

CITY COUNCIL MINUTES

City Council Chambers  
October 18, 1988

The meeting was called to order at 5:06 p.m.

Present on roll call: 8 - Hyde, McElliott, Moss, Nielsen, Stenger, Vialle, Warrick, and Mayor Sutherland. Absent: 1 - Mykland

The Flag Salute was led by Council Member McElliott.

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CONSENT AGENDA

Approval of the minutes of the regular meeting of October 11, 1988.

RESOLUTIONS:

Resolution No. 30199

Setting Monday, November 14, 1988 at 5:00 p.m.; Tuesday, November 15, 1988 at 5:30 p.m.; and Wednesday, November 16, 1988 at 5:00 p.m. as the dates set for public hearings to consider the annual budget of the City of Tacoma for 1989.

APPEALS:

Group II, Inc., Realtors, (File No. T-62651) appealing Audit Assessment Notice AD 5678 by the Department of Tax and License.

Setting Thursday, January 5, 1989 at 9:00 a.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, October 18, 1988.
- b. Minutes of the special meeting of the Tacoma-Pierce County Board of Health, August 24, 1988.
- c. Minutes of the meeting of the Tacoma-Pierce County Board of Health, September 7, 1988.
- d. Amended minutes of the meeting of the Tacoma Planning Commission, September 7, 1988.
- e. Minutes of the meeting of The Municipal Authority, September 22, 1988.
- f. Report of the Director of Finance, August 1988.
- g. State of Washington, Office of State Auditors, Yearly Report of Examinations, 1985 and 1986.
- h. Tacoma Employees' Retirement System, 47th Comprehensive Annual Financial Report for the year ended December 31, 1987.

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Council Member Vialle moved that the Consent Agenda, including Resolution No. 30199, be approved. Seconded by Deputy Mayor Hyde. Voice vote was taken and carried. The Consent Agenda was declared approved.

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REGULAR AGENDA

COMMUNICATIONS:

Hearings Examiner advising that the request for site plan modifications for the property located on the east side of Villard Street approximately 120 feet north of South 12th Street be dismissed. (Brian McGuire; File No. 120.1182B)

Mayor Sutherland advised that this is informational only and no action is required.

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FINAL READING OF ORDINANCES:

Ordinance No. 24170

Vacating portions of Ferry Street and the alley between Sprague Avenue and Ferry Street, south of South Tacoma Way to unify the property into a single parcel for future development. (Lige & William B. Dickson Company; File No. 124.874)

Roll call vote was taken, resulting as follows:

Ayes: 8 - Hyde, McElliott, Moss, Nielsen, Stenger, Vialle, Warrick, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Mykland.

The Ordinance was declared passed.

Ordinance No. 24215

Amending the Pay and Compensation plan to provide two new classes and adjust various rates of pay.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Mykland.

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The Ordinance was declared passed.

Ordinance No. 24216

Amending the Annual Budget of the City of Tacoma to authorize the addition of an Assistant City Attorney I and a Clerk Typist II in the office of the City Attorney to provide support for the Municipal Court Prosecutor's office.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Hyde, McElliott, Moss, Nielsen, Stenger, Vialle, Warrick, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Mykland.

The Ordinance was declared passed.

Ordinance No. 24217

Transferring \$9,800.00 from the Bicentennial Pavilion Reserve Fund, \$54,000.00 from the Capital Improvement Program Fund, \$300,000.00 from the Urban Development Action Grant Trust Fund and \$1,054,700.00 from the Cumulative Reserve All-American Cities Fund, to the Bicentennial Pavilion Construction Fund; appropriating \$1,450,000.00 from the Bicentennial Pavilion Construction Fund to renovate the Bicentennial Pavilion; and declaring an emergency making necessary the passage of this ordinance.

Mayor Sutherland moved to suspend the rules to consider Substitute Ordinance No. 24217. Seconded by Council Member Moss. Voice vote was taken and carried. The motion was declared adopted.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Hyde, McElliott, Moss, Nielsen, Stenger, Vialle, Warrick, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Mykland.

The Ordinance was declared passed.

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Mayor Sutherland presented a proclamation commemorating "United Nations Day" and "United Nations Week" to Dr. Leonard Holden.

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FIRST READING OF ORDINANCES:

Ordinance No. 24218

Amending Chapter 13.06 of the Official Code to reclassify the property located on the north side of South 90th Street abutting the east side of the Interstate 5 freeway from a "C-F-P" Freeway Commercial District to a "R-4-T" Transitional District to construct a 21,000 square foot business school for approximately 700 students. (Phillips Colleges, Inc.; File No. 120.1260)

Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Warrick. 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. 24219

Amending Chapter 1.06 of the Official Code by repealing and reenacting Section 1.06.830 to revise the insurance procurement process.

The Ordinance was set over for final reading next week.

Ordinance No. 24220

Authorizing the execution of a grant agreement with the State of Washington, Department of Ecology in the amount of \$15,000.00 for a City Waterway Concept Plan; depositing in and appropriating said sum from the Miscellaneous Grants Summary Fund; and authorizing a temporary noninterest bearing loan in the amount of \$15,000.00 from the General Fund to the Miscellaneous Grants Summary Fund for said purpose.

The Ordinance was set over for final reading next week.

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Mayor Sutherland moved that the Council consider Public Hearings and Appeals. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

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PUBLIC HEARINGS AND APPEALS: (Began at 5:45 p.m.)

This is the date set for hearing the appeal of WSLA Development Corporation, relative to Conditions E, F, and G of the site plan modifications for Northshore Division II bounded by 45th Avenue Northeast on the east, Brown's Point Boulevard (Norpoint Way) on the south, 43rd Street Northeast (extended), on the north, and the Northshore Golf Course on the west. (WSLA Development Corporation; File No. 127.238)

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Mayor Sutherland noted that William Lynn, attorney representing WSLA Corporation, was present in the Council Chambers. Mayor Sutherland inquired if any attorneys or persons were present representing the neighborhood.

Mr. McCullough, attorney representing the Titan Construction Co., indicated he was present and wished to speak.

Mr. Patrick Comfort, attorney representing Northshore Golf Associates, also indicated he was present.

Mayor Sutherland requested that the two attorneys confer regarding the distribution between them of the ten minutes of appeal time allotted.

Mr. Comfort deferred his time to Mr. McCullough.

Mayor Sutherland then reviewed the procedures for appeals before the Council.

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

Mayor Sutherland and the Council Members discussed various options open to the Council regarding this matter.

Robert Backstein, City Attorney, discussed and clarified the possibilities of remanding this matter to the Hearing Examiner.

William Lynn, attorney representing WSLA Development Corp., gave the reasons for the appeal.

Mr. John McCullough, representing Titan Construction Co., spoke in opposition to Mr. Lynn's position. He then distributed a summary of his comments to the Council.

Mayor Sutherland asked David Akana to clarify the on-site and off-site assessment relative to this matter.

David Akana reviewed this for the Council.

Discussion followed regarding possible Council options.

Mayor Sutherland stated that an option might be to set the decision over for a period of time regarding this matter and in the meantime have the Hearing Examiner review certain sections.

Robert Backstein and David Akana made comments relative to Council's options.

William Lynn stated that it was feeling that the Council should delete Conditions E, F, and G from the Hearing Examiner's conclusions.

Rebuttal comments were made by John McCullough.

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Council Member Moss moved to concur on the Findings, Conclusions, and Recommendations of the Hearing Examiner and deny the appeal. Seconded by Council Member Warrick. Voice vote was taken and carried, with Mayor Sutherland voting nay. The motion was declared adopted.

The appeal was denied.

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Ordinance No. 24221

Amending Chapter 2.09 of the Official Code to reflect rate changes for the operation and use of the City scales located at 21st and Holgate Streets.

The Ordinance was set over for final reading next week.

Ordinance No. 24222

Amending Title 6 of the Official Code to reduce the electrical gross earnings tax rate and natural gas gross earnings rate from 6.6% to 6.4% and to reduce the telephone gross earnings rate from 8.62% to 7.96% effective January 1, 1989.

The Ordinance was set over for final reading next week.

Ordinance No. 24223

Accepting donations of \$625.00 from the Veterans of Foreign Wars #969, the Frank Russell Co., Kentucky Fried Chicken, and the Optimist Club of West Tacoma; and depositing in and appropriating said sum from the Crime Prevention Trust Fund to support crime prevention programs of the Police Department.

The Ordinance was set over for final reading next week.

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RESOLUTIONS:

Purchase Resolution No. 30200

Awarding contracts to:

1. Hoffcon, Inc., on their bid of \$1,326,889.72 for the Bicentennial Pavilion Renovation - Specification No. G-261-88;
2. Motorola Communications and Electronics, Inc., in the amount of \$50,000.00 to increase their contract for radio maintenance - Specification No. G-218-83;
3. Konica Business Machines, on their bid of \$23,371.04 for four convenience copiers - Washington State Contract No. 128-88;
4. Seapac Ford Tractor Co., Inc., on their bid of \$78,700.46 for one articulating four wheel drive tractor with articulated boom brush cutter/loader/backhoe - Specification No. G-045-88;

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5. Coast Wide Supply Company, in the amount of \$3,800.00 to increase their contract for janitorial and cleaning supplies; and
6. Sound Battery Company, in the amount of \$14,500.00 to extend their contract for automotive batteries - Specification No. G-068-87.

Mayor Sutherland moved that the Purchase Resolution be adopted. Seconded by Deputy Mayor Hyde.

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

Resolution No. 30201

Authorizing the acquisition of a 5.4 acre parcel of land located at the Cowlitz River Pit Site No. L-147 from the State of Washington, Department of Transportation, for \$6,750.00 for the Cowlitz Wildlife Habitat Mitigation Program.

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. 30202

Authorizing the execution of an agreement with Consoer, Townsend and Associates in the amount of \$260,024.00 to provide construction management services for the Resource Recovery Facilities Upgrade Project at the Tacoma Landfill.

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

Council Member Vialle moved to continue Resolution No. 30202 to the meeting of October 25, 1988. Seconded by Council Member Warnick. Voice vote was taken and carried. The motion was declared adopted.

The Resolution will be considered at the regular City Council meeting of October 25, 1988.

Resolution No. 30203

Authorizing the execution of an extension agreement with McLean and Company for the provision of underwriting services for certain Local Improvement District Bonds for an additional two-year period to expire October 31, 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.

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Resolution No. 30204

Adopting policies and goals for the Fifteenth Year Block Grant Program for implementing Community Development activities during the fiscal year 1989-1990.

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

Resolution No. 30205

Authorizing the execution of an agreement with Burlington Northern Railroad to identify the division of responsibility for payment of future maintenance, repair or replacement of railroad signals located immediately west of South Tacoma Way.

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

Resolution No. 30206

Authorizing the execution of a rental agreement with the YMCA for partial use of the Beacon Senior Center for child care services.

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.

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COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Deputy Mayor Hyde moved to suspend the rules to consider an additional matter. Seconded by Council Member Warrnick. Voice vote was taken and carried. The motion was declared adopted.

Deputy Mayor Hyde moved to replace himself on the Appointments Committee with Council Member Vialle. Seconded by Council Member Moss. Voice vote was taken and carried. The motion was declared adopted.

Deputy Mayor Hyde moved to excuse Council Member Mykland from the October 18, 1988 Council meeting. Seconded by Council Member Vialle. Voice vote was taken and carried. The motion was declared adopted.

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On proper motion, the meeting was adjourned at 7:17 p.m.

ATTEST:

  
GENELLE BIRK, CITY CLERK

  
DOUG SUTHERLAND, MAYOR

HPC 6547.G

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