

## CITY COUNCIL MINUTES

City Council Chambers  
December 22, 1992

The meeting was called to order at 5:15 p.m.

Present on roll call: 7 - Baarsma, Evans, Miller, Mykland, Nielsen, Silas, and Mayor Vialle. Absent: 2 - McElliott and Moss.

The Flag Salute was led by Council Member Silas.

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### CONSENT AGENDA

Approval of the minutes of the Tacoma City Council meeting of December 15, 1992; joint Council/Public Utility Board study session of November 3, 1992; and the study sessions of November 10 and 17, 1992.

### RESOLUTIONS:

#### Resolution No. 32013

Setting Monday, January 11, 1993, at approximately 5:00 p.m. as the date for a hearing by the Hearings Examiner relative to L.I.D. No. 8565 for asphaltic concrete paving on the alley between Fife and Oakes Street from North 11th to North 12th Streets.

#### Resolution No. 32014

Setting Monday, January 11, 1993, at approximately 5:00 p.m. as the date for a hearing by the Hearings Examiner relative to L.I.D. No. 8566 for asphaltic concrete paving on the alley between Gove and Mullen Streets from North 39th to North 41st Streets.

#### Resolution No. 32015

Setting Monday, January 11, 1993, at approximately 5:00 p.m. as the date for a hearing by the Hearings Examiner relative to L.I.D. No. 8567 for asphaltic concrete paving on the alley between Gove and Mullen Streets from North 36th to North 37th Streets.

Setting Monday, January 11, 1993, at 5:00 p.m. as the date for a hearing by the Hearings Examiner relative to L.I.D. No. 8568 for asphaltic concrete paving on the alley between J and K Streets from North 5th to North 6th Streets.

Resolution No. 32017

Authorizing the submittal of a project prospectus to the Washington State Department of Transportation for funding a portion of the SR-16 Bike Path.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Minutes of the meeting of the Tacoma-Pierce County Board of Health, November 4, 1992.
- b. Minutes of the meeting of the Task Force on Hate Crimes, November 12, 1992.
- c. Minutes of the meeting of the Urban Waterfront Committee, November 18, 1992.

Council Member Nielsen moved that the Consent Agenda, including Resolution Nos. 32013, 32014, 32015, 32016, and 32017, be approved. Seconded by Council Member Evans. Voice vote was taken and carried. The Consent Agenda was declared approved.

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Mayor Vialle moved to suspend the rules to consider Resolution No. 32019. Seconded by Council Member Miller. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 32019

Authorizing the execution of a lease agreement with Osborne-McCann Cadillac for the use of Cadillac vehicles for the DARE program.

Mayor Vialle moved that the Resolution be adopted. Seconded by Council Member Evans.

Mayor Vialle called on Sgt. Barb Justice, Tacoma Police Department, to discuss the Resolution. Sgt. Justice thanked Mr. Tom McCann and his relatives for being present. She also thanked him for his continued and generous support of the D.A.R.E. Program. She then introduced Mr. Tom McCann.

Mr. Tom McCann spoke regarding the involvement of Osborne-McCann Cadillac with the D.A.R.E. Program.

Mayor Vialle recognized Officers Pincham and Fuller, of the D.A.R.E. Program.

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

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Mayor Vialle stated there is a special recognition award for Barbara Bingham, the first chair of the Commission on Children, Youth and Families, who was retiring. She then announced that the new chair to be appointed by herself and co-chair Stortini would be Jackie Stenger. She then introduced Ms. Stenger to the Council and the public. Ms. Stenger then spoke on the Strategic Plan of the Commission, which would be finalized in January 1993.

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Ray E. Corpuz, Jr., City Manager, requested a 40-minute Executive Session to discuss pending litigation and property acquisition.

Mayor Vialle moved to recess to Executive Session to discuss pending litigation and property acquisition, the Session not to exceed 40 minutes. Seconded by Deputy Mayor Mykland. Council recessed to Executive Session at 5:20 p.m.

At 6:06 p.m., Mayor Vialle re-entered the Council Chambers and stated that the Council will remain in Executive Session for another 15 minutes.

At 6:24 p.m. Deputy Mayor Mykland re-entered the Council Chambers and stated that the Council would remain in Executive Session for an additional 10 minutes.

Council reconvened at 6:32 p.m.

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## **REGULAR AGENDA**

### **FINAL READING OF ORDINANCES:**

Ordinance No. 25223

Amending Chapter 13.06 of the Official Code to reclassify the property located on the northwest corner of Center Street and Union Avenue from a "R-3" Two- and Three-Family Dwelling District, a "R-3T" Residential-Commercial Transitional District and a

"M-1" Light Industrial District to a "C-2" Commercial District to construct a 2,800 square foot grocery store with associated gas pumps. (Barghausen Engineers; File No. 120.1354)

Roll call vote was taken, resulting as follows:

Ayes: 6 -- Baarsma, Evans, Mykland, Nielsen, Silas, and Mayor Vialle.

Nays: 0.

Absent: 3 --McElliott, Miller and Moss.

The Ordinance was declared passed.

Ordinance No. 25231

Amending Sections 1.30.630 and 1.30.650 of the Official Code relative to disability retirement authorization and safeguards.

Roll call vote was taken, resulting as follows:

Ayes: 6 -- Baarsma, Evans, Mykland, Nielsen, Silas, and Mayor Vialle.

Nays: 0.

Absent: 3 --McElliott, Miller and Moss.

The Ordinance was declared passed.

Ordinance No. 25232

Accepting \$2,924 from a Women's Awareness Week Luncheon; and depositing in and appropriating said sum from the General Fund for associated program expenditures.

Roll call vote was taken, resulting as follows:

Ayes: 6 -- Baarsma, Evans, Mykland, Nielsen, Silas, and Mayor Vialle.

Nays: 0.

Absent: 3 --McElliott, Miller and Moss.

The Ordinance was declared passed.

Ordinance No. 25233

Amending the Pay and Compensation Plan to implement the 1993 rates of pay for represented and unrepresented employees and to delete three classifications.

Roll call vote was taken, resulting as follows:

Ayes: 6 -- Baarsma, Evans, Mykland, Nielsen, Silas, and Mayor Vialle.

Nays: 0.

Absent: 3 -- McElliott, Miller and Moss.

The Ordinance was declared passed.

Ordinance No. 25234

Amending Sections 8.28.010 and 8.28.040 of the Official Code relative to the offer to sell, offer to purchase or the purchase of any controlled substance and the possession of 40 grams or less of marijuana.

Roll call vote was taken, resulting as follows:

Ayes: 6 -- Baarsma, Evans, Mykland, Nielsen, Silas, and Mayor Vialle.

Nays: 0.

Absent: 3 -- McElliott, Miller and Moss.

The Ordinance was declared passed.

Ordinance No. 25235

Amending Section 8.52.020 of the Official Code relative to unlawful bus conduct.

Mayor Vialle moved to suspend the rules to consider Substitute Ordinance No. 25235. Seconded by Council Member Silas. Voice vote was taken and carried. The motion was declared adopted.

Deputy Mayor Mykland requested of the City Attorney if he should abstain on consideration of this ordinance since he is an employee of Pierce Transit.

Bill Barker, City Attorney, stated that Deputy Mayor Mykland did not have to abstain on this matter since he did not profit from this ordinance before the Council. He stated that he could vote on this matter.

Roll call vote was taken, resulting as follows:

Ayes: 6 -- Baarsma, Evans, Mykland, Nielsen, Silas, and Mayor Vialle.

Nays: 0.

Absent: 3 -- McElliott, Miller and Moss.

The Substitute Ordinance was declared passed.

Ordinance No. 25236

Amending Chapter 8.12 of the Official Code relative to unlawful gambling.

Roll call vote was taken, resulting as follows:

Ayes: 6 -- Baarsma, Evans, Mykland, Nielsen, Silas, and Mayor Vialle.

Nays: 0.

Absent: 3 -- McElliott, Miller and Moss.

The Ordinance was declared passed.

Ordinance No. 25238

Amending Chapter 13.10 of the Official Code relative to "S-6" Ruston Way Shoreline District.

Mayor Vialle moved to continue Ordinance No. 25238 and Resolution No. 32030 to a date to be determined. Seconded by Deputy Mayor Mykland. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 25238 and Resolution No. 32030 will be considered at a date to be determined.

The Ordinance was set over to a date to be determined.

Substitute Ordinance No. 25239

Establishing the Refuse Utility Residential Buffer Properties Fund for identifying monetary transactions pertaining to the operation of the Olympic Ridge and Nob Hill Apartments.

Roll call vote was taken, resulting as follows:

Ayes: 6 -- Baarsma, Evans, Mykland, Nielsen, Silas, and Mayor Vialle.

Nays: 0.

Absent: 3 -- McElliott, Miller and Moss.

The Substitute Ordinance was declared passed.

Ordinance No. 25240

Authorizing the transfer of \$231,000 from the Right-of-Way Enhancement Fund to the City Street Fund for the gas-tax revenue shortfall; and authorizing a non-interest bearing loan in the amount of \$100,000 from the General Fund to the Airport Construction Fund for airport improvements.

Roll call vote was taken, resulting as follows:

Ayes: 5 -- Baarsma, Mykland, Nielsen, Silas, and Mayor Vialle.

Nays: 0.

Absent: 4 -- Evans, McElliott, Miller and Moss.

The Ordinance was declared passed.

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Ordinance No. 25247

Amending Chapter 11 of the Official Code relative to traffic regulations and declaring an emergency making necessary the immediate passage of this ordinance and its taking effect immediately upon publication.

Roll call vote was taken, resulting as follows:

Ayes: 6 -- Baarsma, Evans, Mykland, Nielsen, Silas, and Mayor Vialle.

Nays: 0.

Absent: 3 -- McElliott, Miller and Moss.

The Ordinance was declared passed.

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FIRST READING OF ORDINANCES:

Ordinance No. 25241

Establishing the Geographic Information System (GIS) Fund for the accounting of monetary transactions for the GIS Project.

The Ordinance was set over for final reading on January 5, 1993.

Ordinance No. 25242

Accepting \$2,500 from Puget Sound National Bank; \$2,500 from Nalley's Fine Foods; \$1,000 from Pepsi; and the donation of goods and services from Sprinker Recreation Center, Peninsula Ambulance, KSTW, KMPS 93, The Morning News Tribune, West Coast Grocery and Menafee Trees; and depositing in and appropriating \$6,000 from the Tacoma Dome Operating Fund for the Holiday Skate Fest on December 20, 1992.

The Ordinance was set over for final reading on January 5, 1993.

Ordinance No. 25243

Authorizing the execution of a grant award contract with the State of Washington in the amount of \$4,000; depositing in and appropriating said sum from the Miscellaneous



Grants Summary Fund for the Child Care Resource System; and extending a non-interest bearing loan in the said amount from the General Fund to be repaid by December 31, 1995.

The Ordinance was set over for final reading on January 5, 1993.

Ordinance No. 25244

Accepting \$15,000 from the Work/Family Directions, The Partnership Group and Washington State Child Care Resource and Referral Network; depositing in and appropriating \$65,000 from the Miscellaneous Grants Summary Fund; and authorizing the execution of agreements with various Pierce County employers and agencies for child care resource, referral and training purposes.

The Ordinance was set over for final reading on January 5, 1993.

Ordinance No. 25245

Accepting, depositing and appropriating \$130,440 from the Miscellaneous Grants Summary Fund; and authorizing the execution of an agreement with the Pierce County Department of Aging and Long Term Care for senior citizen case management services.

The Ordinance was set over for final reading on January 5, 1993.

Ordinance No. 25246

Providing for the transfer, deposit and expenditure of \$515,447.69 relating to certain community services; and authorizing the execution of Amendment No. 73 to the Neighborhood Preservation Program agreement with the Municipal Authority for said services.

The Ordinance was set over for final reading on January 5, 1993.

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RESOLUTIONS:

Resolution No. 31989 (Continued from the meeting of November 24, 1992.)

Authorizing the execution of an agreement with MacMillan-Piper, Inc., in the amount of \$250,000 for the construction of an industrial track.

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

Purchase Resolution No. 32018

Awarding contracts to:

1. Various vendors for open purchase orders for 1993;
2. Johnson Controls, Inc., on their bid of \$32,645 for the upgrade of the emergency management system - sole source;
3. Six Robblees, Inc., in the amount of \$3,300; Bearings, Inc., in the amount of \$4,700; Standard Parts Corporation in the amount of \$9,300; Pochel Auto Parts, in the amount of \$14,500; and Tacoma Automotive Distributing, in the amount of \$29,400 to increase and extend their contracts for automotive and truck parts - Specification No. G-065-91;
4. U. S. West Cellular, on their bid of \$182,000 for 1993 cellular phone airtime - Washington State Contract No. 92-PUR-011;
5. Bosnick Roofing, on their bid of \$51,526.14 for the Jones Building Roof Repair - Specification No. G-249-92; and
6. U. S. Elevator Company, on their bid of \$32,705.04 for elevator service maintenance - Specification No. G-046-92;

Council Member Mykland moved that the Purchase Resolution, including waiving formal bidding procedures on Item Nos 1 and 2 be adopted. Seconded by Council Member Nielsen.

Voice vote was taken and carried on the Purchase Resolution. The Purchase Resolution, including waiving formal bidding procedures on Item Nos. 1 and 2, was declared adopted.

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Resolution No. 32019 was considered earlier in the Council Meeting.

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Resolution No. 32020

Authorizing the release of five Light Division easements as requested by individual property owners to clear title to their property.

Mayor Vialle moved to suspend the rules to consider Substitute Resolution No. 32020. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

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

Resolution No. 32021

Authorizing the execution of an amendment to the Real Estate Purchase Contract with Schurgin Development Company, dba Tacoma Promenade to extend the closing date to November 15, 1993 for the Wapato Hills reservoir site.

Speaking before the Council was:

Mark Briggs

Representing Schurgin Development .

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

Resolution No. 32022

Authorizing the partial release of a sewer easement near South 78th and J Streets.

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.

Mayor Vialle stated that the Council would now consider Public Hearings and Appeals.

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PUBLIC HEARINGS AND APPEALS: (Began at 7:10 p.m.)

This is the date set for a public hearing to consider the proposed amendments to Chapter 13.06.471 of the Official Code relative to Zoning Permit Fees.

Tom Dolan, Public Works Department, spoke regarding the proposed amendments to the zoning permit fees.

Mayor Vialle called on the public for testimony.

There being no public testimony, Mayor Vialle declared the public hearing closed at 7:13 p.m.

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Resolution No. 32023

Authorizing the execution of an agreement with Pierce County to allow participation by the Municipal Authority in activities outside the City limits.

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

Resolution No. 32024

Authorizing the execution of a real estate contract in the amount of \$1,651 with Marlon D. and Audree J. Berger for the sale of surplus property.

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

Resolution No. 32025

Authorizing the execution of a collective bargaining agreement with Firefighters Local 31 from January 1, 1993 through December 31, 1994.

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.

Resolution No. 32026

Authorizing the execution of Amendment No. 1 to the agreement with H. D. Baker Business Systems to amend the payment schedule for advertising space in the Tacoma Dome.

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

Resolution No. 32027

Authorizing the execution of a Historic Preservation Special Valuation Covenant between the Tacoma Landmark Preservation Commission and the property owners of 47th Saint Helens Plaza for said property.

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

Resolution No. 32028

Authorizing the execution of a Historic Preservation Special Valuation Covenant between the Tacoma Landmark Preservation Commission and Lorig Associates for the property at 1117-1123 A Street.

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

Resolution No. 32029

Authorizing the execution of a lease agreement with Dock Street Tacoma Associates for the lease of land at 535 Dock Street.

Mayor Vialle moved to continue Resolution No. 32029 to the meeting of January 12, 1993. Seconded Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

The Resolution will be considered at the regular City Council meeting of January 12, 1993.

Resolution No. 32030

Authorizing the amendment to the "Master Program for Shoreline Development" relative to the "S-6" Ruston Way Shoreline District.

Resolution No. 32030 was continued to a date to be determined earlier in the Council Meeting.

Resolution No. 32031

Authorizing the execution of an agreement with the Washington Consulting Group, Inc., in the amount of \$40,000 for a study of applications by Women and Minority Business Enterprises.

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

Resolution No. 32032

Expressing the intent to assist the Tacoma Housing Authority with financing for the purchase and rehabilitation of the Garden Villa apartments for low-incoming housing.

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

Resolution No. 32033

Authorizing the execution of an agreement with Anderson Bjornstad Kane Jacobs, in the amount of \$85,000 for the Walk to the Mountain Project.

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

Resolution No. 32034

Authorizing the execution of an agreement with Mount Rainier Scenic Railroad for the continued operation of City-owned rail.

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

Resolution No. 32035

Authorizing the execution of an agreement with the International Youth Hall of Fame to encourage youth participation in community programs.

Mayor 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. 32036

Authorizing the execution of agreements with various agencies for human services programs.

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

Speaking to the Council were:

Jeannie Darnielle

Eugene Wiegman, Ph.D.

Executive Director, Pierce County  
AIDS Foundation  
405 North Stadium Way

Bill Barker, City Attorney, stated that the Resolution needed to be amended on line 8 to insert the letter "A" following the word "Exhibit."

Council Member Nielsen moved to amend Resolution No. 32036 on line 8 to say "Exhibit A." Seconded by Deputy Mayor Mykland. Voice vote was taken and carried. The motion was declared adopted.

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

Resolution No. 32037

Authorizing the execution of an agreement with the United Neighborhoods of Tacoma for the lease of property at 2919 Portland Avenue for the Eastside Small Business Incubator Project.

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

Resolution No. 32038

Expressing the intent to authorize the execution of an agreement with the Municipal Authority in the amount of \$350,000 for the Colonial Court project.

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

Mayor Vialle stated that she has abstained on this matter throughout its course. She asked the City Attorney whether four votes would be enough to adopt this Resolution if she abstained.

Bill Barker, City Attorney, stated that it required five votes to adopt this Resolution. He stated that this being only a Resolution of Intent, he felt that the Mayor could vote on this matter. He stated it would be appropriate to abstain later on for actual funding on this project. Also, he stated there was a Doctrine of Necessity for when the public's business can't be done, and that minor conflicts may be waived. He stated he felt this was the situation now.

Mayor Vialle stated she would be voting in the affirmative on this matter.



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

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UNFINISHED BUSINESS:

None.

REPORTS BY CITY MANAGER:

Ray E. Corpuz, Jr., City Manager, stated there was a report on the dias from the Fire Chief regarding the base station closures. He stated the staff will continue to monitor and update the Council on this matter. He next thanked Rosalind Yeater who worked as Special Assistant in the City Manager's Office. He stated the next Special Assistant would be Dave DeGroot, from the Finance Department.

Mr. Corpuz noted that the Municipal channel will show the replay of the "Nutcracker" by BalleTacoma on December 23 at 4:30 p.m., December 24 at 2:00 p.m., December 25 at 11:30 a.m. and December 27 at 5:00 p.m.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

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

Mayor Vialle stated that the Health Department and Health Board would be looking at the issue of the base station closures. She stated they were working on a Resolution regarding this matter.

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

ATTEST:

  
GENELLE BIRK, CITY CLERK

  
KAREN L. R. VIALLE, MAYOR