

CITY COUNCIL MINUTES

City Council Chambers
August 29, 1995

The meeting was called to order at 5:06 p.m.

Present on roll call: 8 - Baarsma, De Forrest, Evans, Kirby, McGavick, Miller, Silas, and Mayor Moss. Absent: 1 - Crowley.

The Flag Salute was led by Council Member Baarsma.

CONSENT AGENDA

Approval of the minutes of the Tacoma City Council meeting of August 15, 1995.

PETITION:

Evergreen Devco, Inc. requesting the reclassification of the property located on the southeast corner of Pacific Avenue and South 84th Street from a R-2 One-Family Dwelling District to a C-2 Commercial District.

ASSESSMENT ROLL:

The Director of Public Works presents the assessment roll for the following:

L.I.D. No. 7716 for new underground electrical primary, telephone and cable-TV systems along South 86th Street from Ainsworth to Sheridan Avenues, and South 87th Street from approximately Cushman to Sheridan Avenue.

Setting Monday, September 25, 1995, at 5:00 p.m. as the date for a hearing by the Hearing Examiner.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearing Examiner agenda for August 29, 1995.
- b. Minutes of the meeting of the Downtown Tacoma Parking Commission, August 2, 1995.
- c. Minutes of the meeting of the Landmarks Preservation Commission, August 9, 1995.

Council Member Miller moved that the Consent Agenda be approved. Seconded by Deputy Mayor Evans. Voice vote was taken and carried. The Consent Agenda was declared approved.

REGULAR AGENDA

FINAL READING OF ORDINANCES:

Ordinance No. 25741

Vacating a portion of Highline Place/28th Street N.E., west of Norpoint Way for housing building sites. (Monarch Construction; File No. 124.1015)

Roll call vote was taken, resulting as follows:

Ayes: 8 -- Baarsma, De Forrest, Evans, Kirby, McGavick, Miller, Silas, and Mayor Moss.

Nays: 0.

Absent: 1 - Crowley.

The Ordinance was declared passed.

Ordinance No. 25752

Amending the Pay and Compensation Plan to implement rates of pay for the International Brotherhood of Electrical Workers Local 483 Water Division Unit from January 1, 1995 through December 31, 1997.

Roll call vote was taken, resulting as follows:

Ayes: 8 -- Baarsma, De Forrest, Evans, Kirby, McGavick, Miller, Silas, and Mayor Moss.

Nays: 0.

Absent: 1 - Crowley.

The Ordinance was declared passed.

Ordinance No. 25753

Providing for the formation of L.I.D. 8585 for the construction of permanent pavement in the alley between North 25th and North 26th Streets from Washington to Adams Streets.

Roll call vote was taken, resulting as follows:

Ayes: 8 -- Baarsma, De Forrest, Evans, Kirby, McGavick, Miller, Silas, and Mayor Moss.

Nays: 0.

Absent: 1 - Crowley.

The Ordinance was declared passed.

Ordinance No. 25754

Providing for the formation of L.I.D. 8586 for the construction of permanent pavement with storm drainage in the alley between North 11th to North 12th Streets from Union Avenue to Washington Street.

Roll call vote was taken, resulting as follows:

Ayes: 8 -- Baarsma, De Forrest, Evans, Kirby, McGavick, Miller, Silas, and Mayor Moss.

Nays: 0.

Absent: 1 - Crowley.

The Ordinance was declared passed.

Ordinance No. 25755

Providing for the formation of L.I.D. 8587 for the construction of permanent pavement in the alley between North L and North M Streets from North 6th to North 7th Streets.

Roll call vote was taken, resulting as follows:

Ayes: 8 -- Baarsma, De Forrest, Evans, Kirby, McGavick, Miller, Silas, and Mayor Moss.

Nays: 0.

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Absent: 1 - Crowley.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 25746 (Continued from the meeting of August 22, 1995)

Vacating portions of East 11th Street on either side of the Blair Waterway for the purpose of unifying the abutting properties following removal of the Blair Bridge. (Port of Tacoma; File No. 124.1012)

Council Member Miller moved to suspend the rules to consider Substitute Ordinance No. 25746. Seconded by Council Member Silas. Voice vote was taken and carried. The motion was declared adopted.

Council Member Miller moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner. Seconded by Mayor Moss. Voice vote was taken and carried with Council Member De Forrest voting in opposition. The motion was declared adopted.

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

Ordinance No. 25756

Vacating Lawler Street north of East-West Road for the purpose of combining the undeveloped right-of-way with the abutting properties. (Department of Public Utilities; File No. 124.1017)

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

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

Ordinance No. 25757

Authorizing the issuance of Revenue Anticipation Notes in the amount of \$1,300,000 to provide interim financing for the Tacoma Dome Reroofing Project; and appropriating said sum to pay for roof maintenance work on the Tacoma Dome and declaring an emergency making necessary the passage of this ordinance.

The Ordinance was set over for final reading to the meeting of September 12, 1995.

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RESOLUTIONS:

Purchase Resolution No. 33130

Awarding contracts to:

1. Tacoma Computer Network, Inc., in the amount of \$6,258.20 to increase their contract for computer upgrades, P.O. No. 19372; and
2. Analytical Resources, Inc., on their bid of \$148,610 for outside laboratory services for round two analysis of Thea Foss sediments and water samples - Specification No. G-039-95.

Deputy Mayor Evans moved that the Purchase Resolution, including waiving formal bidding procedures on Item No. 1, be adopted. Seconded by Council Member Miller.

Voice vote was taken and carried on the Purchase Resolution. The Purchase Resolution, including waiving formal bidding procedures on Item No. 1, was declared adopted.

Resolution No. 33131

Authorizing the execution of the Loan Guarantee Assistance, Fiscal Agency and the EDI Grant agreements and other related documents with the Department of Housing and Urban Development and the Tacoma Community Redevelopment Authority for implementation of a Section 108 loan to the United Way of Pierce County.

Speaking before the Council was:

John Woodworth

United Way, Board Chair

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

Resolution No. 33132

Authorizing the execution of Amendment No. 112 to the Neighborhood Preservation Program with the Tacoma Community Redevelopment Authority to reflect changes in program criteria and requirements in two of the revolving business loan fund programs.

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

Resolution No. 33133

Adopting the recommendations of the Tacoma 2010 Task Force and directing the City Manager to incorporate these recommendations to planning, development and siting activities and processes for cultural facilities.

Speaking before the Council were:

Frank Underwood
Alberta Canada
William Riley

2010 Task Force
MLK Housing Development Assoc.
Real Estate Developer

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

Resolution No. 33134

Authorizing the execution of amendments to the agreement with the Tacoma-Pierce County Health Department regarding public health services with the cities of Fife and Puyallup.

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

Resolution No. 33135

Authorizing the execution of a grant agreement with the Department of Ecology in the amount of \$533,833 for the purpose of obtaining reimbursement of eligible costs for remedial activity on Parcel 7 known as the Morris property located on the Thea Foss Waterway.

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

Resolution No. 33136

Authorizing the submittal of a grant application to the U.S. Department of Justice in the amount of \$825,000 to hire 11 police officers from the Community Oriented Policing Services Universal Hiring Program.

Council Member Miller moved to suspend the rules to consider Substitute Resolution No. 33136. Seconded by Deputy Mayor Evans. Voice vote was taken and carried. The motion was declared adopted.

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

Council Member Miller moved to recess for five minutes. Seconded by Council Member De Forrest. Voice vote was taken and carried. The motion was declared adopted.

Council recessed at 6:05 p.m. and reconvened at 6:12 p.m.

PUBLIC HEARINGS AND APPEALS: (Began at approximately 6:12 p.m.)

Paul Meneghel appealing the decision of the Hearing Examiner to reclassify a 16-acre area bounded by Cheyenne Street on the east, South 18th Street extended on the south, Gove Street on the west and South 12th Street on the north, from a "R-2" One-Family Dwelling District to a "R-2PRD" Planned Residential Development District for the development of single-family homes and duplex units on a 30-lot and 25-lot subdivision. (Terry B. Owen, File Nos. 120.1173A & B and 125.327A & B)

Council Member Baarsma declared, in reference to a letter that was filed by the Environmental Commission on this appeal, that although he is a member of the Environmental Commission, he took care to reclude himself during any of the discussions concerning the DeLong Lake project.

Mayor Moss declared that he lives in the DeLong Lake area and could not attend any of the meetings on this matter.

Council Member Silas also declared that she lives in the affected area and also could not attend any of the meetings on this matter.

Mr. Wick Dufford, Hearing Examiner Pro Tem, spoke regarding his decision on the reclassification.

Mr. Paul Meneghel and Mr. Tom Strom, appellant and intervenor, respectively, presented reasons for the appeal.

Mr. Bill Lynn, attorney representing the applicant Terry B. Owen, presented the applicant's reasons for the appeal.

Mayor Moss moved that the record of the appeal proceedings be made available to the Council, especially the opening presentations, and that the Council make a determination and decision on the appeal at the September 12, 1995 Council meeting. Seconded by Deputy Mayor Evans.

Mayor Moss clarified that the intent of his motion was to continue the hearing, and that the appellant and applicant will only be able to answer questions of the Council, and that neither the appellant nor the applicant will have the opportunity to provide further testimony.

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

Mayor Moss moved to recess for five minutes. Seconded by Council Member De Forrest. Voice vote was taken and carried. The motion was declared adopted.

Council recessed at 8:25 p.m. and reconvened at 8:38 p.m.

UNFINISHED BUSINESS:

Council Member De Forrest moved to remove Resolution No. 33129 from the table. Seconded by Council Member Kirby. Voice vote was taken and carried. The motion was declared adopted.

Council Member De Forrest moved that Substitute Resolution No. 33129 be placed on the agenda. Seconded by Council Member Kirby. Voice vote was taken and carried. The motion was declared adopted.

Council Member Miller moved to place Substitute Resolution No. 33129 on the September 12, 1995 Council agenda. Seconded by Council Member De Forrest. Voice vote was taken and carried. The motion was declared adopted.

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City Attorney Robin Jenkinson indicated that the next matter before the Council is a request for a dismissal of a land use appeal of the MacLiam Properties at 19th and Sprague, File No. 120.1364. Ms. Jenkinson explained that an appeal was brought forward by Ms. Shirley Butler to overturn the Hearing Examiner's recommendation for a rezone of property from "R-2" to "R-2T". The appeal was filed on June 7, 1995 at 4:07 p.m., the last day for filing an appeal of the Hearing Examiner's decision. On July 11, 1995 the Council set September 12, 1995 as the date for the hearing on the matter. On July 25, 1995 the City Clerk's Office received a letter from Mr. William Lynn, attorney for the project applicant, indicating that in his view, the appeal did not meet the requirements of TMC 1.23.130 and 1.23.140 in that it did not state the reasons for the appeal. Ms. Jenkinson explained that because this matter has already been set by the Council for a hearing date, and because the Municipal Code does not provide for some method for the summary dismissal of matters, Mr. Lynn's request to summarily dismiss the appeal is brought before the Council for consideration. Ms. Jenkinson further explained that this was thought to be more economical of the time of the parties and the Council, should the Council decide to resolve this procedural matter this evening as opposed to hearing the full merits of the appeal on September 12, 1995.

Mr. Lynn, attorney for the applicant, presented reasons for the request to dismiss the appeal.

Mr. Troy Bailey representing Ms. Shirley Butler, presented reasons that the request to dismiss the appeal be denied.

Council Member Miller moved to that the request for dismissal of the appeal be granted and the appeal fee returned to the appellant. The motion died for the lack of a second.

Mayor Moss moved to continue with the appeal as scheduled and that the request for the dismissal of the appeal be denied. Seconded by Deputy Mayor Evans.

Council Member Kirby moved to postpone the decision on the procedural issue on the request to dismiss the appeal to September 12, 1995, immediately preceding the time when the appeal is to be heard. Seconded by Deputy Mayor Evans. Voice vote was taken and carried with Council Member Silas voting in opposition. The motion was declared adopted.

REPORTS BY CITY MANAGER:

City Manager Ray E. Corpuz, Jr. requested an Executive Session not to exceed 20 minutes to discuss potential and pending litigation.

Mr. Corpuz called on Mr. Rick Rosenblatt to present the Council with a new logo for Municipal Cable Channel 12. Mr. Rick Rosenblatt and Mr. Marc Pease then reported on the survey that was conducted about the channel and unveiled Channel 12's new name, TV Tacoma.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Council Member Miller moved to excuse the absence of Council Member Crowley from tonight's Council meeting. Seconded by Council Member McGavick. Voice vote was taken and carried. The motion was declared adopted.

Council Member Kirby expressed concern about the Hearing Examiner's process and the performance of the Hearing Examiner Pro Tem. He requested the City Manager to look at how the Council can be involved and have some control in the appointment of the Hearing Examiner and Hearing Examiner Pro Tem.

Council Member De Forrest expressed concern about the Hearing Examiner's interpretation of rezoning laws that Council sets. Council Member De Forrest invited interested individuals to attend the T-Street Gulch public meeting at Lister Elementary School on Thursday, August 31, 1995 at 6:00 p.m.

Deputy Mayor Evans read two articles in the KIRO Radio news fax dated August 23 and 25, 1995 on the Federal Appeals Court lifting an injunction that blocked the shipment of spent nuclear fuel rod shipment from Europe to a South Carolina storage facility.

Council Member Miller noted that in a response to a request made at study session, the Clerk's Office is now using a check list for processing acceptance of appeals that includes ensuring that there are reasons applied. Council Member Miller suggested that the Council follow-up by codifying how to handle these situations in the future. Council Member Miller requested the City Manager to provide an update on where the public art piece that was hanging in the Council Chambers is now being displayed.

Council Member Silas reported that she received a ruling ordinance on her request for removing graffiti in the city.

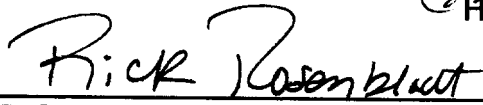
Mayor Moss expressed his concerns on the City's hearing and appeal process.

Mayor Moss moved to recess to Executive Session not to exceed 20 minutes to discuss pending and potential litigation. Seconded by Deputy Mayor Evans. Voice vote was taken and carried. The motion was declared adopted. Council recessed at 10:10 p.m. At 10:30 p.m., Mayor Moss announced Executive Session would be extended an additional 15 minutes. Council reconvened at 10:45 p.m.

On proper motion, the meeting was adjourned at 10:45 p.m.



HAROLD G. MOSS, MAYOR

ATTEST: 

RICK ROSENBLADT, ACTING CITY CLERK

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