13.06 of the Official Code to reclassify the property located on the east side of South Orchard Street between South 40th and South 46th Streets (4601 South Orchard Street) from an "R-2" One-Family Dwelling District to an "M-1" Light Industrial District to allow the development of a 5.5 acre storage yard for precast concrete products. (P.I.P.E., Inc.; File No. 120.1266)

Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Mykland. 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. 24394

Amending Chapter 13.06 of the Official Code to reclassify the property located at the northwest corner of North Pearl Street and Westgate Boulevard from an "R-2" One-Family Dwelling District to an "R-2-T" Residential Commercial/Transitional District for the construction of an apartment complex and a four building office and commercial complex. (Pearl Street Associates; File No. 120.1273)

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. 24395

Vacating portions of North 22nd Street, Visscher Street, and the alleys between Pearl and Defiance Streets from North 22nd Street to Westgate Boulevard to combine the vacated rights-of-way with the abutting properties for a proposed residential, office, and retail development. (W. Towne Collins; File No. 124.886)

Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Mykland. 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. 24396

Transferring \$63,581.00 from the General Fund to the City Street Fund; appropriating said sum from the City Street Fund for snow removal costs in February and March, 1989; and declaring an emergency making necessary the passage of this ordinance.

The Ordinance was set over for final reading next week.

Ordinance No. 24397

Authorizing the execution of a grant award contract with the Department of Housing and Urban Development in the amount of \$33,150.00; and depositing in and appropriating said sum from the Miscellaneous Grants Summary Fund to increase the capability of administering housing programs.

The Ordinance was set over for final reading next week.

Ordinance No. 24398

Appropriating \$39,000.00 from the Visitor and Convention Promotion Fund; and authorizing the execution of an agreement with Pannell Kerr Forster in the amount of \$39,000.00 to conduct a downtown hotel and convention facilities feasibility study.

The Ordinance was set over for final reading next week.

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PUBLIC HEARINGS AND APPEALS: (Began at 5:36 p.m.)

This is the date set for hearing the appeal of SKG Associates (Floyd Montgomery) regarding the decision of the Hearing Examiner to deny the request for reclassification of the property located at the southeast corner of South

38th Street and the I-5 freeway from a "R-2" One-Family Dwelling District to a "R-2-T" Residential Commercial Transitional District to construct seven individual office buildings. (SKG Associates/Floyd Montgomery; File No. 120.1272)

Mayor Sutherland called on Mr. Moe Birnbaum, attorney representing SKG Associates.

Mayor Sutherland then called on anyone present that would represent the neighborhood. Mr. Leonard Marcoe stated that he would represent the neighborhood.

Mayor Sutherland reviewed the procedures for appeals before the City Council.

Rod Kerslake, Hearings Examiner, spoke regarding his findings, conclusions and recommendations.

Moe Birnbaum, attorney representing SKG Associates, gave the reasons for the appeal.

Leonard Marcoe, representing the neighborhood, spoke in support of the Hearings Examiner's decision.

Council Member Mykland moved to concur with the findings, conclusions and recommendations of the Hearings Examiner and deny the appeal. Seconded by Council Member Stenger. Voice vote was taken and carried. The motion was declared adopted.

The appeal was denied.

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RESOLUTIONS:

Purchase Resolution No. 30514

Awarding contracts to:

1. Lige & Wm. B. Dickson Company on their bid of \$24,621.29 for sanitary sewer extension - Norpoint Way from 40th Avenue N.E. to Browns Point Boulevard - L.I.D. 3903 - Specification No. G-202-89;
2. Lige & Wm. B. Dickson Company on their bid of \$97,799.21 for sanitary sewer extension - Orchard Street, Summit Avenue to South 23rd Street - L.I.D. 3882 - Specification No. G-229-89;
3. Woodworth & Company, Inc. on their bid of \$23,459.00 for Central Treatment Plant Marine Outfall contamination soil removal - Improvement No. DC 170B;
4. Harlow Construction Company on their bid of \$29,528.00 for 1989 intersection traffic circle program - Specification No. G-232-89;

5. Schindler Elevator Corporation on their bid of \$24,000.12 to extend the contract for elevator maintenance service in the Tacoma Municipal Building - Specification No. G-203-87;
6. Tucci & Sons, Inc., on their bid of \$407,404.42 for Tacoma Landfill Storm Sewers Unit "A" - Specification No. G-210-89;
7. Matheus Lumber Company on their bid of \$14,984.20 for wood sign posts - Specification No. G-047-89;
8. Davco on their bid of \$12,000.00 for a maintenance service contract for the gas chromatograph - mass spectrometer at the Sewer Utility Laboratory - Single Source; and
9. Perkins Coie, in the amount of \$20,000.00 for General Government's costs for Minority/Women Business Enterprise (M/WBE) Utilization Study.

Mayor Sutherland moved to continue Purchase Item No. 9 to the meeting of July 25, 1989. Seconded by Council Member Vialle. Voice vote was taken and carried. The motion was declared adopted.

The Purchase Item No. 9 will be considered at the regular City Council meeting of July 25, 1989.

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

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

Resolution No. 30515

Authorizing the execution of an agreement with Ronald S. Robinson in the amount of \$40,000.00 for assistance with the implementation of the Industrial Wastewater Pretreatment Program and Surface Water Quality Study.

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. 30516

Approving the 12 year lease of surplus property adjacent to the Water Division's distribution facility on South 35th Street, east of Union Avenue to Nalley's Fine Foods.

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

Mayor Sutherland discussed with the city attorney the need for a public hearing on the lease of this property. After discussion, Mayor Sutherland and members of the Council decided it would be best to continue this resolution to July 25, 1989 and hold a public hearing at the Council meeting of July 25, 1989.

Mayor Sutherland moved to schedule a public hearing regarding this matter at the City Council meeting of July 25, 1989 and to continue Resolution No. 30516 to the meeting of July 25, 1989. Seconded by Council Member Vialle. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 30516 was continued to July 25, 1989 and a public hearing scheduled at that meeting.

Resolution No. 30517

Authorizing the execution of an amendment to the agreement with Entranco Engineers in the amount of \$99,570.00 for further study of the structural conditions of the North 21st and North 23rd Street Bridges.

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

Resolution No. 30518

Authorizing the execution of agreements with Housing Counseling Service, Puget Sound Legal Assistance Foundation (PSLAF), Adult Literacy, Mentally Ill Housing Assistance, Salishan Neighborhood Recreation Program, Senior/Special Population Health and Well Being Project, Emergency Food Network, We Care Learning Center, AIDS Foundation Project, Youth Outreach, Public Detection Screening, Asian Pacific Outreach, Children's Advocate Project, and Community Outreach Project for implementation of public service programs under the Fifteenth Year Community Development Block Grant Program.

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.

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REPORTS BY CITY MANAGER:

Erling O. Mork, City Manager, requested an Executive Session to discuss litigation.



COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Council Member Nielsen moved to excuse Deputy Mayor Hyde, Council Member McElliott, and Council Member Warnick, from the July 18, 1989 meeting. Seconded by Council Member Vialle. Voice vote was taken and carried. The motion was declared adopted.

Council Member Moss made comments relative to the hearing notice that was sent out regarding Hearings Examiner items on the Examiner's agenda. He stated that staff needed to make the notice more clear and more understandable and to include verbage that stated that this was the only time that the public could give input on a land use matter.

Mayor Sutherland stated that he had reviewed the document and also felt that it needed to be made more clear that the only opportunity to present information on a hearings examiner matter was at the hearing before the hearings examiner.

Council Member Mykland requested that as new notices were developed that staff sample the general public and make sure that the notice is understandable.

Council Member Vialle requested that staff make all notices understandable and use less legal verbage.

Council Member Moss stated he was shocked by Mr. Ted Amell's death. He stated that Mr. Amell tried hard to make contributions and promote Tacoma. He stated that Ted would be missed.

Mayor Sutherland said that Ted Amell was a very unique person who got involved with Tacoma's issues. He stated Ted was a Tacoma Tigers baseball fan and a Tacoma Stars soccer fan. He noted that Ted always gave the Council encouragement and was always able to discuss the issues with the Council. He stated that he would miss Ted Amell.

Council Member Vialle stated that Ted Amell loved this City and its people. She expressed the condolences of the Council to his family.

Council Member Stenger stated that he too would miss Ted Amell. He remembered Ted's support of Tacoma at the Tacoma Tigers baseball games.

Council Member Vialle stated that she had attended the recent events put on by the Sister City group from Kiryat-Motzkin. She stated that they were excellent events.

Mayor Sutherland stated that many local jurisdictions were looking into the use of the National Guard to combat the drug problem in their respective areas. He requested that staff look at this as a possible resource for the City of Tacoma.

Mayor Sutherland commented on a recent letter received from Northeast Tacoma residents regarding the Earnest L. Grice demolition landfill located at 62nd Avenue and 25th Street Northeast. He stated that the fires had again started and there was smoke and noxious odors in the area. He requested staff to review this problem and see if they could come to an equitable solution, also involving the Health Department and County staff.

Mayor Sutherland stated that on Friday, July 21, 1989, Metropolitan Park Department has sponsored "Play Tacoma." He asked the City Manager to review last year's Resolution regarding appropriate summer attire during the month of August for possible use in 1989.

Mayor Sutherland stated that when the ordinance was recently passed regarding the restriction of view heights, there was not a recognition of large developments. He requested the staff prepare a resolution for an appropriate date for taking testimony regarding large developments (exceeding 20 acres) that had covenants regarding view restriction.

Mayor Sutherland stated that he had received a communication from the Metropolitan Parks Department regarding a need for a budget discussion with the Council. Discussion followed regarding which date would be most appropriate to conduct this discussion. It was decided that at the August 3, 1989 Council Budget Committee meeting, this topic could be discussed.

Mayor Sutherland moved that the Pay and Compensation Plan adopted July 5, 1988, by Amended Ordinance No. 20401, which combines the travel allowance with the annual salary of the City Manager and Director of Utilities, but provides no increase in their total compensation, is in all respects ratified, confirmed and approved, and the staff is directed to amend the Compensation Plan relating to local travel allowance for the City Manager and Director of Utilities consistent with Ordinance No. 20401. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

Council Member Nielsen noted that the new jail expansion was nearly completed. He requested that the City Council have a tour of the facility prior to its use for incarceration purposes.

Erling O. Mork, City Manager, stated that a tour would be arranged for the Council to view this facility.

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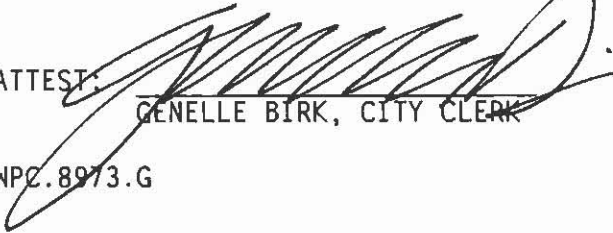
Mayor Sutherland moved to recess to Executive Session to discuss litigation. The session not to exceed 15 minutes. Seconded by Council Member Mykland. Voice vote was taken and carried. The motion was declared adopted.


Council recessed to Executive Session at 6:47 p.m. and reconvened at 7:02 p.m.

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On proper motion, the meeting was adjourned at 7:03 p.m.

ATTEST:  GENELLE BIRK, CITY CLERK

 DOUG SUTHERLAND, MAYOR

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