

CITY COUNCIL MINUTES

City Council Chambers
July 15, 1986

The meeting was called to order at 5:09 p.m.

Present on roll call: 8 - Hyde, Ladenburg, McElliott, Mykland, Nielsen, Rasmussen, Stenger, and Mayor Sutherland. Absent: 1 - Warrick.

The Flag Salute was led by Mayor Sutherland.

Mayor Sutherland proclaimed the week of July 13-19, 1986 as "Summer Pops '86! Heek," and presented the proclamation to Mr. Destiny Duck and made him an honorary citizen of the City of Tacoma so he can promote the Summer Pops '86! throughout the city.

CONSENT AGENDA

Approval of the minutes of the regular meeting of July 1, 1986.

RESOLUTIONS:

Resolution No. 29254

Approving the final plat for Commencement Bay Vista, Division No. 5, located at Bristol Street and Visscher Street north of North 37th Street. (Commencement Bay Vista Joint Venture; File No. 125.266)

Resolution No. 29255

Setting Tuesday, September 9, 1986 at 10:30 a.m. as the date for hearing by the Hearings Examiner the request to vacate a portion of the northeast corner of Center and Gove Streets. (Boys and Girls Clubs of Tacoma-Pierce County; File No. 124.820)

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner Agenda for Tuesday, July 15, 1986.
- b. Minutes of the meeting of the Appointments Committee, June 30, 1986.
- c. Minutes of the meeting of the Citizens Transportation Advisory Committee, May 15, 1986.

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- d. Minutes of the meeting of the Landmarks Preservation Commission, June 25, 1986.
- e. Minutes of the special meeting of the Tacoma-Pierce County Board of Health, June 11, 1986.
- f. Minutes of the meeting of the Tacoma Public Library Board of Trustees, May 21, 1986.
- g. Minutes of the special meeting of the Tacoma Public Library Board of Trustees, June 4, 1986.
- h. Tacoma Employees' Retirement System - report of purchases and sales of investments, May 1986.
- i. Office of Intergovernmental Affairs 1986 Regular Session Washington State Legislature Report, June 1986.

Deputy Mayor Rasmussen moved that the Consent Agenda, including Resolution Nos. 29254 and 29255, be approved. Seconded by Council Member Stenger. Voice vote was taken and carried. The Consent Agenda was declared approved.

REGULAR AGENDA

ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS:

Resolution No. 29256

Appointing Carl W. Virgil to the Public Utility Board for a five-year term expiring June 30, 1991.

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

COMMUNICATIONS:

- a. City Attorney recommending termination of the request for street vacation for the alley between East "J" and East "K" Streets south from East 40th Street. (David A. Kongsmo; File No. 124.691) (Continued from the meeting of July 8, 1986.)

Mayor Sutherland moved to concur in the recommendation of the City Attorney. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

- b. Hearings Examiner submitting Shoreline Management Substantial Development Permit No. 141.385 to allow an existing second story addition and a first story addition to remain on an existing over-water single-family residence located at Lot 17, Salmon Beach. (Mary Lou Clark; File No. 141.385)

Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Deputy Mayor Rasmussen. Roll call vote was taken, resulting as follows: Ayes: 7 - Ladenburg, McElliott, Mykland, Nielsen, Rasmussen, Stenger, and Mayor Sutherland. Nays: 1 - Hyde. Absent: 1 - Warrnick. The motion was declared adopted.

- c. Hearings Examiner recommending approval of a site plan modification relative to the access from the development located east of Hosmer Street between South 86th Street and South 87th Street extended. (BAL, Inc.; File No. 120.1136)

Mayor Sutherland moved to concur in the recommendation of the Hearings Examiner. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

- d. City Attorney submitting Findings of Fact and Conclusions of Law and Decision on the appeal of Lee Sorensen of the decision of the Hearings Examiner relative to the request for modifications of conditions concerning a tot lot located in a proposed mobile home park on the northwest corner of South 99th and "A" Streets.

Mayor Sutherland moved to concur in the Findings of Fact, Conclusions of Law, and the Decision as submitted by the City Attorney. Seconded by Deputy Mayor Rasmussen. Voice vote was taken and carried. The motion was declared adopted.

- e. Hearings Examiner advising that the Planning and Public Works Departments have completed their review of the location of the East 18th Street right-of-way and have determined that the survey prepared by Pac-Tech Engineering is correct. (J. E. Meaker; File No. 141.382)

Mayor Sutherland advised that this is informational only and no action is required.

Mayor Sutherland moved to suspend the rules to consider Resolution No. 29264. Seconded by Council Member Hyde. Voice vote was taken and carried.

Resolution No. 29264

Designating Tacoma, Washington, as a Sister City to the City of Alesund, Norway.

Mayor Sutherland moved that the Resolution be adopted. Seconded by all members of the Council.

Mayor Sutherland then introduced Svein Tommerdal, Mayor of Alesund, Norway, and Bjorn Kristvik, City Manager of Alesund, Norway. He presented them with a signed copy of Resolution No. 29264.

Mayor Tommerdal made a presentation to the Council and presented them with a pewter plate and banner from the City of Alesund.

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

FINAL READING OF ORDINANCES:

Ordinance No. 23656 (Continued from the meeting of July 8, 1986.)

Establishing, ratifying, modifying and confirming rates and charges for railway switching services and other railway services performed by the Tacoma Municipal Belt Line Railway.

Mayor Sutherland stated that he has been asked by staff to continue this Ordinance to the meeting of July 29, 1986, and so moved. Seconded by Council Member Hyde. Voice vote was taken and carried. The motion was declared adopted.

Final reading of the Ordinance was continued to July 29, 1986.

Ordinance No. 23607

Vacating a portion of South 78th Street, west of Wilkeson Street. (Sterling Recreation Organization; File No. 124.809)

Roll call vote was taken, resulting as follows:

Ayes: 8 - Hyde, Ladenburg, McElliott, Mykland, Nielsen, Rasmussen, Stenger, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Warnick.

The Ordinance was declared passed.

Ordinance No. 23617

Amending Chapter 13.06 of the Official Code to reclassify the property located approximately 470 feet west of South Sprague Avenue at South 70th Street extended from a "CPN" Planned Neighborhood Shopping Center District to an "R-4-L PRD" Low Density Multiple-Family Planned Residential Development District to allow the construction of a 108-unit apartment complex. (Flannigan and McLaughlin; File No. 120.1150)

Roll call vote was taken, resulting as follows:

Ayes: 8 - Hyde, Ladenburg, McElliott, Mykland, Nielsen, Rasmussen, Stenger, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Warnick.

The Ordinance was declared passed.

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Ordinance No. 23661

Amending various sections of Title 11 of the Official Code relative to certain traffic offenses to bring them into compliance with State law.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Hyde, Ladenburg, McElliott, Mykland, Nielsen, Rasmussen, Stenger, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Warrnick.

The Ordinance was declared passed.

Ordinance No. 23662

Establishing the Tacoma Dome Property Self-Insurance Fund; transferring \$100,000.00 from the Tacoma Dome Operating Fund to the Tacoma Dome Property Self-Insurance Fund; and appropriating \$100,000.00 from the Tacoma Dome Property Self-Insurance Fund to carry out the property self-insurance program for the Tacoma Dome.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Hyde, Ladenburg, McElliott, Mykland, Nielsen, Rasmussen, Stenger, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Warrnick.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 23663

Authorizing the sale and issuance of electric system revenue bonds in the amount of \$30,000,000.00 to provide funds for the acquisition, construction and installation of certain additions and improvements to the City's electric system and for the settlement of threatened litigation and declaring an emergency making necessary the passage of this ordinance.

Mayor Sutherland stated he would like to reserve time in Executive Session to discuss Ordinance No. 23663 prior to considering the Ordinance. He then suggested that Resolutions be the next item of discussion.

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RESOLUTIONS:

Resolution No. 29253 (Continued from the meeting of July 8, 1986.)

Authorizing implementation of a business incubator project on the east side of Tacoma and allocating \$50,000.00 in Community Development Block Grant funds for such purpose.

Council Member Mykland moved to suspend the rules to consider Substitute Resolution No. 29253. Seconded by Council Member Stenger. Voice vote was taken and carried. The motion was declared adopted.

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

Deputy Mayor Rasmussen offered the following amendment: "On line 2 of page 2 through line 7 of page 2, change the paragraph to read: 'Be It Resolved by the Council for the City of Tacoma: That the City Council hereby expresses its intent to allocate \$50,000.00 of Community Development Block Grant funds to be used in the implementation of the East Side Business Project and further expresses its intent to allocate \$50,000.00 of Community Development Block Grant funds to be used in the implementation of the Upper Tacoma Business Incubator Project.'"

Council Members Mykland and Stenger stated they would accept the friendly amendment.

Voice vote was taken on Substitute Resolution No. 29253, as amended, and carried. The Substitute Resolution was declared adopted.

Purchase Resolution No. 29257

Awarding contracts to:

1. Book Publishing Company on their bid of \$12,000.00 to increase their open purchase order for 1986;
2. Moza Construction, Inc. on their bid of \$26,058.19 for asphalt pavement and a cement concrete retaining wall - LID 8424 - Specification No. G-210-86; and
3. Robison Construction, Inc. on their bid of \$2,576,798.92 for arterial street improvement at 51st Street N.E. from Browns Point Boulevard to Hoyt Road S.W. - LID 8433 - Specification No. G-224-86.

Council Member Hyde moved that the Purchase Resolution be adopted. Seconded by Deputy Mayor Rasmussen.

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

Resolution No. 29258

Authorizing the execution of a release of easement in order to clear title to property owned by Michael Cashman that is no longer needed by the Light Division.

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

Resolution No. 29259

Authorizing the settlement of the outstanding legal dispute with Energy Products of Idaho, Inc. relative to the Steam Plant 2 project.

Mayor Sutherland moved to consider Resolution No. 29259 subsequent to the Executive Session. Seconded by Council Member Hyde. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 29260

Authorizing the execution of an agreement with the Washington Children's Learning Center, Inc. in the amount of \$20,512.00 to provide low-cost child care and educational services for children from low and moderate income families.

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

Resolution No. 29261

Authorizing the execution of a memorandum of understanding with Puget Sound Council of Governments in the amount of \$2,250.00 to participate in a transportation planning project to implement SR-509/East-West Road improvements.

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

Resolution No. 29262

Authorizing the execution of an amendment to the existing consulting engineering services agreement with PRC Engineering, Inc. in the amount of \$38,262.32 to incorporate the value engineering study recommendations into the plans and specifications and complete final plan checking and quality assurance procedures.

Mayor Sutherland stated that staff had requested that Resolution No. 29262 be removed from the Agenda and so moved. Seconded by Deputy Mayor Rasmussen. Voice vote was taken and carried. The Resolution was removed from the Agenda.

Resolution No. 29263

Authorizing the execution of an agreement with the Tacoma Grand Prix Association and Schuck's Auto Supply for the acquisition, use and rental of fencing.

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Mayor Sutherland stated that staff had requested that Resolution No. 29263 be removed from the Agenda and so moved. Seconded by Deputy Mayor Rasmussen. Voice vote was taken and carried. The Resolution was removed from the Agenda.

PUBLIC HEARINGS AND APPEALS: (Began at 6:02 p.m.)

This is the date set for hearing the appeal of Paul Sinnitt, Joe Sinnitt, Ross Burgess, John Kennedy, Walter G. Lynch and William Rush relative to the vacation of a portion of South 2nd Street, west of Broadway.

Council Member Ladenburg stated he knew several of the appellants on a personal basis but felt that these relationships would not have any effect on the matter before the Council.

Council Member Hyde stated that he knew members on both sides of this matter but that he had not communicated with any of the parties and had formed no conclusions.

Mayor Sutherland stated that although he knew all of the parties on a personal basis, he did not feel that the existence of those friendships would impair his ability to hear this matter and render an impartial judgment.

Deputy Mayor Rasmussen stated he also knew the parties and agreed with Mayor Sutherland that his ability to render an impartial decision would not be impaired by those friendships.

Ms. Ernetta Weathersby, Hearings Examiner, made a presentation to the Council regarding the appeals.

Mr. Ronald E. Thompson, the attorney representing the appellants, made a presentation regarding the reasons for the appeal.

Mr. Floyd Montgomery made a presentation to the Council regarding the appeals.

Council Member McElliott moved to overrule the Hearings Examiner and sustain the appeal. The motion failed for lack of a second.

Council Member Mykland moved to concur in the Findings of Fact, Conclusions of Law, and Recommendations of the Hearings Examiner and to deny the appeal. Seconded by Council Member Nielsen. Voice vote was taken and carried with Council Member McElliott voting Nay.

The appeal was denied.

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Mayor Sutherland moved to recess to Executive Session to discuss litigation setting a limit of 15 minutes for the session. Seconded by Deputy Mayor Rasmussen. Voice vote was taken and carried.

Council recessed to Executive Session at 6:54 p.m.

Mayor Sutherland left the Executive Session after fifteen minutes and stated that Council expected to be in Executive Session for an additional ten minutes.

Council reconvened at 7:20 p.m.

Mayor Sutherland moved that the law suit involving L.E.S.A. and its employees be settled in conjunction with Pierce County and monies be paid pursuant to the judgment of the Court. Seconded by Deputy Mayor Rasmussen. Voice vote was taken and carried. The motion was declared adopted.

FIRST READING OF ORDINANCES:

Ordinance No. 23663

Authorizing the sale and issuance of electric system revenue bonds in the amount of \$30,000,000.00 to provide funds for the acquisition, construction and installation of certain additions and improvements to the City's electric system and for the settlement of threatened litigation and declaring an emergency making necessary the passage of this ordinance.

The Ordinance was set over for final reading next week.

RESOLUTIONS:

Resolution No. 29259

Authorizing the settlement of the outstanding legal dispute with Energy Products of Idaho, Inc. relative to the Steam Plant 2 project.

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

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REPORTS BY CITY MANAGER:

Ruben Nieto, Assistant Personnel Director, requested a residency waiver for one year to fill the position of Assistant Water Superintendent at Public Utilities.

Council Member Hyde moved the waiver be granted. Seconded by Council Member Ladenburg. Voice vote was taken and carried.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Council Member Hyde asked the City Attorney to research the issues involved in creating an ordinance for civil penalties for violation of the City of Tacoma's water pollution, storm water, or sanitary sewer regulation.

Council Member Ladenburg asked the City Attorney to advise the Council on issues relating to imposing special building permit late penalties when construction is completed before proper building permits have been obtained and the Hearings Examiner is required to issue Special Use Permits or similar variances.

Mayor Sutherland stated that Mr. Dow had indicated in the Friday letter that there was some concern relative to the rating on the Park Bond Issue. He asked Mr. Dow what interest rate had been set for the bond issue. Mayor Sutherland thought the number is 7.63 so the City did not suffer a penalty of a full one-half percent as a result of the rating, rather only about two-tenths of one percent. Members of the Park Board expressed satisfaction with the rate although it was not the rate that had been anticipated. The Mayor recalled that the Park District had indicated the issue would cost the taxpayers 65 cents per thousand. As a result of the present interest rate, it will cost 62 cents per thousand.

Mayor Sutherland noted that today's edition of the Tacoma News Tribune announced that Tacoma will host the 1988-89 Final Four in the women's division of NCAA Division I basketball playoffs.

On proper motion, the meeting was adjourned at 7:30 p.m.

ATTEST:


GENELLE BIRK, CITY CLERK


DOUG SUTHERLAND, MAYOR

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