

CITY COUNCIL MINUTES

City Council Chambers
February 9, 1988

The meeting was called to order at 5:05 p.m.

Present on roll call: 9 - Hyde, McElliott, Moss, Mykland, Nielsen, Stenger, Vialle, Harnick, and Mayor Sutherland.

The Flag Salute was led by Council Member McElliott.

CONSENT AGENDA

Approval of the minutes of the regular meeting of February 2, 1988.

RESOLUTIONS:

Resolution No. 29912

Setting Tuesday, March 29, 1988 at 10:30 a.m. as the date for hearing by the Hearings Examiner the request to vacate "C" Street from South 84th Street 300 feet south. (Puget Sound National Bank; File No. 124.865)

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner Agenda for Tuesday, February 9, 1988.
- b. Minutes of the meeting of the Civil Service Board, January 18, 1988.
- c. Minutes of the meeting of the Landmarks Preservation Commission, January 27, 1988.
- d. Minutes of the meeting of the Public Utility Board, January 13, 1988.
- e. Minutes of the meeting of the Tacoma Planning Commission, January 18, 1988.
- f. Minutes of the meeting of The Municipal Authority, January 21, 1988.
- g. Feasibility Study Report, Tacoma Landfill, December 1987.

Council Member Nielsen moved that the Consent Agenda, including Resolution No. 29912, be approved. Seconded by Council Member Mykland. Voice vote was taken and carried. The Consent Agenda was declared approved.

Mayor Sutherland distributed lapel pins, to the members of the Council, which displayed the official identification and logo of the City.

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REGULAR AGENDA

COMMUNICATIONS:

- a. Hearings Examiner recommending approval of modifications to the previously-approved site plan for the property located on the south side of South 78th Street extended between Sprague Avenue and South Trafton Street (2320 South 78th Street) to allow a 20,620 square foot warehouse rather than an 8,000 square foot warehouse and a 5,200 square foot hot tub emporium . (Landmark Development Group; File No. 120.1104B)

Mayor Sutherland moved to concur in the recommendations of the Hearings Examiner. Seconded by Deputy Mayor Hyde. Voice vote was taken and carried. The motion was declared adopted.

- b. Hearings Examiner recommending approval of the modification of condition 2.A of the Concomitant Zoning Agreement to broaden the permitted use of the property located 240 feet south of the southeast corner of South 62nd and Pacific Avenue to general office use. (Brian Chushcoff; File No. 120.1020A)

Mayor Sutherland moved to concur in the recommendations of the Hearings Examiner. Seconded by Deputy Mayor Hyde. Voice vote was taken and carried. The motion was declared adopted.

FINAL READING OF ORDINANCES:

Ordinance No. 23960

Vacating South 18th Street between Yakima Avenue and "I" Street, the alley between Yakima and "I" Street from South 17th Street to South 18th Street, and a portion of the air rights over "I" Street at South 18th Street to provide for pedestrian circulation, vehicular access for proposed hospital additions and related parking facilities and a pedestrian skybridge. (St. Joseph Health Center; File No. 124.841)

Roll call vote was taken, resulting as follows:

Ayes: 9 - Hyde, McElliott, Moss, Mykland, Nielsen, Stenger, Vialle, Warrnick, and Mayor Sutherland.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 24028

Enacting revised water rates and regulations effective February 22, 1988.

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Speaking to the Council was:

Robert Yeasting

Yeasting and Hughes Associates

Roll call vote was taken, resulting as follows:

Ayes: 6 - Hyde, Moss, Nielsen, Stenger, Warnick, and Mayor Sutherland.

Nays: 3 - McElliott, Mykland, and Vialle.

The Ordinance was declared passed.

Ordinance No. 24029

Authorizing the execution of a grant award contract with the State of Washington in the amount of a \$1.5 million; and depositing in and appropriating said sum from the Union Station Restoration Fund for the planning and stabilizing of the Union Station.

After discussion, it was the concurrence of the Council that a dispute resolution clause be added to the agreement relative to this matter.

Roll call vote was taken, resulting as follows:

Ayes: 7 - McElliott, Moss, Nielsen, Stenger, Vialle, Warnick, and Mayor Sutherland.

Nays: 0.

Absent: 2 - Hyde and Mykland.

The Ordinance was declared passed.

Mayor Sutherland proclaimed the month of February, 1988, to be "Electrical Safety Month," and presented the proclamation to Louie the Lightning Bug.

Ordinance No. 24030

Accepting a donation of \$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 for the purpose of providing a portion of the funding for the performances of the play "True West" at the Tacoma Actors Guild; and declaring an emergency, making necessary the passage of this ordinance.

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Roll call vote was taken, resulting as follows:

Ayes: 8 - McElliott, Moss, Mykland, Nielsen, Stenger, Vialle,
Warrnick, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Hyde.

The Ordinance was declared passed.

Mayor Sutherland moved that the Council consider Public Hearings and Appeals. Seconded by Council Member Mykland. Voice vote was taken and carried. The motion was declared adopted.

PUBLIC HEARINGS AND APPEALS: (Began at 5:45 p.m.)

This is the date set for hearing the appeal of the Department of Tax and License relative to Audit-Assessment Notice AD5537 of Blue Cross of Washington and Alaska. (Department of Tax and License; File No. T-5561)

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

Rod Kerlake, Hearings Examiner, made a presentation regarding the appeal.

Mayor Sutherland expressed concerns regarding audit of the company records for the past 37 years. He stated that this seemed like an excessively long period of time for companies to retain their records.

Harding Roe, Assistance City Attorney, presented the reasons for the appeal.

Kimberley Ellwanger, Attorney representing Blue Cross of Washington and Alaska, spoke in support of the Hearings Examiner's decision.

Council Member Mykland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner and to deny the appeal. Seconded by Council Member Warrnick.

Council had discussion relative to the length of time that the City could audit tax records and whether this should be a separate issue brought up at a subsequent date. It was the consensus of the Council that this issue be dealt with at a later date.

Roll Call vote was taken on the motion resulting as follows:

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Ayes: 8 - Hyde, McElliott, Mykland, Nielsen, Stenger, Vialle, Warrick, and Mayor Sutherland.

Nays: 1 - Moss.

The motion was declared adopted.

Mayor Sutherland requested that Mr. Kerlake, Hearings Examiner, and Mr. Backstein, City Attorney, review the statute of limitations on tax matters and bring this back to Council at a later date.

FIRST READING OF ORDINANCES:

Ordinance No. 24031

Amending Chapter 13.06 of the Official Code to reclassify the property located on the north side of East 44th Street approximately 120 feet west of Portland Avenue from a "R-2" One-Family Dwelling District to a "M-1" Light Industrial District to allow the development of a mini-warehouse. (Robert Preston; File No. 120.1220)

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.

Mayor Sutherland proclaimed the day of February 14, 1988, to be "Valentine's Urban League Sunday," and presented the proclamation to Mr. Thomas Dixon.

Ordinance No. 24032

Vacating the southeast corner of South 70th Street and Tacoma Avenue South to combine the vacated strip with the abutting property to provide sufficient area for the subdivision of the three lots into two building sites. (Ralph Cook; File No. 124.862)

Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Nielsen. 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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Ordinance No. 24033

Transferring \$200,000.00 from the Tacoma-Pierce County Health Department Self-Insurance Claim Fund to the Tacoma-Pierce County Health Department Pooling Fund; appropriating \$200,000.00 from the Tacoma-Pierce County Health Department Pooling Fund to provide additional funding required for the A.I.D.S. testing program; and declaring an emergency making necessary the passage of this ordinance.

The Ordinance was set over for final reading next week.

RESOLUTIONS:

Resolution No. 29908

Expressing the intent of the City Council to establish a Business Improvement Area and setting Tuesday, March 1, 1988 at 5:30 p.m. as the date set for a public hearing by the City Council.

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

Purchase Resolution No. 29909

Awarding contracts to:

1. Sahlberg Equipment, Inc., on their bid of \$127,747.13 for two trucks with mounted high velocity sewer cleaners - Specification No. G-103-87;
2. Miraldi Welding Supplies, Inc., in the amount of \$14,000.00 to extend their contract for welding gases and supplies - Specification No. G-087-86;
3. Babbit Architecture in the amount of \$11,127.00 to increase their contract for architectural/engineering services for the equipment storage building at the Central Treatment Plant;
4. Professional Services Unlimited, Inc., in the amount of \$13,000.00 to extend their contract for security guard services at the Tacoma Landfill - Specification No. G-063-87; and
5. Computers and Applications on their bid of \$9,421.57 for computer equipment - Specification No. G-127-87.

Council Member Nielsen moved that the Purchase Resolution be adopted. Seconded by Deputy Mayor Hyde.

Council Member Moss stated that he had a potential conflict with Purchase Item No. 4 as he was on the Board of Directors for Professional Services, Unlimited, Inc.

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Mayor Sutherland moved to continue Purchase Item No. 4 to the meeting of February 16. Seconded by Deputy Mayor Hyde. Voice vote was taken and carried. The motion was declared adopted.

Purchase Item No. 4 will be considered at the regular City Council meeting of February 16, 1988.

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

Resolution No. 29910

Authorizing the execution of Amendment No. 4 to the agreement with Black & Veatch to increase the amount for consulting services relating to the Tacoma Landfill Remedial Investigation/Feasibility Study by \$259,688.00.

Deputy Mayor Hyde moved that the Resolution be adopted. Seconded by Council Member Mykland.

Speaking to the Council was:

Louise Batchelor

5123 North 45th Street

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

Resolution No. 29911

Expressing support of the bid application for either the Winter or Summer 1989 Washington Centennial Games in cooperation with the City of Puyallup, Pierce County, and Metropolitan Park District.

Mayor Sutherland moved that the Resolution be adopted. Seconded by Council Member Harnick.

Council Member Mykland moved to continue Resolution No. 29911 to the meeting of February 16, 1988. Seconded by Deputy Mayor Hyde. Voice vote was taken and carried. The motion was declared adopted.

The Resolution will be considered at the regular City Council meeting of February 16, 1988.

REPORTS BY CITY MANAGER:

Erling O. Mork, City Manager, stated that staff has requested an executive session to discuss litigation and personnel matters. He also stated that the Personnel/Labor Relations Director had two residency waivers to present for consideration by the Council.

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Richard Sokolowski, Personnel/Labor Relations Director, requested an indefinite residency waiver for Alex Gebhard, Financial Manager.

Mayor Sutherland moved to grant the indefinite residency waiver for Alex Gebhard, Financial Manager. Seconded by Council Member Mykland.

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

Mr. Sokolowski then requested an extension of the residency waiver for one year for Robert Backstein, City Attorney.

Council Member Mykland moved to grant the one-year extension of the residency waiver for Robert Backstein, City Attorney. Seconded by Deputy Mayor Hyde.

Council Member Stenger moved to amend the motion to grant the residency waiver for Robert Backstein for six months. Seconded by Council Member Vialle.

Voice vote was taken and carried on the amended motion. The amended motion was declared adopted.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Council Member Nielsen stated that he had a motion to present to the Council.

Deputy Mayor Hyde moved to suspend the rules to consider the motion by Council Member Nielsen. Seconded by Council Member Mykland.

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

Council Member Nielsen moved that the City of Tacoma convey to the 1988 Washington State Legislature, its support for legislation related to controlled substances that will provide assistance to the City in eradicating drug-related offenses. Specifically, the City supports legislation prohibiting drug-related activities in rental dwellings (i.e. HB 1445); authorizing seizure and forfeiture of real property under drug-related circumstances (i.e. HB 1353); declaring as a moral nuisance housing and buildings where controlled substances are manufactured, delivered or possessed (i.e., SHB 692 and ESSB 5070). Seconded by Council Member Mykland.

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

Mayor Sutherland moved to recess to Executive Session to discuss litigation and personnel matters. The session not to exceed 30 minutes. Seconded by Deputy Mayor Hyde. Voice vote was taken and carried. The motion was declared adopted.

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Council recessed to Executive Session at 7:03 p.m.

At 7:33 p.m., Mayor Sutherland re-entered the Council Chambers and stated that the Executive Session would extend for approximately an additional 30 minutes.

Council reconvened at 8:12 p.m.

Mayor Sutherland moved that the lawsuit of Mirotznik v. Sensney, Davis & McCormick, Federal District Court No. C85-1076, in which Paul Nolan, former Chief Assistant City Attorney of the City of Tacoma, was sued personally, be settled in the sum of \$7,142.86. Seconded Council Member Moss. Voice vote was taken and carried. The motion was declared adopted.

On proper motion, the meeting was adjourned at 8:16 p.m.

ATTEST: 
GENELLE BIRK, CITY CLERK


DOUG SUTHERLAND, MAYOR

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