

CITY COUNCIL MINUTES

City Council Chambers  
March 31, 1987

The meeting was called to order at 5:02 p.m.

Present on roll call: 6 - McElliott, Moss, Mykland, Nielsen, Rasmussen, and Mayor Sutherland.

Absent: 3 - Hyde, Stenger, and Warrnick. (Council Member Warrnick arrived at 5:03 p.m.; Council Member Stenger arrived at 5:23 p.m.)

The Flag Salute was led by Mayor Sutherland.

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CONSENT AGENDA

Approval of the minutes of the regular meeting of March 24, 1987.

PETITIONS:

Stan Dunning requesting the reclassification of the property located between Pacific Avenue and Bell Street approximately 170 feet north of South 76th Street (7431 Pacific Avenue) from an "R-4-L" to a "C-2" District.

For referral to the Hearings Examiner.

APPEALS:

Bernard R. Pinckney, D.V.M., Central Veterinary Hospital, (File No. 130.2720) appealing the decision of the Hearings Examiner relative to the request for a variance at 2420 South 35th Street.

Setting Tuesday, May 5, 1987 at 6:00 p.m. as the date for hearing by the City Council.

RESOLUTIONS:

Resolution No. 29544

Setting Monday, April 27, 1987 at 5:00 p.m. as the date for hearing by the Hearings Examiner on L.I.D. No. 5678 for the construction of water mains in East 49th Street from McKinley Avenue to approximately 260 feet west of East "G" and in East "G" Street from East 48th to East 49th Streets.

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ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner Agenda for Tuesday, March 31, 1987.
- b. Minutes of the meeting of the Appointments Committee, March 16, 1987.
- c. Puget Sound Schools Cooperative Risk Management Agreement.
- d. Minutes of the meeting of the Citizen Appreciation and Participation Program Steering Committee, February 26, 1987.
- e. Minutes of the meeting of the Human Rights Commission, February 19, 1987.
- f. Minutes of the meeting of the Policy Review Committee, March 16, 1987.
- g. Minutes of the meeting of the Tacoma Public Library Board of Trustees, February 18, 1987.
- h. Monthly Police Department Report, February 1987.

Council Member Nielsen moved that the Consent Agenda, including Resolution No. 29544, be approved. Seconded by Deputy Mayor Rasmussen. Voice vote was taken and carried. The Consent Agenda was declared approved.

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Council Member Harnick arrived at 5:03 p.m.

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REGULAR AGENDA

FINAL READING OF ORDINANCES:

Ordinance No. 23812 (Continued from the meeting of March 24, 1987.)

Providing for the formation of L.I.D. No. 5673 for the construction of water mains in South "G" Street from Wright Avenue to South 35th Street and in Wright Avenue and South 34th Street from South "G" Street to Tacoma Avenue.

Council Member Nielsen moved to remove Ordinance No. 23812 from the agenda. Seconded by Council Member Mykland. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 23812 was removed from the agenda.

Substitute Ordinance No. 23811

Amending the annual budget for the fiscal year 1987.

Roll call vote was taken, resulting as follows:

Ayes: 7 - McElliott, Moss, Mykland, Nielsen, Rasmussen, Harnick, and Mayor Sutherland.

Nays: 0.

Absent: 2 - Hyde and Stenger.

The Ordinance was declared passed.

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Ordinance No. 23816

Transferring \$200,000.00 from the Contingency Fund to the General Fund; appropriating said sum from the General Fund to pay for asbestos removal or encapsulation, reinsulation of piping, and installing new flooring at the Lighthouse and Beacon Senior Centers, and declaring an emergency making necessary the passage of this ordinance.

Roll call vote was taken, resulting as follows:

Ayes: 7 - McElliott, Moss, Mykland, Nielsen, Rasmussen, Harnick, and Mayor Sutherland.

Nays: 0.

Absent: 2 - Hyde and Stenger.

The Ordinance was declared passed.

Ordinance No. 23817

Accepting a \$1,000.00 donation from the Washington Natural Gas Company; depositing said sum in the General Fund; and appropriating \$1,000.00 from the General Fund to help defray the costs of Senior Citizens Awareness Day.

Roll call vote was taken, resulting as follows:

Ayes: 7 - McElliott, Moss, Mykland, Nielsen, Rasmussen, Harnick, and Mayor Sutherland.

Nays: 0.

Absent: 2 - Hyde and Stenger.

The Ordinance was declared passed.

Ordinance No. 23818

Appropriating \$25,000.00 from the Miscellaneous Special Revenue Fund to acquire property in Northeast Tacoma in the vicinity of Norpoint Way and 59th Avenue N.E. for right-of-way purposes.

Roll call vote was taken, resulting as follows:

The Ordinance was declared passed.

Ayes: 7 - McElliott, Moss, Mykland, Nielsen, Rasmussen, Harnick, and Mayor Sutherland.

Nays: 0.

Absent: 2 - Hyde and Stenger.

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Ordinance No. 23819

Amending Section 8.46.010 of the Official Code entitled "Prohibited Acts of Prostitution" to bring the code into compliance with State law.

Mayor Sutherland moved to remove Ordinance No. 23819 from the agenda. Seconded by Council Member Mykland. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 23819 was removed from the agenda.

Ordinance No. 23820

Amending Section 8.12.010 of the Official Code relating to disorderly persons and resisting arrest.

Roll call vote was taken, resulting as follows:

Ayes: 7 - McElliott, Moss, Mykland, Nielsen, Rasmussen, Harnick, and Mayor Sutherland.

Nays: 0.

Absent: 2 - Hyde and Stenger.

The Ordinance was declared passed.

Ordinance No. 23821

Transferring \$72,000.00 from the Contingency Fund to the General Fund; appropriating said sum from the General Fund for maintenance of the park and open space properties along the northerly portion of Ruston Way; authorizing the execution of Amendment No. 4 to the Memorandum of Understanding with the Metropolitan Park District; and declaring an emergency making necessary the passage of this ordinance.

Roll call vote was taken, resulting as follows:

Ayes: 7 - McElliott, Moss, Mykland, Nielsen, Rasmussen, Harnick, and Mayor Sutherland.

Nays: 0.

Absent: 2 - Hyde and Stenger.

The Ordinance was declared passed.

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Mayor Sutherland proclaimed the month of April 1987, to be "Child Abuse Prevention Month," and presented the proclamation to Mr. Jim Teverbaugh, Executive Director of the Center for Child Abuse Prevention Services.

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FIRST READING OF ORDINANCES:

Ordinance No. 23822

Authorizing the execution of amended grant award contracts with the United States Equal Employment Opportunity Commission in the amount of \$4,752.00; depositing said sum in the Miscellaneous Grants Summary Fund; and appropriating \$4,752.00 from the Miscellaneous Grants Summary Fund to process nine additional Title VII cases and for staff training.

The Ordinance was set over for final reading next week.

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RESOLUTIONS:

Purchase Resolution No. 29545

Awarding contracts to:

1. Washington Belt & Drive Systems on their bid of \$18,491.29 for the recission and reissue of the conveyor belt winterization project at the sanitary landfill - Specification No. G-267-86;
2. Stress/Crete Limited on their bid of \$93,350.00 for Pacific Avenue replica concrete poles - Specification No. G-213-87;
3. Toyota of Vancouver on their bid of \$9,142.61; Bowen-Scarff Ford on their bid of \$17,467.88; Town & Country AMC/Jeep on their bid of \$30,511.91; Capitol Chevrolet on their bid of \$55,535.33; and Hiatt Pontiac GMC on their bid of \$68,120.20 for the cooperative purchase of vehicles - Washington State Contract Nos. 300A-86 and 300C-86;
4. Camp Chevrolet on their bid of \$8,246.99; Town & Country AMC/Jeep on their bid of \$27,773.35; Timberline Dodge on their bid of \$29,342.38; Toyota of Vancouver on their bid of \$45,003.04; BBC Dodge, Inc., on their bid of \$46,407.22; and Capitol Chevrolet on their bid of \$137,793.20 for the cooperative purchase of vehicles - Washington State Contract Nos. 300A-86 and 300C-86;
5. Sea-Western, Inc., on their bid of \$19,147.83 for MSA regulator kits and composite cylinders - Informal Bid No. 007036;
6. Capitol Chevrolet on their bid of \$12,746.00 for the cooperative purchase of one 1987 Chevrolet Astro 8-passenger mini van - Washington State Contract No. 300C-86; and
7. Best Parking Lot Cleaning to increase their contract by \$5,000.00 for cleaning of Tacoma Dome parking lots - Specification No. G-084-83.

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. 5. Seconded by Council Member Mykland. 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. 29546

Authorizing the sale of surplus property in the vicinity of Fairview Road and 44th Avenue East to Mr. and Mrs. Fred Bartlett for \$3,300.00 and further authorizing the execution of a quit claim deed for said property.

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

Resolution No. 29547

Authorizing the sale of the Spokane Substation to James August Howie for \$11,500.00.

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

Resolution No. 29548

Authorizing the filing of a Notice of Intent with the Pierce County Boundary Review Board to obtain a franchise to furnish water service to the area known as Preliminary Plat of Pineview II located in the vicinity of 132nd Street East and 106th Avenue Court East.

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

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Council Member Stenger arrived at 5:23 p.m.

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Resolution No. 29549

Authorizing the execution of a 20-year contract with Simpson Tacoma Kraft Company for water service commencing March 4, 1987 with rates payable retroactive to February 1, 1987.

Deputy Mayor Rasmussen moved that the Resolution be adopted. Seconded by Council Member Warrick. Voice vote was taken and carried, with Council Member McElliott voting nay. The Resolution was declared adopted.

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Resolution No. 29550

Authorizing the execution of bond releases to the Aetna Insurance Company and The Guarantee Company of North America relative to the purchase of two triple combination pumper trucks.

Mayor Sutherland moved to continue Resolution No. 29550 to the meeting of April 7, 1987. Seconded by Deputy Mayor Rasmussen. Voice vote was taken and carried. The motion was declared adopted.

The Resolution will be considered at the regular City Council meeting of April 7, 1987.

Resolution No. 29551

Authorizing the execution of a classified advertising space agreement with the Tacoma News Tribune for classified advertising during 1987.

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

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REPORTS BY CITY MANAGER:

Erling O. Mork, City Manager, introduced Ms. Enid Aho, who will be serving as a special intern in the City Manager's office for the next three months.

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COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Council Member McElliott stated for the record that she voted nay on Resolution No. 29549.

Council Member Mykland moved to excuse Council Member Hyde from the March 31, 1987 meeting. Seconded by Deputy Mayor Rasmussen. Voice vote was taken and carried. The motion was declared adopted.

Mayor Sutherland moved that a settlement of the claim of Victor A. Satack be authorized in accordance with the recommendation of the City Attorney. Seconded by Council Member Mykland. Voice vote was taken and carried. The motion was declared adopted.

Mayor Sutherland moved to cancel the April 28, 1987 Council Meeting. Seconded by Deputy Mayor Rasmussen. Voice vote was taken and carried. The motion was declared adopted.

Mayor Sutherland also stated that there would be no Study Session on April 28, 1987.

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Mayor Sutherland stated that there was a Tacoma Tigers' 1987 baseball schedule on the dias and he noted that April 18, 1987 was the first home game of the Tacoma Tigers. He urged citizens to support the Tacoma Tigers' team.

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PUBLIC HEARINGS AND APPEALS: (Began at 5:30 p.m.)

This is the date set for hearing the appeal of Financial Pacific Leasing, Inc., (File No. T-49141) of the decision of the Hearings Examiner relative to Audit Assessment Notice No. AD 5428 by the Department of Tax and License.

Mayor Sutherland clarified for the record that all parties to be involved in this appeal were present and it could commence at 5:30 p.m. instead of 6:00 p.m.

Mayor Sutherland stated that since Mr. McNerthney's firm had handled a litigation matter for him, he would abstain from consideration of this matter. Mayor Sutherland announced that he would abstain from consideration of this matter and left the Council Chambers.

Deputy Mayor Rasmussen reviewed the procedures for appeals before the City Council.

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

Lawrence McNerthney, Attorney representing Financial Pacific Leasing, stated the reasons for the appeal.

Harding Roe, City Attorney's office, spoke in support of the Hearings Examiner's decision.

Rebuttals were in turn provided by Mr. McNerthney and Mr. Roe.

After discussion, Council Member Warrick moved to concur with the findings, conclusions and recommendation of the Hearings Examiner and deny the appeal. Seconded by Council Member Stenger. Voice vote was taken and carried, with Mayor Sutherland abstaining. The motion was declared adopted.

The appeal was denied.

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On proper motion, the meeting was adjourned at 5:55 p.m.

ATTEST:  GENELLE BIRK, CITY CLERK

  
DOUG SUTHERLAND, MAYOR

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