

CITY COUNCIL MINUTES

City Council Chambers
July 17, 1990

The meeting was called to order at 5:10 p.m.

Present on roll call: 7 - Evans, McElliott, Miller, Mykland, Nielsen, Stenger, and Mayor Vialle. Absent: 2 - Moss and Warnick. (Council Member Warnick arrived at 5:14 p.m.)

The Flag Salute was led by Council Member McElliott.

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

RESOLUTIONS:

Resolution No. 30972

Setting Tuesday, August 7, 1990, at approximately 5:30 p.m. as the date for a joint public hearing by the City Council and the Port of Tacoma Commission to consider a preferred alternative for the SR-509 Corridor, I-705 to East 11th Street and Marine View Drive.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearing Examiner Agenda for Tuesday, July 17, 1990.
- b. Report of the Director of Finance, May 1990.
- c. Certification of the Washington State Department of Transportation covering the descriptions of State Highway Routes within the limits of incorporated cities and towns as of July 1, 1990.

Council Member Nielsen moved that the Consent Agenda, including Resolution No. 30972, be approved. Seconded by Council Member Evans. 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:

Council Member Warnick arrived at 5:14 p.m.

- a. Hearing Examiner submitting Shoreline Management Substantial Development Permit No. 141.473 to allow the installation of a sodium hypochlorite storage tank at the property located on the southwesterly side of the Hylebos Waterway, approximately one quarter mile westerly of East 11th Street (605 Alexander Avenue). (Occidental Chemical Corporation; File No. 141.473)

Mayor Vialle moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner. Seconded by Council Member Evans. Roll call vote was taken, resulting as follows: Ayes: 8 - Evans, McElliott, Miller, Mykland, Nielsen, Stenger, Warnick, and Mayor Vialle. Nays: 0. Absent: 1 - Moss. The motion was declared adopted.

- b. Hearing Examiner recommending denial of the request for reclassification of the property located at the northeast corner of the intersection of South Mullen and 48th Streets from a "R-2" One-Family Dwelling District to a "M-1" Light Industrial District to allow the development of a 1.8 acre storage yard for precast concrete products. (P.I.P.E., Inc.; File No. 120.1304)

Council Member Nielsen moved to concur in the recommendations of the Hearing Examiner. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

FINAL READING OF ORDINANCES:

Ordinance No. 24686

Authorizing the acceptance of a sculpture from the Port of Tacoma and their sister Port of Kitakyushu to be placed on Ruston Way.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Evans, McElliott, Miller, Mykland, Nielsen, Warnick, and Deputy Mayor Stenger.

Nays: 0.

Absent: 2 - Moss and Mayor Vialle.

The Ordinance was declared passed.

Ordinance No. 24681

Appropriating and transferring \$26,759.33 from the Stadium and Convention Center Trust Fund to the General Fund to pay assessments for L.I.D. No. 8435 for paving and plaza-type amenities on Broadway fronting the Pantages Centre.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Evans, McElliott, Miller, Mykland, Nielsen, Stenger, Warnick, and Mayor Vialle.

Nays: 0.

Absent: 1 - Moss.

The Ordinance was declared passed.

Ordinance No. 24682

Authorizing the execution of an agreement with the Metropolitan Park District; accepting \$83,000.00 from the Metropolitan Park District and depositing said sum into the Miscellaneous Grants Summary Fund; transferring \$83,000.00 from the Vacated Street Right-of-Way Fund to the Miscellaneous Grants Summary Fund; appropriating \$166,000.00 from the Miscellaneous Grants Summary Fund to complete construction of a waterfront park at Titlow Beach; and declaring an emergency making necessary the passage of this ordinance.

Mayor Vialle moved to strike the words: "Vacated Street Right-of-Way Fund" and insert the words: "Open Space Fund" on page 1, line 4 and lines 16 and 17. Seconded by Deputy Mayor Stenger. Voice vote was taken and carried. The motion was declared adopted.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Evans, McElliott, Miller, Mykland, Nielsen, Stenger, Warnick, and Mayor Vialle.

Nays: 0.

Absent: 1 - Moss.

The Ordinance, as amended, was declared passed.

Ordinance No. 24683

Authorizing the execution of an agreement with the United States Department of Housing and Urban Development in the amount of \$2,294,000.00; depositing in and appropriating said sum from the Community Development Grants Summary Fund; and also appropriating \$8,530.32 of program income from the Community Development Grants Summary Fund for use in the Sixteenth Year Community Development Block Grant Program.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Evans, McElliott, Miller, Mykland, Nielsen, Stenger, Warnick, and Mayor Vialle.

Nays: 0.

Absent: 1 - Moss.

The Ordinance was declared passed.

Ordinance No. 24684

Amending Chapter 11.14 of the Official Code to provide that the registered owner of a vehicle operated in violation of speed limits established in Chapter 11.36 shall be presumed to be the operator of such vehicle.

Council Member Mykland moved to continue Ordinance No. 24684 to a date to be determined. Seconded by Mayor Vialle. Voice vote was taken and carried. The motion was declared adopted.

Mayor Vialle stated that Ordinance No. 24684 would possibly be considered by the Council in mid-September 1990.

Ordinance No. 24685

Accepting \$12,150.85 in investment income; depositing said sum in the Tacoma Parking Facility Acquisition and Improvement Fund; and appropriating \$22,268.60 from said fund for making parking lot improvements to the properties between South 26th Street and South 21st Street beneath SR-705.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Evans, McElliott, Miller, Mykland, Nielsen, Stenger, Warnick, and Mayor Vialle.

Nays: 0.

Absent: 1 - Moss.

The Ordinance was declared passed.

Ordinance No. 24687

Providing for the formation of L.I.D. No. 3944 for the construction of sanitary sewers in Meeker Avenue from 31st Street Northeast northwesterly 375 feet.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Evans, McElliott, Miller, Mykland, Nielsen, Stenger,
Warnick, and Mayor Vialle.

Nays: 0.

Absent: 1 - Moss.

The Ordinance was declared passed.

Ordinance No. 24688

Providing for the formation of L.I.D. No. 7711 for the conversion of existing overhead electrical primary, telephone, and cable-TV lines to underground along the alley between North 29th and 30th Streets from Cedar to Junett Streets.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Evans, McElliott, Miller, Mykland, Nielsen, Stenger,
Warnick, and Mayor Vialle.

Nays: 0.

Absent: 1 - Moss.

The Ordinance was declared passed.

Ordinance No. 24689

Providing for the formation of L.I.D. No. 5700 for the installation of water mains and fire hydrants in Waterview Street from vacated Dale Street to North 49th Street northeasterly to Ruston Way.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Evans, McElliott, Miller, Mykland, Nielsen, Stenger,
Warnick, and Mayor Vialle.

Nays: 0.

Absent: 1 - Moss.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 24690

Amending Chapter 13.06 of the Official Code to reclassify the property located between Tacoma Mall Boulevard and the Interstate 5 Freeway north of South 54th Street from a "R-2" One-Family Dwelling District to a "C-2" Commercial District to allow the development of a restaurant, tavern, offices, shops, and associated parking. (Wamon D. and Vien T. Floyd; File No. 120.1302)

Ordinance No. 24691

Vacating a portion of the Interstate 5 turn-back area at South 54th Street east of Tacoma Mall Boulevard to combine the vacated area with the abutting property for future commercial development consistent with the area. (Wamon D. and Vien T. Floyd; File No. 124.909)

Council Member Nielsen moved to continue Ordinance Nos. 24690 and 24691 to the meeting of August 21, 1990. Seconded by Deputy Mayor Stenger. Voice vote was taken and carried. The motion was declared adopted.

Ordinance Nos. 24690 and 24691 will be considered at the regular City Council meeting of August 21, 1990.

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

This is the date set for hearing the appeal of Dermonte and Marie Cave regarding the decision to grant the appeal of Ed Byron of the Land Use Administrator's Enforcement Order requiring the modification of the driveway at 1105 North Cedar to eliminate any obstruction within 30 days. (Ed Byron; File No. 130.3051 and 131.117)

Council Member Nielsen stated that he had received a number of phone calls and had had some discussion with the appellant regarding this matter. He stated that on advice of the City Attorney's office, he would be abstaining on this matter. Council Member Nielsen then left the Council Chambers.

Mayor Vialle called on Mr. Gordon Smith, attorney representing Mr. and Mrs. Cave. She then called on Mr. and Mrs. Ed Byron. Mr. Dave Bastain, Attorney, stated that he would be representing the Byrons at tonight's appeal.

Mayor Vialle then reviewed the procedures for appeals before the City Council.

David Akana, Hearing Examiner, spoke regarding his decision.

Deputy Mayor Stenger then called on Mr. Gordon Smith, attorney representing Dermonte and Marie Cave, who gave the reasons for the appeal.

Mayor Vialle then called on Mr. Bastain, attorney representing the Byrons who spoke in support of the Hearing Examiner's decision.

Mr. Smith then spoke in rebuttal of Mr. Bastain's comments.

Council Member Mykland moved to uphold the appeal and overrule the Hearing Examiner. Seconded by Council Member McElliott.

Roll call vote was taken resulting as follows:

Ayes: 4 - Evans, Miller, Mykland and Mayor Vialle.

Nays: 2 - Stenger and Warnick.

Absent: 1 - Moss.

Abstaining: 2 - McElliott and Nielsen (Council Member Nielsen had earlier absented himself from the Council Chambers with the intent to abstain).

The appeal was upheld.

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

Council recessed at 6:55 p.m. and reconvened at 7:05 p.m.

Ordinance No. 24692

Amending Chapter 13.06 of the Official Code to establish a "C-1" and a "C-2" Commercial Special Review District in the 26th and Proctor Commercial District. (City of Tacoma; File No. 120.1307)

Council Member Evans moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner. Seconded by Council Member Nielsen. 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. 24693

Vacating a portion of unused street right-of-way at the intersection of Milwaukee Way and Pacific Highway below and adjacent to the highway overpass to combine the vacated area with the abutting properties, to accommodate materials storage, and to provide better on-site circulation. (Jean M. Henricksen; File No. 124.915)

Mayor Vialle moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner. Seconded by Council Member Nielsen. 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. 24694

Accepting \$60,000.00 from the U.S. Department of Housing and Urban Development; and depositing and appropriating said sum from the Miscellaneous Grants Summary Fund to increase the capability of administering housing programs.

The Ordinance was set over for final reading next week.

Ordinance No. 24695

Transferring \$130,000.00 from the Parking Garage Enterprise Fund and \$49,411.53 from the Parking Lot Reserve Fund to the Tacoma Parking Facility Acquisition and Improvement Fund; appropriating \$179,411.53 from said fund for contributing to the payment of expenses of \$189,411.53 for elevator modernization in the Park Plaza North and Park Plaza South parking facilities, and declaring an emergency making necessary the passage of this ordinance.

The Ordinance was set over for final reading next week.

RESOLUTIONS:

Purchase Resolution No. 30977

Awarding contracts to:

1. Brodsky's, in the amount of \$12,320.00 to extend and increase their contract for police uniform clothing - Specification No. G-024-90;
2. General Electric, in the amount of \$61,125.80 for General Electric voted receiver radio equipment and accessories - Sole Source;
3. Young Equipment, in the amount of \$244,309.30 for six transfer trailers - City of Seattle Bid No. 99535;
4. Streich Brothers, Inc., in the amount of \$9,300.00 to increase their contract for metal fabricating supplies - Open Purchase Order No. 35125;
5. Supercopy Printing, in the amount of \$10,700.00 to increase their contract for Quick Copy Printing - Open Purchase Order No. 35497;
6. Murtough Supply Company, Inc., in the amount of \$16,000.00 to increase their contract for janitorial and cleaning supplies - Open Purchase Order No. 35488; and
7. Special Asphalt Products, in the amount of \$24,029.91 for crack sealant material - Washington State Contract No. 135-87.

Council Member Nielsen moved that the Purchase Resolution be adopted, including Substitute Exhibit A, and waiving the bidding requirements on item Nos. 2, 4 and 5. Seconded by Council Member Mykland.

(Substitute Exhibit A added item No. 8: Millar Elevator on their bid of \$189,411.53 for Park Plaza North and South elevator modernization - Specification No. G-204-90.)

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

Resolution No. 30978

Approving the sale of surplus property located in the vicinity of Freiday Street and 109th Street S.W. to William J. and Joyce M. Edwards in the amount of \$27,005.00.

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. 30979

Authorizing the execution of a grant award contract with the U. S. Department of Housing and Urban Development in the amount of \$60,000.00 to increase the capability of administering housing programs.

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. 30980

Recommending a modified Major Centers alternative as the preferred alternative for the "Vision 2020" project.

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. 30981

Supporting and approving the creation of a Joint Standing Committee with Pierce County to consider items of mutual interest and concern and appointing the Mayor, one Council member and the City Manager as members representing the City of Tacoma.

Council Member Nielsen moved to suspend the rules to consider Substitute Resolution No. 30981. Seconded by Council Member Mykland. Voice vote was taken and carried. The motion was declared adopted.

Speaking to the Council was:

Kathleen Skrinar

424 North C Street

Resolution No. 30982

Endorsing the Pierce County Jail and Justice Facilities Bond Issue and expressing the support of the Council for passage of this ballot issue at the September 18, 1990 election.

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.

Mayor Vialle noted for the record that all members of the City Council sponsored this Resolution and that the vote was unanimous.

Resolution No. 30983

Expressing the support of the Council for the passage of the ballot issue at the September 18, 1990 election of one-tenth of one percent increase in the sales tax to support criminal justice programs.

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.

Mayor Vialle noted for the record that this Resolution also was sponsored by all members of the City Council and that the vote was unanimous.

REPORTS BY CITY MANAGER:

Ray Corpuz, Jr., City Manager, reported to the Council on the amenities in progress for the Municipal Building in honor of the Goodwill Games.

Mr. Corpuz then requested an Executive Session to discuss pending and potential litigation.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Deputy Mayor Stenger moved to excuse Council Member Moss from the Council Meeting of July 17, 1990. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

Deputy Mayor Stenger stated that on behalf of Council Member Moss the lights would be going on on the East 34th Street Bridge in recognition of the Goodwill Games tomorrow night.

Mayor Vialle thanked all of the Council for their participation in the successful weekend workshop.

Council Member McElliott stated that there would be a public hearing by Metropolitan Parks on the McKinley Park at 7 p.m., Wednesday, July 18, 1990 at the Portland Avenue Community Center.

Mayor Vialle moved to recess to Executive Session to discuss pending and potential litigation, the session not to exceed 15 minutes. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.


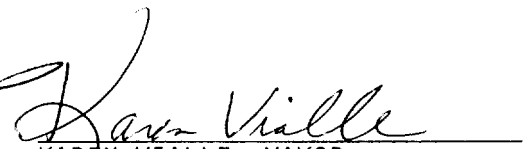
Council recessed to Executive Session at 7:37 p.m.

At 7:47 p.m., Mayor Vialle re-entered the Council Chambers and stated that the Executive Session would continue for an additional 10 minutes.

Council reconvened at 7:51 p.m.

On proper motion, the meeting was adjourned at 7:52 p.m.

ATTEST:

GENELLE BIRK, CITY CLERK

KAREN VIALLE, MAYOR

WPC.1778G.