

CITY COUNCIL MINUTES

City Council Chambers
May 23, 1989

The meeting was called to order at 5:05 p.m.

Present on roll call: 8 - Hyde, McElliott, Moss, Nielsen, Stenger, Vialle, Warnick, and Mayor Sutherland. Absent: 1 - Mykland. (Council Member Mykland arrived at 5:06 p.m.)

Mayor Sutherland introduced Ms. Gina Slavich, who had won a "Day with the Mayor" in support of the Wilson High School Choral Group.

The Flag Salute was led by Mayor Sutherland.

CONSENT AGENDA

Approval of the minutes of the regular meeting of May 16, 1989.

PETITIONS:

David White, requesting the reclassification of the property located at the southwest corner of South 38th Street and Sheridan Street from a "C-1" District to a "C-2" District to allow for a proposed 2,700 square foot structure to be used as an auto lube shop. (David White; File No. 120.1280)

RESOLUTIONS:

Resolution No. 30444

Authorizing the submission of applications for funding to the Federal Aviation Administration (FAA) in the amount of \$327,305.00 and the Washington State Department of Transportation (WSDOT) in the amount of \$18,184.00 for expanding the apron at the Tacoma Narrows Airport.

Resolution No. 30445

Authorizing the submission of a grant application to the State Centennial Cleanwater Fund for the purchase of capacity rights in Pierce County's Chambers Creek Wastewater Treatment Plant.

Resolution No. 30446

Setting Monday, June 12, 1989, at 5:00 p.m. as the date for hearing L.I.D. No. 8520 for the placement of permanent pavement with storm drains in:

1. East 31st Street from East "L" Street to East "M" Street;
2. South 75th Street from "I" Street to "J" Street;
3. The alley between East "G" Street and McKinley Avenue from East 38th Street to East 40th Street;
4. The alley between East "G" Street and McKinley Avenue from Division Lane to East 36th Street; and
5. Woodlawn Street from South 15th Street to South 19th Street.

APPEALS:

Various neighbors, appealing the decision of the Hearing Examiner relative to the approval of a special use permit to allow the development of a day care facility for a maximum of 70 children within a "R-2" One-Family Dwelling District located 100 feet west of the northwest corner of North 43rd and Bennett Streets. (John and Claudia O'Sullivan; File No. 121.1137)

Setting Tuesday, June 20, 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 23, 1989.
- b. Minutes of the meeting of the Appointments Committee, May 15, 1989.
- c. Minutes of the meeting of the Board of Administration of the Tacoma Employees' Retirement System, March 23, 1989.
- d. Minutes of the meeting of the Capital Projects Advisory Committee, April 26, 1989.
- e. Minutes of the meeting of the Public Utility Board, April 26, 1989.
- f. Minutes of the meeting of the Tacoma Arts Commission, April 10, 1989.
- g. Minutes of the meeting of the Tacoma Planning Commission, April 17, 1989.
- h. Citizen's petition relative to the proposed amendments to the building height ordinance in the view sensitive areas.
- i. Report of the Director of Finance, March 1989.
- j. Annual Report of The Municipal Authority, 1987.

Council Member Vialle moved that the Consent Agenda, including Resolution Nos. 30444, 30445, and 30446, be approved. Seconded by Council Member Nielsen. Voice vote was taken and carried, with Council Member Stenger abstaining on Resolution No. 30445. The Consent Agenda was declared approved.

R E G U L A R A G E N D A

ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS:

Presentation of suggestion awards.

Mayor Sutherland presented a certificate and a cash award to Mr. Richard Mattsen of the Public Works Department for his suggestion concerning saving tools by placing a small box with a hinged lid and a hasp which can be attached either to the sandbox on the front deck or behind the seat of the sandbox.

Mayor Sutherland then presented a certificate and cash award to Mr. Ron Johnson of the Public Works Department for his suggestion concerning placing a portable sandblast shield which would reduce the amount of debris flying into adjacent traveled lanes making travel safer for vehicles in that lane and for workers adjacent to the travel lane.

FINAL READING OF ORDINANCES:

Ordinance No. 24309

Amending Chapter 13.06 of the Official Code to reclassify the property located at the northeast corner of North 30th and Pearl Streets from a "C-1" Commercial District to a "C-2" Commercial District to allow the development of a drive-in restaurant. (Pearl Street Associates; File No. 120.1246)

Roll call vote was taken, resulting as follows:

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

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 24310

Amending Chapter 13.06 of the Official Code to reclassify the property located on the east side of South Sprague Street between South 60th and South 64th Streets extended from a "R-2" One-Family Dwelling District and a "R-2-T" Residential Commercial Transitional District to a "C-2" Commercial District to construct an 8,100 square foot retail facility. (Wyatt Strapper, Architects; File No. 120.1268)

Roll call vote was taken, resulting as follows:

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

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 24325

Amending Title 7 of the Official Code by adding a new chapter entitled "Alarm Systems" requiring residents and businesses protected by alarm systems to obtain licenses and ensure the proper activation of such systems; and appropriating \$42,040.00 from the General Fund to implement this program.

Council Member Moss moved to amend Ordinance No. 24325 by striking entirely Subsection B.2 of Section 7.20.020, on page 3. Seconded by Mayor Sutherland.

Voice vote was taken with Council Member Moss voting Aye and the Mayor and other Council Members voting Nay.

The motion was declared failed.

Council Member McElliott moved to amend Ordinance No. 24325, page 3, line 24, to insert the words: "Except that no fees shall be charged for alarms installed prior to June 3, 1989." Seconded by Deputy Mayor Hyde.

Council Member Nielsen moved to add the words: "Said existing alarm systems should be registered by December 31, 1989." Seconded by Deputy Mayor Hyde.

Council Member McElliott stated she would accept this as a friendly amendment.

Mayor Sutherland stated that the Council would defer the vote on this Ordinance until later in the agenda. He stated that the City Attorney would prepare the appropriate language and it would be added at that time.

Ordinance No. 24350

Amending Chapter 13.06 of the Official Code to reclassify the property located at the southeast corner of Sixth Avenue and South "M" Street from a "C-1" Commercial District to a "C-2" Commercial District to allow the operation of a bingo hall. (Plaza Hall; File No. 120.1270)

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. 24352

Amending Chapter 1.29 of the Official Code to add familial status, political ideology, sexual orientation and source of income as protected classes.

Mayor Sutherland said that staff has prepared three substitute ordinances for this matter for consideration.

Mayor Sutherland stated that the Council would deal with each of the four issues relative to this Ordinance and vote on each of them. He stated that Council would then refer back to the appropriate Substitute Ordinance for final consideration.

Council Member Moss moved to add familial status as a protected class to the Official Code. Seconded by Council Member Vialle.

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.

"Familial status" was included as a protected class.

Mayor Sutherland moved to add "sexual orientation" as a protected class to the Official Code. Seconded by Council Member Moss.

Roll call vote was taken, resulting as follows:

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

Nays: 2 - McElliott and Mykland.

The motion was declared adopted.

"Sexual orientation" was added as a protected class.

Mayor Sutherland moved to add "source of income" as a protected class to the Official Code. Seconded by Council Member Warnick.

Roll call vote was taken, resulting as follows:

Ayes: 4 - Moss, Nielsen, Vialle, and Warnick.

Nays: 5 - Hyde, McElliott, Mykland, Stenger, and Mayor Sutherland.

The motion was declared failed.

Mayor Sutherland moved to add "political ideology" as a protected class to the Official Code. Seconded by Council Member Warnick.

Roll call vote was taken, resulting as follows:

Ayes: 4 - Hyde, McElliott, Moss, and Warnick.

Nays: 5 - Mykland, Nielsen, Stenger, Vialle and Mayor Sutherland.

The motion was declared failed.

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Mayor Sutherland moved to suspend the rules to consider Ordinance No. 24352 - Substitute B. Seconded by Deputy Mayor Hyde. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 24352 - Amending Chapter 1.29 to Official Code to add familial status and sexual orientation as protected classes.

After discussion, Mayor Sutherland stated that Council had amended Ordinance No. 24352 and that any further questions would be unnecessary and that it had been adopted by a majority of the Council and that any further action was not required.

After discussing procedural questions, Council Member Stenger moved to appeal the decision of the Chair in order to place the whole Ordinance before the Council. Seconded by Council Member Vialle.

Roll call vote was taken, resulting as follows:

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

Nays: 4 - McElliott, Moss, Mykland, and Vialle.

The motion was declared adopted.

The decision of the Chair was overruled.

Roll call vote was taken on Ordinance No. 24352 - Substitute B, resulting as follows:

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

Nays: 2 - McElliott and Mykland.

Ordinance No. 24352 - Substitute B was declared passed.

Roll call vote was now considered on Ordinance No. 24325.

Mayor Sutherland moved to amend Ordinance No. 24325 on page 3, line 23 after the words: "June 3, 1989" to insert the words "if a permanent application for such existing alarm system is filed with the Chief of Police before December 31, 1989." Seconded by Deputy Mayor Hyde.

Roll call vote was taken, resulting as follows:

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

Nays: 4 - Hyde, Moss, Mykland, and Vialle.

The motion was declared adopted.

A roll call vote was taken on Ordinance No. 24325, as amended, resulting as follows:

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

Nays: 0.

The Ordinance, as amended, was declared passed.

PUBLIC HEARINGS AND APPEALS: (Began at 6:20 p.m.)

This is the date set for hearing the appeal of Terry P. Meneghel on the decision of the Hearing Examiner relative to a request for a sign waiver for the property located at 4224 Marine View Drive. (Continued from the meeting of April 25, 1989.)

Bill Larkin, Public Works Department, spoke regarding the settlement that had occurred regarding this issue.

Mr. Terry Meneghel stated that the conditions were agreeable to him.

Council Member Nielsen moved to approve the modified waiver request subject to the five conditions identified as part of the proposed solution as indicated in the correspondence from the City Attorney dated May 15, 1989. Seconded by Council Member Vialle.

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

Mayor Sutherland thanked the Public Works and Planning departments for their efforts in this matter.

Council Member Nielsen moved to refund the appeal fees that Mr. Meneghel had paid regarding this issue. Seconded by Council Member Warnick.

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

The appeal matter was resolved.

Ordinance No. 24353

Authorizing the execution of a grant award agreement with the Washington State Department of Social and Health Services (DSHS) in the amount of \$160,000.00; depositing in and appropriating said sum from the Water Current Fund for rehabilitating Well 8-A, replacing Well 10-B, constructing an emergency inter-tie with Summit Water Company, sealing joints in Pipeline No. 1 and performing other projects eligible under DSHS water shortage relief funding program.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 3 - Mykland, Nielsen and Vialle.

The Ordinance was declared passed.

Ordinance No. 24354

Amending Chapter 12.10 to adopt revised water rates and regulations effective June 6, 1989 and June 1, 1990.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 3 - Mykland, Nielsen and Vialle.

The Ordinance was declared passed.

Ordinance No. 24355

Providing for the formation of L.I.D. No. 5679 for the construction of a 6-inch water main in South 28th and South 29th Streets from South "D" Street to South "C" Street and in South "D" Street from South 28th Street to South 30th Street.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 3 - Mykland, Nielsen and Vialle.

The Ordinance was declared passed.

Ordinance No. 24356

Approving and confirming the Assessment Roll for L.I.D. No. 8435 for the placement of permanent pavement with storm drainage, street lighting, landscaping, and plaza-type amenities together with a \$50,000.00, 10-Year Maintenance Fund in Broadway Plaza from South 9th Street to South 11th Street.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

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Absent: 3 - Mykland, Nielsen and Vialle.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 22223

Amending Chapter 13.06 of the Official Code to reclassify the property located in the vicinity of South 80th Street extended and South Fife Street extended from a "R-2" One-Family Dwelling District to a "PDB" Planned Business Development District for the development of a ten-acre planned business development district. (Washington Diversified Investment Corporation; File No. 120.930.A)

Council Member Nielsen moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Warnick. Voice vote was taken and carried. The motion was declared adopted.

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

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.

The Ordinance was set over for final reading next week.

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.

The Ordinance was set over for final reading next week.

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.

The Ordinance was set over for final reading next week.

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.

The Ordinance was set over for final reading next week.

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.

The Ordinance was set over for final reading next week.

RESOLUTIONS:

Resolution No. 30437 (Continued from the meeting of May 9, 1989.)

Authorizing the execution of a renewal agreement with The Morning News Tribune for advertising effective May 1, 1989, through May 1, 1990.

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

Resolution No. 30441

Authorizing the execution of an agreement with Brown and Caldwell Consulting Engineers to provide construction management services for the construction of the Western Slopes Wastewater Pumping and Conveyance Facilities.

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

Council Member Stenger stated that he would be abstaining on Resolution No. 30441 due to his duties in the Pierce County Prosecutor's Office.

Voice vote was taken and carried, with Council Member Stenger abstaining. The Resolution was declared adopted.

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Purchase Resolution No. 30447

Awarding contracts to:

1. Motorola Communications & Electronics, Inc., on their bid of \$339,000.00 for City radio maintenance services - Specification No. G-026-89 (Continued from the meeting of May 16, 1989.)
2. Air Products & Chemicals, Inc., on their bid of \$46,483.00 for liquid oxygen - Specification No. G-039-89;
3. Caron Compactor Company, in the amount of \$34,055.00 for one set of four caron exchange pin-on wheels for a Rex 3-70 compactor - Single Source; and
4. R & R Speed & Cycle Shop, Inc., in the amount of \$37,692.20 for a police surveillance vehicle - Single Source;

Deputy Mayor Hyde moved that the Purchase Resolution be adopted, including waiving the formal bidding procedures on Item Nos. 3 and 4. Seconded by Mayor Sutherland.

Council Member Stenger moved to amend Purchase Resolution No. 30447 by deleting Item No. 1 and specifying that it would be rebid by staff. Seconded by Council Member Warnick.

Council Member Vialle stated that she had engaged in a conversation regarding the process involved in this bid. She stated she checked with the City Attorney and he said she had no conflict of interest since she discussed the process and not the merits and that she would be participating in this vote.

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

Resolution No. 30448

Approving the preliminary plat of SHILO MANOR subject to the conditions set forth in the Stipulation and Order of Dismissal of the Court of Appeals of the State of Washington, Division II dated May 19, 1989.

Deputy Mayor Hyde moved that the resolution be adopted. Seconded by Council Member Moss.

Speaking to the Council was:

Bill Lynn

Attorney representing Shilo Manor

Mayor Sutherland moved the inclusion of the language in the settlement agreement as part of the conditions that the proponent shall install storm sewers in 41st Street Northeast from 45th Avenue to a point 330 feet east of Shilo Manor.

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

Voice vote was taken and carried on the amended motion to adopt. The resolution was declared adopted.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Mayor Sutherland stated that he sent a letter on behalf of himself, the City Council, and the citizens of Tacoma to Mrs. Magnuson expressing their grief regarding the death of Mr. Warren Magnuson. Mayor Sutherland then spoke regarding the accomplishments of Mr. Magnuson.

Mayor Sutherland stated that an account had been established to aid the young boy who was recently attacked in the South End of Tacoma. He stated that donations into the trust account could be given to Pacific First Federal Bank located in the James Center.

Mayor Sutherland moved to recess to Executive Session to discuss litigation and personnel matters, the session not to exceed 30 minutes. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.



Council recessed to Executive Session at 6:40 p.m.

At 7:20 p.m., Mayor Sutherland re-entered the Council Chambers and stated that the Executive Session would extend for another 20 minutes.

At 7:40 p.m., Mayor Sutherland again re-entered the Council Chambers and stated that the Executive Session would extend for an additional 20 minutes.

Council reconvened at 7:46 p.m.

On proper motion, the meeting was adjourned at 7:47 p.m.



 ATTEST: GENELLE BIRK, CITY CLERK

 DOUG SUTHERLAND, MAYOR

WPC 8518.G