

CITY COUNCIL MINUTES

City Council Chambers
May 8, 1990

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

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

The Flag Salute was led by Council Member McElliott.

CONSENT AGENDA

Approval of the minutes of the meetings of April 24, and May 1, 1990.

FIRST READING OF ORDINANCES:

Ordinance No. 24634

Authorizing the acceptance of three copies of the video film "ICE" from Visions Video Production for use by the Police Department in its efforts to prevent and stop drug abuse.

APPEALS:

Annabelle F. Reed, appealing the decision of the Hearing Examiner regarding the application for a special use permit to allow the construction of a new Nature Center building at Snake Lake.

Setting Tuesday, June 19, 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. Corrected minutes of the meeting of the Urban Waterfront Committee, April 11, 1990.
- b. Minutes of the meeting of the Tacoma Employees' Retirement System, March 29, 1990.
- c. Draft Environmental Impact Statement for the Comprehensive Park & Recreation Plan for Pierce County, Washington.
- d. 1989 Annual Financial Reports for the Light Division and Water Division.

- e. Monthly Financial Reports of the Belt Line Division, Light Division, Water Division, Data Processing Division, Fleet Services Fund and Self-Insurance Claim Fund, February 1990.
- f. Consolidated Financial Statements for TCI Cablevision of Washington, Inc. and Subsidiaries for December 31, 1989 and 1988 (unaudited).

Council Member Nielsen moved to adopt the Consent Agenda and to set Ordinance No. 24634 over for final reading next week. Seconded by Council Member Warnick. Voice vote was taken and carried. The Consent Agenda was declared approved.

R E G U L A R A G E N D A

ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS:

Resolution No. 30866

Appointing members to various committees, boards and commissions.

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

Presentation of Suggestion Awards.

Mayor Vialle presented a certificate and a cash award to Mr. William Bowers, of the Public Works Department, for his suggestion to modify the clutch on national lawn mowers.

Mayor Vialle presented a certificate and a cash award to Mr. Joseph Legere, of the Public Works Department, for his suggestion to improve street sweeping efficiency and relieve water drainage due to clogged catch basins.

Mayor Vialle proclaimed the week of May 13-19, 1990, "Nursing Home Week," and presented the proclamation to Mrs. Ida Hubbard from Manor Care Nursing Home.

COMMUNICATIONS:

- a. Hearing Examiner recommending approval, subject to conditions, of the request for modification of a "C-2" Commercial District reclassification to allow the development of a shopping center instead of an automobile dealership at the northwest corner of South 74th Street and Tacoma Mall Boulevard. (Lyon Commercial Real Estate, Inc.; File Nos. 120.1291 & 120.1159A)

Mayor Vialle moved to continued this communication for one week at the request of Council Member Mykland. Seconded by Deputy Mayor Stenger. Voice vote was taken and carried. The motion was declared adopted.

- b. Hearing Examiner submitting Shoreline Management Substantial Development Permit No. 141.470 to allow the paving of approximately 46,000 square feet of area the relocation of an existing eight-foot high fence and the expansion of an existing container terminal at the property located between the Puyallup River and Milwaukee Waterway, northerly of East 11th Street. (Port of Tacoma; File No. 141.470)

Mayor Vialle moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner. Seconded by Council Member Warnick.

Roll call vote was taken, resulting as follows: Ayes: 8 - Evans, McElliott, Miller, Moss, Nielsen, Stenger, Warnick and Mayor Vialle. Nays: 0. Absent: 1 - Mykland.

The motion was declared adopted.

FINAL READING OF ORDINANCES:

Ordinance No. 24630

Appropriating \$10,000.00 from the Visitor and Convention Promotion Fund to provide banners promoting the Goodwill Games, to be placed throughout Tacoma.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Mykland.

The Ordinance was declared passed.

Ordinance No. 24631

Authorizing the execution of an amendment to the grant award agreement with the United States Equal Employment Opportunity Commission in the amount of \$1,497.00, and depositing and appropriating said sum from the Miscellaneous Grants Summary Fund for travel and related costs for attendance at a mandatory Equal Employment Opportunity Commission training conference.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Mykland.

The Ordinance was declared passed.

Ordinance No. 24632

Amending Section 11.28.025 of the Official Code relating to overnight parking of motor trucks and semitrailers to restrict parking within any residential district in the City.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Mykland.

The Ordinance was declared passed.

Ordinance No. 24633

Amending Ordinance No. 24570 as amended by Ordinance No. 24611 to correctly specify City officers authorized to sign financing documents in connection with the Union Station Project; and ratifying and confirming prior acts consistent with this ordinance.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Mykland.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES

Ordinance No. 24635

Vacating North Woodlawn Street between North 35th Street and North 37th Street to include the vacated area in a proposed multi-family development. (Destiny Ventures Corporation; File No. 124.890)

Deputy Mayor Stenger moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner. Seconded by Council Member Evans. Voice vote was taken and carried.

Final reading of the Ordinance was set over to a date to be determined.

Ordinance No. 24636

Amending Chapter 13.06 of the Official Code to reclassify the property located at 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 Company; File No. 120.1289)

Deputy Mayor Stenger moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner. Seconded by Council Member Nielsen. Voice vote was taken and carried.

Final reading of the Ordinance was set over to a date to be determined.

Ordinance No. 24637

Amending Chapter 13.06 of the Official Code to reclassify the property located at the northwest corner of South 74th Street and Tacoma Mall Boulevard from a "R-5PRD" Planned Residential Development District to a "C-2" Commercial District to allow the development of a shopping center. (Lyon Commercial Real Estate, Inc.; File No. 120.1291)

The Ordinance was set over for first reading on May 15, 1990.

Mayor Vialle said that this Ordinance is related to the same item that Council Member Mykland asked to be set over and moved to set this Ordinance over for one week. Seconded by Council Member McElliott. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 24638

Authorizing the acceptance of donations from Budget Signs, Whittier PTA, Busy Bee Cafe, Joseph Warren-Lodge #235, Diana & Michael Hunt, Sulev Jarvits, Joe & Faye Carlson, Tacoma-Pierce County Insurance Women, Susan K. Knobloch and James L. Walton in the total amount of \$370.00; depositing said sum in the Miscellaneous Grants Summary Fund and appropriating \$6,370.00 from the Miscellaneous Grants Summary Fund for expenses associated with the Police Department DARE program.

The Ordinance was set over for final reading next week.

Ordinance No. 24639

Appropriating \$295,000.00 from the Cumulative Reserve Radio Communications Capital Outlay Fund to provide for capital outlay expenses of the City Radio System; and declaring an emergency, making necessary the passage of this ordinance.

The Ordinance was set over for final reading next week.

Ordinance No. 24640

Determining and decreeing that Pierce County shall not exercise any powers regarding levels and types of solid waste service for any aspect of solid waste handling in the City of Tacoma.

The Ordinance was set over for final reading next week.

Ordinance No. 24641

Amending Chapter 1.12 of the Official Code to revise classification titles, rates of pay, and add a new classification due to a reorganization in the Public Works Department and implement negotiated agreements with IBEW Local 483, County and City Employees Local 120, Police Local 6 and Teamsters Local 599.

The Ordinance was set over for final reading next week.

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

This is the date set for a public meeting with the initiating parties regarding the annexation of property in the vicinity of the easterly side of Marine View Drive and the Hylebos Creek.

George Hoivik, Planning Director, stated that Mr. and Mrs. William Fjetland have filed a notice of intent to annex their property, together with their neighbor's property, to the City of Tacoma. He stated this meeting between the Council and the parties is a procedural statute required by the State Annexation Law. He said the purpose of the meeting is for the Council to respond to three questions and once the Council has responded to those questions, in approximately two weeks, they will come forward with a Resolution containing those questions and the answers to those questions for formal adoption by the City Council.

The questions are:

1. Will the City of Tacoma accept a properly signed annexation petition representing at least 75% of the assessed valuation of the property to be annexed?

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2. Upon annexation will the annexed area be required to assume the existing bonded indebtedness of the City of Tacoma?
3. Will the comprehensive plan for the proposed annexation be required prior to final annexation being adopted?

Deputy Mayor Stenger asked if it was by simple motion this evening that they were being asked to answer these questions.

George Hoivik stated that in this particular case they would give the staff direction to come forward with a resolution containing the Council's responses to these three questions--so this evening what's being requested of them is to answer these three questions and then they would formally approve them through a resolution at a later date.

Deputy Mayor Stenger moved that the City Council instruct the staff to bring a resolution back to the City Council and answering the first and second questions in the affirmative and to waive the requirement of a comprehensive plan on the third question. Seconded by Mayor Vialle. Voice vote was taken and carried. The motion was declared adopted.

RESOLUTIONS:

Purchase Resolution No. 30873

Awarding contracts to:

1. Harlow Construction Company, on their bid of \$43,524.25 for Swan Creek fire protection - Specification No. G-042-90;
2. The Van Factory, in the amount of \$18,296.33 for modifications to Police special operations vehicle - Sole Source;
3. Konica Business Machines, in the amount of \$24,391.00 for purchase of replacement convenience copiers - Washington State Contract No. 128-88;
4. Aratex Services, Inc., in the amount of \$5,500.00 to increase their contract for coverall, uniforms, and linen services - Specification No. G-025-88;
5. Northwest Cascade, in the amount of \$14,807.32 to increase their contract for storm sewer extension - Specification No. G-245-89;
6. CEM Corporation, on their bid of \$12,537.00 for microwave digestion sample preparation system - Specification No. G-045-90; and
7. K & P Enterprises, Inc., on their bid of \$68,205.06 for metal refuse containers - Specification No. G-047-90.

Deputy Mayor Stenger moved that the Purchase Resolution be adopted and to waive formal bidding procedures on Item No. 2. Seconded by Council Member Warnick.

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

Resolution No. 30874

Authorizing the execution of an agreement with Alliance Pacific, Inc., in the amount of \$32,700.00 for the development of a community awareness and marketing program in support of the City's overall recycling plan.

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

Resolution No. 30875

Directing a formal recommendation to the Washington State Board of Geographic Names to request that the name of the Bicentennial Pavilion be changed to the Tacoma Convention Center and that the name of the Tacoma Dome Convention Hall be changed to the Tacoma Dome Exhibition Hall.

Deputy Mayor Stenger moved to suspend the rules to consider Substitute Resolution No. 30875. Seconded by Council Member Nielsen. Voice vote was taken and carried.

Council Member Miller moved that Substitute Resolution No. 30875 be adopted. Seconded by Council Member Evans.

Speaking to the Council were:

Bill Factory	3520 East T Street
Craig Adams, Attorney	On behalf of Quality Hotel and Days Inn
Linda Bowman	3580 East Grandview Drive
Louise Batchelor	5123 North 45th Street
Mozella Pooley	8041 East Sherwood

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

Resolution No. 30876

Authorizing the acceptance of an Offer to Sell to acquire the property located at South 80th and Fawcett Streets for recreationally oriented open space.

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

Resolution No. 30877

Authorizing the execution of an amendment to the Lease and Operation agreement with Family Counseling Service to allocate an additional \$19,500.00 to be used for construction costs for a facility to be operated on City-owned property.

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

Resolution No. 30880

Authorizing the execution of a Parking Agreement with the Frank Russell Company for long-term monthly parking at Park Plaza North.

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

UNFINISHED BUSINESS:

Mayor Vialle moved to reconsider Resolution No. 30863 which was adopted by Council on May 1, 1990. Seconded by Deputy Mayor Stenger. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 30863

Setting Tuesday, June 12, 1990, at 1:30 p.m. as the date for a hearing by the Hearing Examiner on the request to vacate a portion of unused street right-of-way at the intersection of Milwaukee Way and Pacific Highway below and adjacent to the highway overpass. (Jean M. Henriksen; File No. 124.915)

Mayor Vialle moved to amend Line 16 to change the time from 1:30 p.m. to 9:30 a.m. Seconded by Council Member Nielsen. Voice vote was taken and carried. The Resolution, as amended, was declared adopted.

REPORTS BY CITY MANAGER:

Ray E. Corpuz, Jr., City Manager, requested an Executive Session of approximately 45 minutes for the purpose of discussing property acquisition and potential litigation.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

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

Mayor Vialle reminded the Council and the public that the Council will be conducting a community meeting in District No. 4 this Thursday, May 10, 1990 at 7:00 p.m. at the Portland Avenue Community Center, 3513 Portland Avenue.

Mayor Vialle told the Council and the public that "Cityline" (the live call-in talk show hosted by Art Popham) will be on the Municipal Channel tomorrow night at 6:30 p.m. Art Popham will interview her. Interested parties can call in their questions on 591-5168 or 591-5169.

Mayor Vialle moved to recess to Executive Session to discuss potential litigation and matters of real estate, the session not to exceed 45 minutes. Seconded by Deputy Mayor Stenger. Voice vote was taken and carried. The motion was declared adopted.

Council recessed to Executive Session at 6:50 p.m. and reconvened at 7:30 p.m.

Mayor Vialle moved that the Municipal Authority be authorized and directed to defend and save harmless the City from any claim or liability arising from the Section 108 loan program administered by the Municipal Authority, and to make available to the City funds, as needed, to retain the law firm of Vandenberg and Johnson, P.S., using, therefor, income derived only from programs administered while under contract to the Municipal Authority, and only from Business Revolving Loan Fund (program income) and/or from funds previously transferred from the UDAG Trust Fund to the Business Revolving Loan Fund (miscellaneous income).

The proper officers of the City are authorized and directed to enter into an agreement with the firm of Vandenberg and Johnson, P.S. for such purposes, in a form to be approved by the City Attorney and City Manager, authorizing the expenditure of up to \$35,000 without further Council authorization.

The Municipal Authority is further authorized and directed to allocate an additional \$25,000 from such sources for legal services in the case of Municipal Authority v. Chicago Title, et al., and to extend the scope of work in the contract with the law firm of Eisenhower Carlson to respond to the concern of the federal government relative to the Section 108 loan program and to defend the lawsuit filed against the Municipal Authority under Pierce County Cause No. 90-2-09004-1.

Seconded by Council Member Warnick.

Deputy Mayor Stenger said that the effect of this is to undo what they did last week and they should make it clear, as part of this motion, that it supercedes and repeals the motion that they made at the end of the meeting last week.

Mayor Vialle asked City Attorney, Bill Barker, if they needed to take any action or if that is done by intent.

Bill Barker, City Attorney, stated that the statement made by Deputy Mayor Stenger reflects the opinions that have been held by the City Attorney's Office for some time that the passage of a motion automatically supercedes the prior motion. He said that Deputy Mayor Stenger's statement on the record of the intent of the Council more clearly states that intention and makes it crystal clear that the prior motion is superceded by this motion.

Mayor Vialle said that this new motion supercedes the one that was passed last week does is direct that the funds used to retain the law firm of Vandeberg and Johnson, P.S., come from business loan programs not from the previous source cited before.


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

On proper motion, the meeting was adjourned at 7:35 p.m.

ATTEST.



GENELLE BIRK, CITY CLERK


KAREN VIALLE, MAYOR

WPC 1135G.