

CITY COUNCIL MINUTES

City Council Chambers
January 10, 1989

The meeting was called to order at 5:10 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 Warnick.

CONSENT AGENDA

PETITIONS:

Texaco Refining and Marketing, Inc., requesting the reclassification of the property located at the southeast corner of Tacoma Mall Boulevard and South 55th Street from a "R-2" District to a "C-2" District.

For referral to the Hearings Examiner.

RESOLUTIONS:

Resolution No. 30293

Authorizing the submittal of project prospectuses to the Washington State Department of Transportation for Federal Aid projects listed in the Amended 1989 Arterial Street Program of the City's Six Year Comprehensive Street Program, 1989-1994; and further to execute agreements for each type of project.

ASSESSMENT ROLLS:

The Director of Public Utilities presents the Assessment Roll for the following:

L.I.D. No. 5678 for the construction of a water main in East 49th Street in McKinley Avenue to approximately 260 feet west of East "G" Street, and in East "G" Street from East 48th to East 49th Streets.

Setting Monday, February 27, 1989 at 5:00 p.m. as the date for hearing by the Hearings Examiner.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner Agenda for Tuesday, January 10, 1989.
- b. Minutes of the meeting of the Tacoma Planning Commission, December 19, 1988.

- c. Minutes of the meeting of the Tacoma Public Library, Board of Trustees, November 16, 1988.
- d. Minutes of the special meeting of the Tacoma Public Library, Board of Trustees, December 7, 1988.
- e. Report of the Director of Finance, November 1988.

Council Member Nielsen moved that the Consent Agenda, including Resolution No. 30293, 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

FINAL READING OF ORDINANCES:

Ordinance No. 24269

Authorizing the execution of an agreement settling land titles and other disputes with the Puyallup Indian Tribe and other governments and parties, and further authorizing participation by the City of Tacoma in the amount of \$6,133,000.00 in land, improvements, and cash.

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. 24272

Authorizing the execution of a grant award agreement with the Washington State Interagency Committee for Outdoor Recreation in the amount of \$150,000.00; depositing said sum in the Miscellaneous Grant Summary Fund; transferring \$150,000.00 from the Open Space Fund to the Miscellaneous Grant Summary Fund for designing and constructing a transient moorage facility at the Old Town Dock on Ruston Way; and declaring an emergency making necessary the passage of this ordinance.

Deputy Mayor Hyde moved to continue Ordinance No. 24272 to the meeting of January 24, 1989. Seconded by Council Member Vialle. Voice vote was taken and carried. The motion was declared adopted.

The Ordinance will be considered at the regular City Council meeting of January 24, 1989.

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Ordinance No. 24273

Authorizing the execution of a grant award agreement with the Washington State Energy Office in the amount of \$10,000.00; depositing said sum in the Tacoma Union Station Renovation Fund; transferring \$5,000.00 from the General Fund to the Union Station Renovation Fund; and appropriating \$15,000.00 from the Tacoma Union Station Renovation Fund for assisting in the financing of the development of a master plan for the proposed district heating and cooling system for the Tacoma Union Station facility.

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. 24276

Accepting a \$4,000.00 contribution from Pierce County; depositing said sum in the Miscellaneous Grant Summary Fund; and appropriating \$4,000.00 from the Miscellaneous Grant Summary Fund to operate the Tacoma/Pierce County Child Care Resource and Referral System.

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.

Mayor Sutherland proclaimed the day of January 16, 1989, to be "Martin Luther King, Jr. Day," and presented the proclamation to Ms. Melanie White of the Human Rights Department and to Rebecca Summers, Human Rights Commission.

FIRST READING OF ORDINANCES:

Ordinance No. 24275 (Continued from the meeting of January 3, 1989.)

Amending Chapter 1.28 of the Official Code to reflect the duties and responsibilities of the Tacoma Arts Commission.

Mayor Sutherland moved to suspend the rules to consider Substitute Ordinance No. 24275. Seconded by Council Member Mykland. Voice vote was taken and carried. The motion was declared adopted.

Council Member Stenger moved to amend Substitute Ordinance No. 24275 on page 1, lines 22, 23, and 25 to delete the words: "appointed upon recommendation of the Tacoma Arts Commission." Seconded by Deputy Mayor Hyde. Voice vote was taken and carried. The motion was declared adopted.

Council Member Vialle moved to amend Substitute Ordinance No. 24275 on page 1, line 19 to delete the words:

"A. A member of the City Council designated by the City Council."

Seconded by Council Member Stenger. Voice vote was taken and carried, with Council Member Warnick and Mayor Sutherland voting nay. The motion was declared adopted.

Speaking to the Council was:

Bernice Ron

Acting Chair, Beautification
Committee

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

Ordinance No. 24274

Accepting \$5,000 from the Simpson Fund; depositing said sum in the Miscellaneous Grants Summary Fund; transferring \$5,000.00 from the General Fund to the Miscellaneous Grants Summary Fund; and appropriating \$10,000.00 from the Miscellaneous Grants Summary Fund for performances of "The Foreigner" by the Tacoma Actor's Guild.

The Ordinance was set over for final reading next week.

Ordinance No. 24277

Amending Section 13.06.285Q of the Official Code entitled "Special Sign Regulations - Billboards," to clarify provisions relative to billboard building permits acquired prior to April 13, 1988.

After discussion, Council Member Mykland requested that staff amend the existing Billboard Ordinance to provide that a legal document, lease, or proof of ownership be added to the requirement for a billboard permit application. He requested that this be brought before the Council next week.

Speaking to the Council were:

Tom Krilich
Bill Barber
Ann Schnitzer

Attorney, 524 Tacoma Ave. So.
President, Ackerley Communications
Sun Outdoor Advertising

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Mayor Sutherland stated that he knew parties on both sides of the issue and had had conversations with them regarding this matter; however, it would not affect his decision on this appeal.

Council Member Nielsen stated that he knew some of the homeowners involved in this appeal. He also stated he was an acquaintance of Mr. Coy. He felt this would not impair his judgment on this matter.

Mr. Alexander Mackie, on behalf of the Homeowners Association, stated that they consented to the entire Council hearing the entire matter in the case.

Ms. Patricia Schafer, on behalf of Sperry Ocean Dock, Ltd., concurred with this.

David Akana, Hearing Examiner, made a presentation to the Council regarding his decision.

Patricia Schafer, attorney representing Sperry Ocean Dock, Ltd., gave the reasons for this appeal. She then allowed Mr. Ron Holtcamp, Washington State Department of Natural Resources (Division of Aquatic Lands) who spoke regarding harbor issues.

Alexander Mackie, attorney representing the Stadium Way Homeowners Association, gave the reasons for their appeal.

Patricia Schafer provided rebuttal comments.

Mayor Sutherland stated that Mr. Mackie had two minutes remaining of his allotted time.

Mr. Mackie waived his remaining time.

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

The appeal was denied.

Council Member Warnick moved that the records show that the developer be required to place a 15-foot public walkway the length of the property and be permitted to modify it to 10 feet upon approval of the Land Use Administrator at the time that he approves the final plans for the development. Seconded by Council Member Vialle. Voice vote was taken and carried. The motion was declared adopted.

Council Member Mykland directed staff to review the matter of the Sperry Dock building being a dangerous facility and bring back appropriate information for possible action by the Council regarding removal of this building.

Council Member Nielsen moved to table Ordinance No. 24277. Seconded by Council Member Warnick.

Roll call vote was taken resulting as follows:

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

Nayes: 3 - Hyde, Mykland, and Vialle.

The motion was declared adopted.

The Ordinance was tabled.

Ordinance No. 24278

Amending Section 11.28 of the Official Code relative to on-street parking restrictions to improve safety, circulation, capacity and traffic flow on various streets in Tacoma.

The Ordinance was set over for final reading next week.

PUBLIC HEARINGS AND APPEALS: (Will began at 7:04 p.m.)

- a. This is the date set for hearing the appeal of Sperry Ocean Dock, Limited, appealing the conditions imposed by the Hearings Examiner in the issuance of a Shoreline Management Substantial Development Permit No. 141.399A for the construction of a proposed berthing facility at 611 Schuster Parkway. (Sperry Ocean Dock, Limited; File No. 141.399A)
- b. This is the date set for hearing the appeal of Stadium Way Homeowner's Association, appealing the decision of the Hearings Examiner relative to Shoreline Management Substantial Development Permit No. 141.399A for the construction of a proposed berthing facility at 611 Schuster Parkway. (Sperry Ocean Dock, Limited; File No. 141.399A)

Mayor Sutherland called on Ms. Patricia Schafer, Attorney for Sperry Ocean Dock, Ltd., and Mr. Alexander Mackie, Attorney for Stadium Way Homeowners Association to review the possibility of combining, at their request, the time allotted on the appeals.

Both attorneys agreed to combine the ten minutes for each side on both appeals for a total allotted time of 20 minutes each side and to discuss the appeals concurrently.

Council Member Mykland stated that he knew some of the members of the Stadium Way Homeowners Association, but felt this would not affect his decision on this matter.

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Council Member Mykland moved to concur with the Findings, Conclusions, and Recommendations of the Hearing Examiner and deny the appeal. Seconded by Council Member Stenger. Voice vote was taken and carried, with Council Members Vialle and Warnick voting nay. The motion was declared adopted.

The appeal was denied.

Mayor Sutherland thanked those parties and members of the public for their participation in this appeal.

Mayor Sutherland stated that the Council would take a short recess.

Recessed at 8:45 p.m. and reconvened at 8:53 p.m.

RESOLUTIONS:

Resolution No. 30248 (Continued from the meeting of December 13, 1988)

Authorizing the execution of a renewal of lease for five years with Western Fish and Oyster, Inc., for the property located at 1137 Dock Street.

Mayor Sutherland moved to continue Resolution No. 30248 to the meeting of January 24, 1989. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 30248 will be considered at the regular City Council meeting of January 24, 1989.

Purchase Resolution No. 30294

Awarding contracts to:

1. Gordon Korsmo Construction Company, on their bid of \$52,959.60 for the Tacoma Dome turf storage room - Specification No. G-284-88;
2. Multigraphics, in the amount of \$19,275.52 for an annual maintenance contract for printing equipment - Single Source;
3. Rainier Bank on their bid of \$150,000.00 for delivery versus payment and investment custody services - Specification No. G-105-88; and
4. Associated Petroleum Products, Inc., in the amount of \$5,812.78 to extend and increase the contract for diesel fuel - Pierce Transit Specification No. PT-27-87.

Deputy Mayor Hyde moved that the Purchase Resolution be adopted, including waiving the formal bidding requirement on purchase item No. 2. Seconded by Council Member Stenger.

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

Resolution No. 30295

Authorizing the segregation of L.I.D. No. 5681 Assessment No. 1 into two parcels.

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. 30296

Authorizing the execution of an amendment to the option agreement with Burlington Northern Railroad Company, through Glacier Park Company, extending the term of the option agreement to June 15, 1989 for the purchase of Parcels B and C, of the Union Station property.

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. 30297

Authorizing the execution of Amendment No. 1 to the engineering-consultant service agreement with Consoer, Townsend and Associates, Inc., in the amount of \$147,410.00 for construction management services for Phase II of the Resource Recovery Facilities Upgrade project at the Tacoma landfill.

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

Resolution No. 30298

Authorizing the execution of an agreement with Bratrud-Middleton Insurance for property and casualty brokerage services effective January 1, 1989 through December 31, 1991.

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

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On proper motion, the meeting was adjourned at 9:04 p.m.

ATTEST:


GENELLE BIRK, CITY CLERK


DOUG SUTHERLAND, MAYOR

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