

CITY COUNCIL MINUTES

City Council Chambers  
April 30, 1991

The meeting was called to order by Deputy Mayor Mykland at 5:05 p.m.

Present on roll call: 7 - Evans, McElliott, Miller, Moss, Nielsen, Warnick, and Deputy Mayor Mykland.

Absent: 1 - Mayor Vialle.

The Flag Salute was led by Council Member Miller.

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C O N S E N T   A G E N D A

Approval of the minutes of the meeting of April 23, 1991.

RESOLUTIONS:

Resolution No. 31322

Setting Tuesday, June 4, 1991, at 1:30 p.m. as the date for a hearing by the Hearings Examiner on the request to vacate a portion of the west 8 feet 8 inches of South Tacoma Way south of South 66th Street. (Wesco Autobody Supply, Inc.; File No. 124.936)

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner Agenda for Tuesday, April 30, 1991.
- b. Tacoma-Pierce County Humane Society Total Service Delivery Report, February 1991.

Council Member Nielsen moved that the Consent Agenda, including Resolution No. 31322, be approved. Seconded by Council Member Moss. 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. 24892

Amending Chapter 11 of the Official Code by adding Section 11.16.430 relative to safety glazing materials in motor vehicles and application of tinting or coloring material to windshields and other vehicle glass to bring the City Code into compliance with State Law.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Evans, McElliott, Miller, Moss, Nielsen, Warnick, and  
Deputy Mayor Mykland.

Absent: 1 - Mayor Vialle.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 24893

Accepting the donation of the building located at 1224 South K Street from Telecommunications, Inc. (TCI); and authorizing the execution of a leaseback agreement for a portion of the building to maintain TCI operations.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Evans, McElliott, Miller, Moss, Nielsen, Warnick, and  
Deputy Mayor Mykland.

Absent: 1 - Mayor Vialle.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 24894

Authorizing the execution of an agreement with Pierce County; depositing in and appropriating \$13,500 from the General Fund for senior meals programs; and depositing in and appropriating \$159,190 from the Miscellaneous Grants Summary Fund for providing various case management services for senior citizens.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Evans, McElliott, Miller, Moss, Nielsen, Warnick, and  
Deputy Mayor Mykland.

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Absent: 1 - Mayor Vialle.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 24895

Amending Chapter 8 of the Official Code by repealing Section 8.12.010 (19) relative to soliciting alms and adding Section 8.13.030 relative to vehicular or pedestrian interference to regulate begging and other intentional obstructions to traffic.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Evans, McElliott, Miller, Moss, Nielsen, Warnick, and Deputy Mayor Mykland.

Absent: 1 - Mayor Vialle.

Nays: 0.

The Ordinance was declared passed.

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FIRST READING OF ORDINANCES:

Deputy Mayor Mykland moved to set Ordinance No. 24896 over for discussion until City Attorney Bill Barker arrived. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 24897

Vacating portions of State and Ferry Streets and two adjacent alleys lying south of South 25th Street and northerly of SR-16 in the Tribune Business Park to combine the vacated streets and alleys to provide a parcel large enough to develop within the zoning guidelines of the Park. (TPC Liquidating Trust; File No. 124.931)

The Ordinance was set over for final reading to a date to be determined.

Deputy Mayor Mykland moved to consider Ordinance No. 24896. Seconded by Council Member Evans. Voice vote as taken and carried. The motion was declared adopted.

Ordinance No. 24896

Repealing Chapter 12.05 of the Official Code as it is no longer used and not necessary for Steam Plant 2 operations and sales of energy.

The Ordinance was set over for final reading next week.

Ordinance No. 24898

Accepting \$4,816 from the Tacoma-Pierce County United Way; depositing in and transferring said sum from the Miscellaneous Trust Summary Fund to the General Fund; and appropriating said sum from the General Fund for the Drug Awareness Resistance Education (DARE) Program.

The Ordinance was set over for final reading next week.

Ordinance No. 24899

Authorizing the execution of a grant award contract amendment with the State of Washington Department of Social and Health Services in the amount of \$11,740; accepting and depositing said sum in the Miscellaneous Grants Summary Fund; appropriating said sum from the Miscellaneous Grants Summary Fund to continue design and implementation of the Child Care Resource System; and declaring an emergency making necessary the passage of this ordinance.

The Ordinance was set over for final reading next week.

Ordinance No. 24900

Authorizing the execution of a grant award agreement with the National Park Service in the amount of \$168,000; accepting and depositing said sum into the Miscellaneous Grants Summary Fund; and authorizing the execution of an agreement with the Metropolitan Park District for rehabilitating Salishan Parks.

The Ordinance was set over for final reading next week.

Ordinance No. 24901

Creating a new fund designated as the "Rialto Theater Operating Fund" for identifying all City of Tacoma monetary transactions relating to the Rialto Theater.

The Ordinance was set over for final reading next week.

Ordinance No. 24902

Amending the Biennial Budget of the City of Tacoma for the fiscal years 1991-1992.

The Ordinance was set over for final reading next week.

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RESOLUTIONS:

Purchase Resolution No. 31323

Awarding contracts to:

1. Matre Arms & Ammunition, on their bid of \$60,355.85 for Ruger mini-14 rifles for police - Specification No. G-020-91;
2. Territorial Supplies, Inc., on their bid of \$42,917.87 for ammunition - Specification No. G-021-91;

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- 3. Ivy Hi-Lift, on their bid of \$84,693.74 for one variable reach forklift - Specification No. G-009-91;
- 4. State of Washington, Department of Corrections, in the amount of \$33,927.89 and Bank and Office Interiors, in the amount of \$6,591.21, for office furniture for Sewer Utility expansion - Washington State Contract No. 111-87; and
- 5. Woodworth and Company, in the amount of \$32,757.11 for emergency repairs to the Leach Creek Holding Basin Dike - Emergency P.O. #39968.

Deputy Mayor Mykland moved that the Purchase Resolution, including waiving formal bidding procedures on Item Nos. 4 and 5, be adopted. Seconded by Council Member Nielsen.

Voice vote was taken and carried on the Purchase Resolution, including waiving formal bidding procedures on Item Nos. 4 and 5. The Purchase Resolution was declared adopted.

Resolution No. 31324

Approving the Preliminary Plat of Heron Ridge Estates to subdivide a 10-acre parcel of property located on the north side of Marine View Drive at 49th Street N.E., extended into 17 single-family residential lots. (Heron Ridge Estates; File No. 125.311)

Speaking before the Council were:

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|--------------------|-------------------------|
| Mr. Jeff Mann      | Pac-Tech Engineering    |
| Mr. Statson        | Marine View resident    |
| Ms. Kathleen Smith | Marine View resident    |
| Mr. Kelly Trestone | Resident                |
| Mr. Frank Pribenow | Salmon Beach #4         |
| Mr. Stan Rumbaugh  | Heron Ridge Development |

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

Resolution No. 31325

Approving the 17th Year (1991-1992) Community Development Block Grant (CDBG) Statement of Objectives and Projected Use of Funds; and authorizing the submittal of a grant application to the United States Department of Housing and Urban Development in the amount of \$2,603,000 for the annual CDBG entitlement grant.

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

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PUBLIC HEARINGS AND APPEALS: (Began at 6:13 p.m.)

a. This is the date set for hearing the appeal of Theodore Christensen, III, Florence Joseph and Duanne Hay on the decision of the Hearings Examiner relative to the assessment roll for L.I.D. No. 7709.

Ms. Nancy Neraas, Hearings Examiner Pro Tem, spoke regarding her decision relative to LID 7709.

Mr. David McGoldrick, attorney representing appellant, Theodore Christensen, III presented reasons for the appeal.

Appellant, Ms. Florence Joseph, deferred her portion of time allocation on the appeal to attorney, Mr. McGoldrick and appellant, Mr. Duanne Hay.

Mr. Duanne Hay presented his reasons for the appeal.

Ms. Jodi Hoffman, Assistant City Attorney, spoke in support of the Hearings Examiner decision regarding LID 7709.

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

Roll call vote was taken, resulting as follows:

Ayes: 3 - Miller, Nielsen and Deputy Mayor Mykland.

Nays: 4 - Evans, McElliott, Moss and Warnick.

Absent: 1 - Mayor Vialle.

Nays: 0.

The motion was declared defeated.

Council Member Warnick moved to remand this issue back to the Hearings Examiner for further consideration. Seconded by Council Member Nielsen. The motion was withdrawn.

Council Member McElliott asked the City Attorney whether this issue should go back to the Utilities Department to develop new assessments for each property and give the people affected an opportunity to vote on the LID.

City Attorney, Bill Barker, advised Council to remand this issue back to the Utilities Department with the direction to look at alternate methods of assessment and conduct a new hearing.

Council Member McElliott asked if the new assessment could specify the method to be used.

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City Attorney Barker stated that the methodology used would have to be in accordance with law and the cost would have to be proportionate to the benefit received by the property owner. Utilities could look at alternative methods of assessment and could pick up any further portion of the cost which could result as satisfactory to both sides.

Council Member Nielsen moved to hold the decision of the appeal on LID 7709 for one week to review the advice from the City Attorney. Seconded by Council Member Moss. Voice vote was taken and carried. The motion was declared adopted.

- b. This is the date set for a public hearing to amend Sections 13.06.020, 13.06.295, 13.06.415 and 13.06.472 of the Land Use Regulatory Code to rename and amend the existing Commercial Special Review District.

The public hearing began at 8:00 p.m.

Speaking before the Council were:

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|-------------------|---------------------------------|
| Mr. Charles Creso | Resident                        |
| Mr. Bill Evans    | Proctor District resident       |
| Mr. John Weaver   | Old Tacoma Improvement Club     |
| Ms. Pam Combs     | Signing Industry representative |

The public hearing was declared closed at 8:28 p.m.

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UNFINISHED BUSINESS:

None.

REPORTS BY CITY MANAGER:

None.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Deputy Mayor Mykland moved to excuse the absence of Mayor Vialle. Council Member Warnick seconded the motion. Voice vote was taken and carried. The motion was declared adopted.

Deputy Mayor Mykland moved to recess to Executive Session to discuss the qualifications for elected office, the session not to exceed 30 minutes. Seconded by Council Member Moss. Voice vote was taken and carried. The motion was declared adopted.

Council recessed to Executive Session at 8:30 p.m. and reconvened at 8:55 p.m.

Deputy Mayor Mykland announced that the following applicants were selected for interviews for the Councilmanic District 3 position:

Dolores Silas  
Charles Waddell  
Merry Kogut  
Dean Martin  
Lawrence Norman

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On proper motion, the meeting was adjourned at 9:00 p.m.

ATTEST:   
GENELLE BIRK, CITY CLERK

  
GREG MYKLAND, DEPUTY MAYOR