

CITY COUNCIL MINUTES

City Council Chambers
April 11, 1989

The meeting was called to order at 5:08 p.m.

Present on roll call: 9 - Hyde, McElliott, Moss, Mykland, Nielsen, Stenger, Vialle, Warnick, and Mayor Sutherland.

The Flag Salute was led by Council Member Moss

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

Approval of the minutes of the regular meetings of March 28, 1989, and April 4, 1989.

RESOLUTIONS:

Resolution No. 30389

Setting Tuesday, May 30, 1989, at 1:30 p.m. as the date for a hearing by the Hearing Examiner on the request to vacate an alley right-of-way in the vicinity of the South 56th Street and SR-5 Interchange. (Frank Mitchell; File No. 124.884)

Resolution No. 30390

Setting Tuesday, May 16, 1989, at approximately 5:30 p.m. as the date for a public hearing by the City Council relative to draft amendments to Chapter 13.06 regarding allowable height of structures.

Resolution No. 30391

Setting Tuesday, April 18, 1989, at approximately 5:30 p.m. as the date for a public hearing by the City Council concerning amendments to the Minority and Women's Business Enterprise Equal Employment Opportunity Regulations.

APPEALS:

Terry Meneghel appealing the decision of the Hearing Examiner relative to the request for a sign waiver for the property located at 4224 Marine View Drive.

Setting Tuesday, April 25, 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 Agendas for Tuesday, April 11, 1989, and Wednesday, April 12, 1989.
- b. Minutes of the meeting of the Citizens' Affirmative Action Advisory Committee, February 15, 1989.
- c. Minutes of the meeting of the Landmarks Preservation Commission, March 22, 1989.
- d. Minutes of the meeting of the Tacoma Planning Commission, March 20, 1989.
- e. Tacoma-Pierce County Health Department Solid Waste Permit Process Information Flyer, March-May 1989.
- f. Total Work Report of the Tacoma-Pierce County Humane Society & S.P.C.A., February 1989.
- g. Human Health Risk Assessment, Steam Plant No. 2 Repowering Project, Light Division, March 1989.

Deputy Mayor Hyde moved that the Consent Agenda, including Resolution Nos. 30389, 30390, and 30391, be approved. Seconded by Council Member Mykland. 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

COMMUNICATIONS:

- a. Hearing Examiner submitting Shoreline Management Substantial Development Permit and Shoreline Management Substantial Development/Conditional Use Permit No. 141.444 to allow the remodeling of two existing dry storage boat sheds; the construction of three new dry storage boat sheds; the development of additional paved areas and associated storm drainage; the development of a one-story, 2,100 square foot mini-market with gas pumps and a two-story, 6,000 square foot office building/watchman's residence and the retention of an existing freestanding identification sign at the property located on the southwesterly side of Marine View Drive approximately one mile northerly of East 11th Street (4224 Marine View Drive, Ole & Charlie's Marina). (Donald S. Olson; File No. 141.444)

Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Moss. Roll call vote was taken, resulting as follows: Ayes: 9 - Hyde, McElliott, Moss, Mykland, Nielsen, Stenger, Vialle, Warnick, and Mayor Sutherland. Nays: 0. The motion was declared adopted.

- b. Hearing Examiner recommending that the request of Columbia Investment Group for the reclassification of a "C-F" Commercial Freeway District to a "C-1" Commercial District to allow a portion of the building to be utilized for a beauty salon be dismissed. (Columbia Investment Group; File No. 120.1204)

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

FINAL READING OF ORDINANCES:

Ordinance No. 24324

Amending Chapter 13.06 of the Official Code to reclassify the property located on the northwest corner of South 19th and Visscher Streets from a "R-2" One-Family Dwelling District to a "R-2-T" Residential-Commercial Transitional District to allow the development of a professional office. (A.G. Masters; File No. 120.1235)

Roll call vote was taken, resulting as follows:

Ayes: 9 - Hyde, McElliott, Moss, Mykland, Nielsen, Stenger, Vialle, Warnick, and Mayor Sutherland.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 24287

Amending Sections 1.18.040 and 1.19.010 of the Official Code relating to compensation for the Mayor and Council members.

Mayor Sutherland moved to amend Ordinance No. 24287 on page 1, line 18, to delete the words "Thirty Thousand Seventy-one Dollars and Seventy-five Cents (\$30,071.75)" and to insert the figure Forty-five Thousand Dollars (\$45,000), and to add further that the Mayor shall be entitled to receive all employee benefits to the same extent and under the same conditions as full-time City employees. Seconded by Deputy Mayor Hyde.

Council Member Nielsen moved to amend the Amendment to substitute on line 18 and 19, the figure of Forty Thousand Dollars. Seconded by Council Member Warnick. Voice vote was taken and carried on the amendment to the Amendment with Council Members Vialle, McElliott, and Mykland voting nay. The motion was declared adopted.

Mayor Sutherland moved to amend Ordinance No. 24287 on page 1, line 24, to delete the remainder of the sentence and substitute the following: "The four Council Members elected in 1989 shall be paid Twelve Thousand Dollars (\$12,000) annually commencing January 1, 1990, and the remaining four members of the Council elected in 1991 shall receive Twelve Thousand Dollars (\$12,000) annually commencing January 1, 1992. Thereafter, the four Council Members elected in 1993 shall receive Fifteen Thousand Dollars (\$15,000) annually commencing January 1, 1994 and thereafter, the remaining four Council Members elected in 1995 shall receive Fifteen Thousand Dollars (\$15,000) commencing January 1, 1996.

Seconded by Deputy Mayor Hyde.

Council Member Stenger raised a question of intent regarding the motion. Council Member Warnick requested to know if it was the intent of the motion that if an individual was appointed between elections, would that person receive the same pay as the person they were appointed to replace.

Mayor Sutherland stated that that was an intent of the motion.

Council Member Nielsen moved to amend the Amendment to substitute that all Council Members elected in 1989 and thereafter will receive a salary of Twelve Thousand Dollars (\$12,000) (with no escalation), unless specifically approved by the Council themselves. Seconded by Council Member Warnick.

Council Member Vialle suggested that the salary amount be set at Twelve Thousand One Hundred Sixty-four Dollars and 25 Cents (\$12,164.25).

This was accepted as a friendly amendment to the motion to amend the motion. Voice vote was taken and carried on the motion with Council Member Mykland and Deputy Mayor Hyde voting nay. The motion was declared adopted.

Roll call vote was taken on the Ordinance, as amended, resulting as follows:

Ayes: 6 - Hyde, Moss, Nielsen, Stenger, Warnick, and Mayor Sutherland.

Nays: 3 - McElliott, Mykland, and Vialle.

The Ordinance, as amended, was declared passed.

Substitute Ordinance No. 24287

Amending Sections 1.18.040 and 1.19.010 of the Official Code relating to compensation for the Mayor and Council members.

Mayor Sutherland moved to remove Substitute Ordinance No. 24287 from the agenda. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

Substitute Ordinance No. 24287 was removed from the agenda.

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

PUBLIC HEARINGS AND APPEALS: (Began at 5:51 p.m.)

- a. This is the date set for hearing the appeal of Harbor Lights Restaurant of the decision of the Hearing Examiner relative to a request by George L. Berry for a Shoreline Management Substantial Development Permit No. 141.433 to allow the construction of a restaurant and off-street parking at the northeast corner of Ruston Way and North Junett Streets. (George L. Berry; File No. 141.433) (Continued from the meeting of April 4, 1989.)

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Mayor Sutherland stated that the City Attorney had advised the Council that he had conferred with the lawyers involved with these appeals and that they had agreed to provide no further arguments. He stated that there would only be Council consideration and voting on these appeals.

Mayor Sutherland reviewed the procedure to be followed regarding these appeals before the Council.

Council Member Moss stated that he had reviewed the video tape of the preceding meetings and was familiar with the process that had transpired on these appeals prior to their reconsideration and continuance.

Rod Kerslake, Hearing Examiner, reviewed the appeals for the Council.

Council Member Moss stated that Bob Mack, attorney representing the Harbor Lights Restaurant, works for the law firm of which he is a client. He stated that he had had no contact with Mr. Mack regarding this issue, and that this would not have any bearing on his vote on these matters tonight.

Council Member Mykland moved to uphold the appeal of the Harbor Lights Restaurant and overrule the Hearing Examiner. Seconded by Council Member Vialle.

Roll call vote was taken, resulting as follows:

Ayes: 5 - Hyde, McElliott, Moss, Mykland, and Vialle.

Nays: 4 - Nielsen, Stenger, Warnick, and Mayor Sutherland.

The motion was declared adopted.

The appeal was upheld.

- b. This is the date set for hearing the appeal of Michael A. Ebert of the decision of the Hearing Examiner relative to a request by George L. Berry for a Shoreline Management Substantial Development Permit No. 141.433 to allow the construction of a restaurant and off-street parking at the northwest corner of Ruston Way and North Junett Streets. (George L. Berry; File No. 141.433) (Continued from the meeting of April 4, 1989.)

Council Member Mykland moved to uphold the appeal of Michael A. Ebert and overrule the Hearing Examiner.

Roll call vote was taken, resulting as follows:

Ayes: 5 - Hyde, McElliott, Moss, Mykland, and Vialle.

Nays: 3 - Nielsen, Stenger, and Mayor Sutherland.

Absent: 1 - Warnick.

The motion was declared adopted.

The appeal was upheld.

- c. This is the date set for a public hearing by the City Council concerning the Union Station Master Plan

Keith Palmquist, Director of Community Development, spoke to the Council regarding the proposed Master Plan

Speaking to the Council were.

Linda Bowman
 Graham Fenton
 Francis Gamotis

Save Our Station
 Union Station Historic District
 Tacoma Citizen

There being no further testimony, Mayor Sutherland declared the public hearing closed at 7:00 p.m.

Ordinance No. 24332

Accepting \$2,500.00 from U.S. West Communications; depositing said sum in the Miscellaneous Grants Summary Fund; and appropriating \$2,500.00 from the Miscellaneous Grants Summary Fund in support of the Tacoma Arts Commission's art day, "Arts Lineup."

Roll call vote was taken, resulting as follows:

Ayes: 6 - McElliott, Nielsen, Stenger, Vialle, Warnick, and Mayor Sutherland.

Nays: 0.

Absent: 3 - Hyde, Moss and Mykland.

The Ordinance was declared passed.

Ordinance No. 24333

Appropriating \$201,000.00 from the Open Space Fund to purchase 488 linear feet of property located at 4400 Ruston Way for open space and park purposes; and authorizing the execution of a real estate purchase agreement with Ruston Way Associates for said sum.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

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Absent: 1 - Moss.

The Ordinance was declared passed.

Ordinance No. 24334

Amending Ordinance No. 24058 entitled: "An ordinance establishing a Downtown Business Improvement Area; providing for the levy of a special assessment upon real property (and the owners thereof), within the area; depositing revenues in a special account, and expenditures therefrom; and providing for an implementing agreement with the Local Development Council of Tacoma."

Roll call vote was taken, resulting as follows:

Ayes: 9 - Hyde, McElliott, Moss, Mykland, Nielsen, Stenger, Vialle, Warnick, and Mayor Sutherland.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 24335

Providing for the levy of the second year assessment for the Downtown Business Improvement Area; approving the BIA annual budget and work program; and appropriating \$597,760.00 for the purposes, project activities, and services approved for the second annual period.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Stenger.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 24336

Vacating North Lawrence Street from North 11th Street to North 18th Street and several streets and alleys adjacent to the University of Puget Sound campus to provide on-campus student parking for the University of Puget Sound.
(University of Puget Sound; File No. 124.873)

Council Member Vialle stated that due to contractual agreements in the past and to future contractual agreements with the University of Puget Sound, she would be abstaining and absent herself from the Council Chambers. She then absented the Council Chambers.

Council Member Mykland stated that since he was an employee of Pierce Transit and has been involved in working with the bus stops for the proposed change for the University of Puget Sound, he would be abstaining and remove himself from the Council Chambers. Council Member Mykland left the Council Chambers.

Deputy Mayor Hyde stated that he lives approximately five blocks from this site. He stated this would not have an affect on his decision regarding this matter.

Council Member Warnick stated that he has a brother and sister-in-law who reside in this neighborhood. He stated he hasn't spoken to them about this issue and it would not affect his vote on the matter.

Council Member Nielsen stated that he attended the University of Puget Sound for one year, approximately 20 years ago. He stated this would have no affect on his vote.

Council Member Stenger stated that he attended the University of Puget Sound as an undergraduate, but this would not affect his vote.

Mayor Sutherland stated that his company has done business with the University of Puget Sound in the past. He stated this would have no affect on his decision.

Council Member Moss stated that he has taught at the University of Puget Sound for approximately one and one-half years in the past. He stated this would have no affect on his vote.

Rod Kerslake, Hearing Examiner, reviewed the matter before the Council.

Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Warnick. Voice vote was taken and carried, with Council Members Mykland and Vialle abstaining. The motion was declared adopted.

Final reading of the Ordinance was set over to a date to be determined.

Ordinance No. 24337

Amending the Annual Budget of the City of Tacoma for fiscal year 1989.

Mayor Sutherland moved to remove Ordinance No. 24337 from the agenda. Seconded by Council Member Warnick. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 24337 was removed from the agenda.

Ordinance No. 24338

Accepting \$27,952.64 from the Seattle Organizing Committee (1990 Goodwill Games); depositing said sum in the Miscellaneous Grant Summary Fund; and appropriating \$27,952.64 from the Miscellaneous Grant Summary Fund for payment of police planning expenses related to the 1990 Goodwill Games.

The Ordinance was set over for final reading next week.

RESOLUTIONS:

Purchase Resolution No. 30392

Awarding contracts to:

1. Tom Matson Dodge, on their bid of \$15,179.79, Eastside AMC/Jeep, on their bid of \$47,795.12, BBC Dodge, Inc., on their bid of \$48,377.44, Smokey Point S & S, on their bid of \$71,122.13, Capital Chevrolet, on their bid of \$130,412.68, and Jet Chevrolet on their bid of \$141,146.07 for replacement and additional vehicles - State Contract No. 215A-88 and 215C-88;
2. Autogas Systems, Inc., in the amount of \$24,824.00 for an automated self-service fuel dispensing system upgrade - Single Source;
3. Tennant Company, on their bid of \$19,102.60 for a self-propelled street sweeper - Specification No. G-019-89;
4. Armored Transport Northwest, Inc., on their bid of \$23,287.50 for armored car service - Specification No. G-021-89;
5. Sam's Tire Service, in the amount of \$9,500.00 to increase their contract for tires and tubes - Washington State Contract No. 387-83;
6. Miraldi Welding Supplies, Inc., on their bid of \$18,587.57 for welding gases and supplies - Specification No. G-004-89; and
7. Rejecting all bids submitted for floor finishes - Tacoma Dome - Specification No. G-015-89.

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

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

Resolution No. 30393

Authorizing the execution of an agreement with Northern Trust Company in the amount of \$74,500.00 to provide custodial bank services from July 1, 1989, through June 30, 1990.

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

Resolution No. 30394

Authorizing the execution of an amendment to the agreement with Wackenhut Corporation to provide for new supervisory classifications and payment rates to reflect the recently enacted increase in minimum wage and increase the operational effectiveness of supervising personnel.

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

Mayor Sutherland moved to reconsider Purchase Resolution No. 30392. Seconded by Council Member Warnick. Voice vote was taken and carried. The motion was declared adopted.

Mayor Sutherland stated that Purchase Item #2 needed a waiver of the formal bidding procedures.

Mayor Sutherland moved to waive the formal bidding procedures on Purchase Item #2. Seconded by Council Member Moss. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 30395

Authorizing the execution of a lease agreement with Terry B. Owen and Gretchen Owen in the amount of \$9,702.00 for emergency warehouse space to store nonperishable items for the Police Department.

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

Resolution No. 30396

Authorizing the execution of an interlocal agreement with Pierce County to provide for special identification procedures to be utilized when City arrestees are not incarcerated in the Pierce County Jail due to overcrowding.

Mayor Sutherland moved to continue Resolution No. 30396 to the meeting of April 18, 1989. Seconded by Council Member Warnick. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 30396 will be considered at the regular City Council meeting of April 18, 1989.

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Resolution No. 30397

Approving the Fifteenth Year (1989-1990) Community Development Statement of Objectives and Proposed Use of Funds; and authorizing the submission of an application for a \$2,513,000.00 Community Development Block Grant from the U.S. Department of Housing and Urban Development.

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

Council Member Vialle moved that the Vegetable Garden Project be continued to the end of the growing season (October 31, 1989) using up to \$4,000 from the anticipated balance of funds from one or more existing public service projects whose contracts terminate approximately June 30, 1989; and further, the Community Development Department is hereby directed to administer the project to its conclusion after June 30, 1989 when the City's contract with the Tacoma Urban League expires. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

Council Member Mykland moved to take funding from Bonding Assistance for Small Contractors and this year give it to the Tacoma Family Counseling Services. Seconded by Council Member Vialle.

Mayor Sutherland stated that this could perhaps be held over for a week while staff reviewed and reported back to Council on possible funding for these projects. Council Members Mykland and Vialle withdrew their motion.

Mayor Sutherland moved to continue Resolution No. 30397 to the meeting of April 18, 1989. Seconded by Council Member Vialle. Voice vote was taken and carried. The motion was declared adopted.

The Resolution will be considered at the regular City Council meeting of April 18, 1989.

Resolution No. 30398

Authorizing the submittal of project prospectuses for Hazard Elimination projects and authorizing the execution of project prospectuses and related agreements and documentation with Washington State Department of Transportation for Federal Aid Safety Program Fund for projects located at:

1. Puyallup Avenue - East "D" to "N" Streets for Roadside Obstacle and to relocate Streetlights;
2. South 84th and Hosmer Streets to add a right turn lane;
3. South 38th and Pine Streets to add a right turn lane;
4. South Oakes - 54th to 56th Streets to upgrade traffic signal; and
5. South Tacoma Way and Washington Street for a new traffic signal.

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

Resolution No. 30399

Authorizing the extension of an agreement with the Downtown Local Development Council to provide for the administration of the Business Improvement Area (BIA) for the period May 1, 1989, through April 30, 1990.

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

Resolution No. 30400

Allocating \$6,150.00 as contribution for public art on or about the proposed Law Enforcement Support Agency Communication Center.

Mayor Sutherland moved that the Resolution be adopted. Seconded by Council Member Warnick.

Mayor Sutherland moved to amend Resolution No. 30400 on line 20 to change the word "one" to "two" and "representative" to "representatives." Seconded Council Member Warnick.

Speaking to the Council was:

Mozella Pooley

8041 East Sherwood

Roll call vote was taken, resulting as follows:

Ayes: 7 - McElliott, Moss, Nielsen, Stenger, Vialle, Warnick and Mayor Sutherland.

Nays: 2 - Hyde and Mykland.

The Resolution was declared adopted.

Mayor Sutherland moved to reconsider Resolution No. 30400 for purposes of clarifying the vote. Seconded by Deputy Mayor Hyde. Voice vote was taken and carried, with Council Member Mykland voting nay. The motion was declared adopted.

Mayor Sutherland moved to amend Resolution No. 30400 on line 20 to change the word "one" to "two" and "representative" to "representatives." Seconded by Council Member Warnick. Voice vote was taken and carried. The motion was declared adopted.

Roll call vote was taken on the Resolution, resulting as follows:

Ayes: 5 - Moss, Nielsen, Stenger, Warnick, and Mayor Sutherland.

Nayes: 4 - Hyde, McElliott, Mykland, and Vialle.

The Resolution was declared adopted.

Resolution No. 30401

Providing for night sessions of the Municipal Court on a trial basis for a period of ninety days.

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

UNFINISHED BUSINESS:

Council Member Warnick moved to reconsider Resolution No. 30376, which was considered by the Council at the meeting of April 4, 1989. Council Member Warnick made this motion in order to resolve any doubts or confusion regarding the adoption and validity of the Resolution. Seconded by Deputy Mayor Hyde. Voice vote was taken and carried. The motion was declared adopted.

Mayor Sutherland moved to adopt Resolution No. 30376. Seconded by Council Member Vialle. Voice vote was taken and carried, with Council Member Warnick voting nay. The motion was declared adopted.

Council Member Vialle stated that she requested to make a motion regarding a Planning Commission appointment.

Council Member Mykland stated he was planning to bring a resolution regarding this matter before the Council in the immediate future.

Council Member Vialle stated she would withhold making her motion at this time.

REPORTS BY CITY MANAGER:

Erling O. Mork, City Manager, stated that staff had requested an Executive Session to discuss litigation.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Council Member Mykland stated that there was currently in the City a Needle Exchange Program. He stated he was opposed to this program. He also indicated that the State Attorney General's Office had offered an opinion that the program is illegal. Also, the Pierce County Prosecutor's Office considered the program illegal. To date he had received no opinion from the City Attorney's Office, and was expecting this soon. He opposed the program because he felt it supported drug usage by providing free needles to drug users.

He stated he would bring a resolution for Council consideration in opposition to this program.

Council Member Vialle requested of the City Manager information from the Police Department on how many needles have been found on the street before and after the inception of this program.


Deputy Mayor Hyde requested a legal opinion regarding the Needle Exchange Program. He requested that this be provided prior to considering a resolution on this matter.


Council Member Mykland stated it was his intent to bring a resolution opposing the Needle Exchange Program on the April 25, 1989 agenda.

Mayor Sutherland moved to recess to Executive Session to discuss litigation, the session not to exceed 15 minutes. Seconded by Deputy Mayor Hyde. Voice vote was taken and carried. The motion was declared adopted.

Council recessed to Executive Session at 8:38 p.m. and reconvened at 8:53 p.m.

On proper motion, the meeting was adjourned at 8:55 p.m.

ATTEST:  GENELLE BIRK, CITY CLERK

 DOUG SUTHERLAND, MAYOR

WPC/8106.G