

CITY COUNCIL MINUTES

City Council Chambers
April 17, 1990

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

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

The Flag Salute was led by Council Member Evans.

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

Approval of the minutes of the meeting of April 10, 1990.

PETITIONS:

Shean & Associates, requesting the reclassification of the property located between South Sprague Street and Trafton Street on South 78th Street from a "R-2" District to a "M-1" District. (Shean and Associates; File No. 120.1309)

For referral to the Hearing Examiner.

RESOLUTIONS:

Resolution No. 30844

Setting Tuesday, May 1, 1990, at approximately 5:30 p.m. as the date for a public hearing by the City Council on changing the name of the Bicentennial Pavilion to the Tacoma Convention Center and the name of the Tacoma Dome Convention Hall to the Tacoma Dome Exhibition Hall.

APPEALS:

- a. Gray Lumber Company appealing the decision of the Hearing Examiner regarding the denial of the request for reclassification of the property located on the west side of South "M" Street between South 39th and South 40th Streets from a "C-1" Commercial District to a "M-1" Light Industrial District to allow the expansion of a lumber yard. (Gray Lumber Company; File No. 120.1275)

Setting Tuesday, June 12, 1990, at approximately 5:30 p.m. as the date for a hearing by the City Council.

- b. Olympic Pipe Line Company appealing the Audit Assessment No. AD5867 by the Department of Tax and License.

Setting Thursday, July 26, 1990, at 9:00 a.m. as the date for hearing by the Hearing Examiner.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearing Examiner Agenda for Tuesday, April 17, 1990.
- b. Minutes of the meeting of the Board of the Tacoma Employees' Retirement System, February 23, 1990.
- c. Order of Dismissal with Prejudice - Marvin Hurst; File No. 150.67
- d. 1989 Annual Budget Analysis and Activities Report, Department of Public Utilities.

Deputy Mayor Stenger moved that the Consent Agenda, including Resolution No. 30844, be approved. Seconded by Council Member Mykland. Voice vote was taken and carried. The Consent Agenda was declared approved.

Mayor Vialle proclaimed the week of April 22-28, 1990 as Earth Day Week, and presented the proclamation to Ms. Reba Bruni who presented an Earth Day Flag to the City Council.

Mayor Vialle proclaimed the month of April as Fair Housing Month and presented the proclamation to Mr. Michael Dolan of the Community Housing Board.

Mayor Vialle moved to recess to Executive Session to discuss pending and potential litigation, the session not to exceed a half hour. Seconded by Deputy Mayor Stenger. Voice vote was taken and carried. The motion was declared adopted.

Council recessed to Executive Session at 5:11 p.m.

Council Member Nielsen re-entered the Council Chambers at 5:39 p.m. and said the Executive Session would continue for another 15 minutes.

Council reconvened at 5:53 p.m.

Mayor Vialle read the following statement to the public and the press before moving on to Public Hearings and Appeals:

"The City of Tacoma has used Urban Development Action Grant Funds to make a number of loans which have been successfully used to construct new facilities or to reconstruct and refurbish existing commercial buildings, to provide jobs and eradicate blighted conditions in the City of Tacoma. The Municipal Authority, which is a separate legal entity and a private corporation, has made similar loans using funds from other federal programs, commonly referred to as 108 Funds. Some of the projects on which loans were made include the Norton Clapp Law Center at the University of Puget Sound, Sheraton Hotel, Tacoma Financial Center, One Pacific Building and La Quinta Inn.

Recently, some questions have arisen regarding a loan made by the Municipal Authority to refurbish a building located at 15th and Pacific Avenue, 1501 Pacific to be precise. After consultation with the City Manager, we expect all City staff to continue to cooperate fully with the grand jury which is conducting an inquiry into that project.

We have requested that all City staff members cooperate fully with others, including the media, who have questions regarding that project or other aspects of the loan programs administered by the City of Tacoma's Community Development Department, to the extent that such disclosures will not hinder or prejudice the course of the grand jury or compromise current pending litigation that the City has to recover the amount loaned on the project at 15th and Pacific. We urge that the Municipal Authority, which is not a City entity as I indicated before, adopt a similar policy of cooperation with the grand jury and with those conducting other investigations.

The City Manager has directed, at the request of the City Council, that an outside management study be undertaken to ensure that the loan programs administered by our Community Development Department are administered fairly and in an even-handed manner, consistent with all City, state, and federal laws, rules and regulations. This study will be due back in 60 days to this Council. This study shall also make recommendations as to whether any changes should be made to ensure that the City's loan programs are administered in a more efficient and business like manner. This outside consultant will also verify that all materials requested by the grand jury have been made available to it."

This Council, and members of the City government, as indicated in this statement, will cooperate to the fullest extent possible in this investigation and this outside consultant will come back to us in 60 days and, at that time, we will have a further statement to make on recommendations and improvements that we will make.

PUBLIC HEARINGS AND APPEALS: (Began at 5:56 p.m.)

This is the date set for hearing the appeal of Warren G. Backman and Ralph Grinnell representing affected neighbors relative to site plan approval and reclassification of the property located on the southeast corner of North 37th and Pearl Streets from an "R-2" One-Family Dwelling District to an "R-3PRD" Planned Residential Development District to allow the construction of 187 multiple-family units. (REM Development Co.: File Nos. 120.1289-127.0295)

Council Member Warnick indicated to Council and all citizens that he has resided at 4412 North 37th, which is located between Stevens and Verde, for approximately 25 years. He said that on the advise of the City attorneys he understands the Appearance of Fairness Doctrine applies and that it is necessary that he absent himself from discussion on the particular matter before us at this time. Council Member Warnick announced that he would abstain from consideration of this matter and left the Council Chambers.

Deputy Mayor Stenger said that he has received numerous pieces of mail and correspondence on this particular project and, because we can only decide this matter based on the record that we have before us, the record created before the Hearing Examiner, that this correspondence that he received has no effect on the decision he was making and does not believe it prejudiced him in any way in deciding this case.

Council Members Nielsen, Moss, and Evans stated likewise.

Council Member Miller said he would likewise echo the comments of Deputy Mayor Stenger but would also like to disclose that he had had telephone conversations with the appellants prior to the appeal being made but he did not feel that would in any way prejudice his decision.

Mayor Vialle stated that she had the same declaration to make. That she has had discussion and indicated that they couldn't discuss it until this point and she didn't feel that it would prejudice her disposition of this case.

Mayor Vialle explained the rule relative to appeals before the City Council.

Rod Kerslake, Hearing Examiner, reviewed the facts of the appeal for the Council.

Mr. Jim Cochran, representing the neighborhood, stated the reasons for the appeal.

Mr. Bill Lynn, attorney representing REM Development Company, made a presentation to the Council with regard to the appeal.

Deputy Mayor Stenger moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner and deny the appeal. Seconded by Council Member Moss.

Council Member Nielsen moved to amend Condition N of the Hearing Examiner's report, although it has been stated orally that the signal proposed to be installed at North 37th and Pearl would be both vehicle and pedestrian actuated the terms of the condition of the Examiner's approval specifically state a vehicle actuated signal and he moved that the words "and pedestrian" be inserted. Seconded by Mayor Vialle. Voice vote was taken and carried, with Council Member Evans voting Nay. The motion was declared adopted.

Voice vote was taken and carried. The appeal was denied.

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

FINAL READING OF ORDINANCES:

Ordinance No. 24600 (Continued from the meeting of March 27, 1990.)

Authorizing the execution of an amendment to a grant award agreement with the Department of Housing and Urban Development in the amount of \$15,000.00; and depositing in and appropriating said sum from the Miscellaneous Grants Summary Fund for processing housing and discrimination cases based on "handicap and familial status" under the Fair Housing Amendments Act.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Miller.

The Ordinance was declared passed.

Ordinance No. 24614

Amending Chapter 8.66 and 8.12 of the Official Code relating to the regulation of firearms.

Speaking to the Council was Mozella Pooley, 8041 East Sherwood.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Miller.

The Ordinance was declared passed.

Ordinance No. 24615

Amending Section 8.28.010 of the Official Code relating to solicitation of sale or purchase of narcotics.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Miller.

The Ordinance was declared passed.

Ordinance No. 24616

Accepting \$3,000.00 from Pierce County; depositing in and appropriating said sum from the Miscellaneous Grants Summary Fund for the reimbursement of a WATS line for Senior Information & Assistance.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Miller.

The Ordinance was declared passed.

Ordinance No. 24617

Accepting \$2,500.00 from Puget Sound Bank; depositing said sum in the Miscellaneous Grants Summary Fund; transferring \$2,500.00 from the General Fund to the Miscellaneous Grants Summary Fund; appropriating \$5,000.00 from the Miscellaneous Grants Summary Fund; and authorizing the execution of an agreement with Balletacoma for the production of "Il Ballo."

Roll call vote was taken, resulting as follows:

Ayes: 9 - Evans, McElliott, Miller, Moss, Mykland, Nielsen, Stenger, Warnick, and Mayor Vialle.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 24618

Amending Ordinance No. 24560 regarding L.I.D. No. 5699 which provides for the construction of a water main in Pacific Avenue to change the boundary line from South 106th Street to South 104th Street.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Evans, McElliott, Miller, Moss, Mykland, Nielsen, Stenger, Warnick, and Mayor Vialle.

Nays: 0.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 24619

Authorizing the utilization of \$25,000.00 from the vacated street right-of-way subfund and \$5,170.00 from the Marine Park, Knox Street subfund; appropriating said amount from the Miscellaneous Grants Summary Fund for funding for hose stations and additional engineering at the transient moorage facility adjacent to the Old Town Dock; and declaring an emergency, making necessary the passage of this ordinance.

Speaking to the Council was Louise Batchelor, 5123 North 45th Street.

The Ordinance was set over for final reading next week.

Ordinance No. 24620

Authorizing the execution of an agreement with Merritt + Pardini/TRA in the amount of \$26,080.00; appropriating said sum from the Tacoma Union Station Fund for the development of the Tacoma Union Station project for inventory and space planning services for the United States District Court for the Western District of Washington; and declaring an emergency making necessary the passage of this ordinance.

The Ordinance was set over for final reading next week.

RESOLUTIONS:

Resolution No. 30838

Authorizing the renewal of a lease agreement with Tosch Aircraft Industries for property located at the Tacoma Narrows Airport from May 1, 1990, to April 30, 2000.

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.

Purchase Resolution No. 30845

Awarding contracts to:

1. Don Small & Sons Dist. Company, in the amount of \$52,354.42 for motor oil and lubricants - Washington State Contract No. 243-89;
2. Tennant Company, in the amount of \$27,590.33 for one Tennant gasoline powered sweeper vehicle No. 7765 - Washington State Bid No. LC0008;
3. Long Painting Company, in the amount of \$53,000.00 for Tacoma Dome roof cleaning;
4. Woodworth & Company, Inc., in the amount of \$25,764.20 to increase their contract for asphalt products - Specification No. G-015-90;
5. Signal Electric, in the amount of \$22,268.60 for parking lot improvements - Single Source;
6. Western Peterbilt, on their bid of \$159,155.66 for three recycling collection trucks - Specification No. G-048-90;
7. Rejecting all bids received for the police vehicle lightbars - Specification No. G-096-89; and
8. Rescinding the contract for cleanup of debris located at 2315 Ruston Way - Specification No. G-016-90.

Council Member Mykland moved that the Purchase Resolution be adopted and to waive formal bidding procedures on Item Nos. 3 and 5. Seconded by Council Member Moss.

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

Resolution No. 30846

Authorizing the execution of Amendment No. 3 to the agreement with Babbit Architecture in the amount of \$35,907.00 for architectural services for Phase II and III of the office facilities expansion at the Central Treatment Plant.

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

Resolution No. 30847

Authorizing the execution of Amendment No. 1 to the agreement with Consoer, Townsend and Associates in the amount of \$78,825.00 for continuing services for the Western Slopes Wastewater Pumping and Conveyance Facilities Project.

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

Resolution No. 30848

Authorizing the execution of an agreement with the Metropolitan Park District in the amount of \$14,197.00 for implementation of the Tacoma Vegetable Garden Project from April 16, 1990 through June 30, 1991.

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

REPORTS BY CITY MANAGER:

Ray Corpuz, City Manager, said that he noted that in the information provided to Council at Study Session for the Budget Workshop tomorrow night that we did not provide information on the consecration lands program that was initiated and approved by the legislature. We will have staff at the Budget Workshop to answer any questions and how this might relate to the Capital Improvement Program.

Mayor Vialle asked if we had information in there on the options provided us under the new transportation funding.

Mr. Corpuz said we don't have it specifically attached but we can have that available.

Mayor Vialle said a delegation from the parking garage owners came in today to discuss that option with us and she would like to have, if possible, someone to lay out those options for such a street utility and that those were also potential things for designated street and arterial improvements.

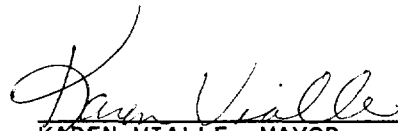
COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Mayor Vialle reminded the members of the Council that they would have dinner tomorrow night at 5:30 p.m. at Salami's Uptown and then they would have their normal Study Session on the 6th Floor in the Training Conference Room at 6:00 p.m.

On proper motion, the meeting was adjourned at 7:40 p.m.

ATTEST:


GENELLE BIRK, CITY CLERK


KAREN VIALLE, MAYOR

WPC.0947G.