

CITY COUNCIL MINUTES

City Council Chambers
May 30, 1989

The meeting was called to order at 5:03 p.m.

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

The Flag Salute was led by Council Member Warnick.

C O N S E N T A G E N D A

RESOLUTIONS:

Resolution No. 30449

Setting Monday, June 26, 1989, at 5:00 p.m. as the date for hearing by the Hearing Examiner L.I.D. No. 5690 for the construction of an 8-inch water main in East 44th Street from the City of Tacoma's Pipeline Right-of-Way to Hill Street and in East "M" Street from East 44th Street to approximately 450 feet north; and a 6-inch water main in Hill Street from East 44th Street approximately 235 feet north.

Resolution No. 30450

Setting Tuesday, June 6, 1989, at approximately 5:30 p.m. as the date for a public hearing by the City Council relative to the Six-Year Comprehensive Street Program for the years 1990 through 1995 and the Amended 1989 Street Program.

APPEALS:

Joe Trucco and Colonial Fruit and Produce, appealing Shoreline Management Substantial Development Permit No. 141.436 to allow an 18-slip pleasure craft marina located on the easterly side of Dock Street approximately 630 feet south of East 11th Street (1155 Dock Street). (Investco Financial Corporation; File No. 141.436.)

Setting Tuesday, June 27, 1989, 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. Hearing Examiner Agenda for Tuesday, May 30, 1989.

- b. Minutes of the meetings of the Board of Trustees of the Tacoma Public Library, March 15, 1989 and April 19, 1989.
- c. Minutes of the meeting of the Capital Projects Advisory Committee, May 10, 1989.
- d. Minutes of the meeting of the Human Rights Commission, April 20, 1989.
- e. City of Tacoma, Metropolitan Park District, Draft Shoreline Trails Plan, May 1989.
- f. Site Stabilization Plan, (Demolition of Structures) Tacoma Plant Asarco Incorporated, January 1989.

Council Member Mykland moved that the Consent Agenda, including Resolution Nos. 30449 and 30450, be approved. 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

FINAL READING OF ORDINANCES:

Ordinance No. 24357

Amending Section 1.34.100 of the Official Code to increase the working fund advances from \$13,000.00 to \$17,000.00.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Hyde.

The Ordinance was declared passed.

Ordinance No. 24358

Transferring \$6,704.00 from the General Fund to the Miscellaneous Grants Summary Fund; appropriating said sum from the Miscellaneous Grants Summary Fund for child care resource and referral services to City of Tacoma employees; and declaring an emergency making necessary the passage of this ordinance.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

14

Absent: 1 - Hyde.

The Ordinance was declared passed.

Ordinance No. 24359

Accepting anticipated Federal Aviation Administration 90/10 match grant monies in the amount of \$180,000.00; depositing said sum in the Airport Construction Account of the Airport Fund; appropriating \$180,000.00 for the purpose of constructing taxiway lighting at the Tacoma Narrows Airport; and authorizing a temporary non-interest-bearing loan from the General Fund to the Airport Construction Account of the Airport Fund in the amount of \$180,000.00 to be repaid by September 1, 1990, for said purpose.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Hyde.

The Ordinance was declared passed.

Ordinance No. 24360

Authorizing the execution of a grant award contract in the amount of \$182,000.00 with the Department of Housing and Urban Development; and depositing in and appropriating said sum from the Miscellaneous Trust Summary Fund to continue implementation of the Rental Rehabilitation Program.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Hyde.

The Ordinance was declared passed.

Ordinance No. 24361

Authorizing the execution of an agreement with Tacoma School District No. 10 in the amount of \$10,000.00; depositing in and appropriating said sum from the LID Consolidated Fund No. 2 for the purpose of investigating the feasibility of creating L.I.D. No. 8519 to construct Nassau Avenue from 41st Street Northeast to 45th Street Northeast and 45th Street Northeast from Nassau Avenue west approximately 650 feet; and authorizing the execution of an agreement with Washington Appraisal Services, Inc., for said purpose.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Hyde.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 24362

Authorizing the issuance and sale of revenue bonds in the amount of \$13,835,000.00 for capital improvements to the Refuse System.

Mayor Sutherland moved to suspend the rules to consider Substitute Ordinance No. 24362. Seconded by Council Member Warnick. Voice vote was taken and carried. The motion was declared adopted.

Speaking to the Council was:

Cheryl Miller 3303 North 36th Street

The Substitute Ordinance was set over for final reading next week.

Mayor Sutherland moved to suspend the rules to consider Resolution No. 30452. Seconded by Mykland. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 30452

Authorizing the execution of a Stipulation and Settlement Agreement with the Nisqually Indian Tribe relative to Tacoma's Nisqually hydroelectric project on the Nisqually River.

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

Speaking to the Council were:

Ted Coates Public Utilities Department Director
Dorian Sanchez Tribal Chairman, Nisqually Tribe
Bill Frank Nisqually Tribe

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

PUBLIC HEARINGS AND APPEALS: (Began at 5:47 p.m.)

This is the date set for hearing the appeal of Ely Kastenbaum relative to the decision of the Hearing Examiner regarding the request to vacate North 11th Street between Jackson Avenue, northerly of SR-16. (Arthur DeCaro and Edward Cuzzetto; File No. 124.881)

Mayor Sutherland called on Mr. DeCaro, Mr. Cuzzetto and Mr. Kastenbaum.

Mayor Sutherland explained the procedure for appeals before the City Council.

Rod Kerslake, Hearings Examiner, spoke regarding this matter and explained to the Council that the appellant did not appear before the Hearings Examiner to present his evidence. He stated that per statutes no new evidence could be presented in this matter before the Council.

Mayor Sutherland discussed with the appellant and defendants whether delaying this issue would cause them any hardship.

All parties discussed possible hardships that delaying this matter might cause.

Council Member Nielsen moved to remand this matter to the Hearings Examiner. Seconded by Council Member Moss. Voice vote was taken and carried. The motion was declared adopted.

The matter was remanded to the Hearings Examiner.

Ordinance No. 24363

Amending Section 6.60.060 of the Official Code entitled "License Fees" to require proof of alteration from a licensed veterinarian to receive the fee advantage for altered animals.

The Ordinance was set over for final reading next week.

Ordinance No. 24364

Amending Chapter 13.06 of the Official Code to change the current regulations regarding allowable height of structures method, grade and view preservation.

Mayor Sutherland with the concurrence of the Council stated that they would hear comments by Cindy Huff of the Planning Department and then consider Substitute Ordinance No. 24364.

Cindy Huff, Planning Department, made a presentation on the proposed changes and discussed the differences between the Ordinance and the proposed Substitute Ordinance.

Mayor Sutherland suggested that Resolution No. 30455 which relates to this matter be set over for vote until next week.

Council Member Vialle suggested that Resolution No. 30455 be referred to the Environmental Commission and then further referred to the Beautification Committee to review the tree trimming policy.

Speaking to the Council were:

Mike Fleming 1520 Fairview Drive South
Paul Miller

The Ordinance and Substitute Ordinance were set over for final reading next week.

RESOLUTIONS:

Purchase Resolution No. 30451

Awarding contracts to:

1. Paulson, Inc., on their bid of \$74,597.60 for ten police motorcycles - Washington State Contract No. 2-89;
2. Zumar Industries, on their bid of \$30,302.58 for traffic lane markers - Washington State Contract No. 112A-86;
3. Floodlight Control Corporation, in the amount of \$153,334.29 for taxiway lighting for the Tacoma Narrows Airport - Specification No. G-220-89;
4. R & L Trucking and Construction, in the amount of \$35,120.00 and Randles Sand and Gravel, in the amount of \$102,760.00 to furnish, haul and stockpile aggregates - Specification No. G-004-88; and
5. Western Paper Company, in the amount of \$40,876.73 to increase their contract for multipurpose paper supplies - Specification No. G-008-89.

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

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

Resolution No. 30453

Authorizing the execution of a quit claim deed with Thomas A. Lomis and Donna Rae Lomis in the amount of \$16,400.00 to purchase the surplus Ferry Substation site located in the vicinity of South 12th and Ferry 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.

Resolution No. 30454

Authorizing the execution of Tacoma Dome License Agreement No. 831 for the use of the Tacoma Dome by the Ringling Bros./Barnum & Bailey Circus on September 19, 1989 through September 24, 1989.

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. 30455

Adopting policies concerning view preservation, utility lines, and vegetation planning and control as part of the "Urban Aesthetics and Design" section of the Generalized Land Use Plan.

Council Member Vialle moved to refer this matter to the Environmental Commission who in turn would refer it to the Beautification Committee for review of the tree trimming policy. Council Member Nielsen recommended that this matter be referred to the Planning Commission who in turn could refer it to the Environmental Commission and Beautification Committee.

Council Member Vialle moved to refer this matter to the Planning Commission who in turn could refer it to the Environmental Commission and Beautification Committee for review of the policy. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

The matter was referred to the Planning Commission.

Resolution No. 30456

Authorizing the execution of an agreement with the Young Women's Christian Association of Tacoma in the amount of \$11,379.00 to operate the Battered Women's Emergency Shelter Program.

Council Member 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. 30457

Authorizing the execution of a revised retainer agreement with Foster, Pepper, & Shefelman in the amount of \$57,000.00 for bond counsel services in connection with the Union Station.

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

Resolution No. 30458

Authorizing the execution of an amendatory agreement with the Fourth of July Extravaganza Commission to perform certain services relative to the 1989 Fourth of July celebration.

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

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Council Member Warnick requested the staff provide the Council with an update on the status of various properties on Ruston Way such as Carrs Landing, Dickman Mill, etc.

Erling O. Mork, City Manager, stated that tonite was Jack Creighton's last Council Meeting as he would soon be retiring.

Mayor Sutherland congratulated Jack Creighton on his thirty years' of service to the City and then highlighted his career service through the years.

Council Members Vialle, Moss and others thanked Jack Creighton for his efforts.

On proper motion, the meeting was adjourned at 6:50 p.m.

ATTEST:


GENELLE BIRK, CITY CLERK


DOUG SUTHERLAND, MAYOR

WPC.8601.G