

## CITY COUNCIL MINUTES

City Council Chambers  
September 28, 1993

The meeting was called to order at 5:09 p.m.

Present on roll call: 7 - Baarsma, Evans, McElliott, Miller, Moss, Nielsen, and Deputy Mayor Mykland. Absent: 2 - Silas and Mayor Vialle.

The Flag Salute was led by Council Member Baarsma.

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Deputy Mayor Mykland stated that the Council would consider the Consent Agenda, followed by presentation of the Fire Department Citizens' award. He stated that the Council would then recess to Executive Session for one hour.

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Approval of the minutes of the Tacoma City Council meeting of September 21, 1993.

### PETITIONS:

Jeff Christensen, requesting the reclassification of the property located west of Sheridan Avenue between South 61st and South 63rd Streets extended from a "R-2" One-Family Dwelling District to a "R2-PRD" One-Family Dwelling/Planned Residential Development District to build twenty-three single residential family units.  
(Jeff Christensen; File No. 120.1374)

### RESOLUTIONS:

#### Resolution No. 32333

Authorizing the submittal of project prospectuses to the Washington State Department of Transportation in the amount of \$1,508,500 for certain Intermodal Surface Transportation Efficiency Act projects.

#### Resolution No. 32334

Setting Tuesday, October 19, 1993, at approximately 6:00 p.m. as the date for a public hearing by the City Council to consider the draft Comprehensive Housing Affordability Strategy.

Resolution No. 32335

Setting Tuesday, November 9, 1993, at 9:00 a.m. as the date for a hearing by the Hearing Examiner on the request to vacate portions of Wilkeson Street between South 41st and South 42nd Streets. (Jerry L. Gettmann; File No. 124.989)

Resolution No. 32336

Setting Tuesday, November 9, 1993, at 9:00 a.m. as the date for a hearing by the Hearing Examiner on the request to vacate the alley between East 52nd and East 53rd Streets from McKinley Avenue to East I Street. (Tacoma School District No. 10; File No. 124.990)

Resolution No. 32337

Setting Tuesday, November 23, 1993, at 1:30 p.m. as the date for a hearing by the Hearing Examiner on the request to vacate a portion of Shirley Street south of North 33rd Street. (Northwest Investment Partners; File No. 124.987)

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearing Examiner Agenda, September 28, 1993.
- b. Minutes of the meeting of the Tacoma Beautification Committee, August 18, 1993.
- c. Minutes of the meeting of the Landmarks Preservation Commission, September 15, 1993.
- d. Minutes of the meeting of the Tacoma-Pierce County Board of Health, August 4, 1993.
- e. Minutes of the meetings of the Appointments Committee, July 26 and August 23, 1993.
- f. Legislative Summary of the 1993 Session of the Washington State Legislature.

Council Member Nielsen moved to suspend the rules to consider Substitute Resolution No. 32335. Seconded by Council Member Moss. Voice vote was taken and carried. The motion was declared adopted.

Council Member Miller moved that the Consent Agenda, including Resolution No. 32333, 32334, Substitute Resolution No. 32335, 32336, 32337, be approved. Seconded by Council Member Nielsen. Voice vote was taken and carried. The Consent Agenda was declared approved.

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**REGULAR AGENDA**

**ANNOUNCEMENTS PRESENTATIONS AND APPOINTMENTS:**

Deputy Mayor Mykland proclaimed the week of October 3-9, 1993, to be "Fire Prevention Week," and presented the proclamation to Chief Dick Moore and Assistant Chief Eileen Lewis.

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Presentation of Fire Department citizens' awards.

Deputy Mayor Mykland presented certificates to Mr. James Samons, Kenneth Becker and Lucas Matthew who were the primary rescuers of Mr. Richard Dean who was pinned under the tires of a semi-trailer that was on fire on the I-5 freeway on May 30, 1993. Deputy Mayor Mykland acknowledged their quick and decisive actions and presented them with the Tacoma Fire Department Citizens Appreciation Award.

Deputy Mayor Mykland moved to adjourn to executive session to discuss the sale of real estate and evaluate qualifications of applicants to public office in accordance with R.C.W. 42.30.110, Subsections B and F. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

Council recessed to Executive Session at 5:17 p.m.

At 6:04 p.m., Deputy Mayor Mykland re-entered the Council Chambers and stated that the Executive Session would extend until 6:50 p.m.

At 6:34 p.m., Deputy Mayor Mykland re-entered the Council Chambers and stated that the Executive Session would extend to 7:00 p.m.

Council reconvened at 7:01 p.m.

Deputy Mayor Mykland stated that the Council had concluded their interviews of the candidates for the Public Utility Board. He stated they would take an additional week to discuss the candidates' qualifications and would wait until Council Member Silas and Mayor Vialle were available to meet with the Council. He stated that next week the Council would adjourn back to Executive Session for further discussion and an announcement of their recommendation within one week.

Council Member Miller stated that Council Member Silas had dental work done and was unable to attend Council Meeting. He also stated that Mayor Vialle was not in attendance at tonight's Council Meeting due to her husband's surgery. He stated that Mr. Vialle was doing well and was recovering and the Mayor expected to be at next week's Council Meeting.

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PUBLIC HEARINGS AND APPEALS: (Began at 7:03 p.m.)

Bill Hall and Bill Kellis, appealing the decision of the Hearing Examiner relative to L.I.D. 8574 for asphalt paving on the alley between North 26th and North 27th Streets from Starr Street east 470 feet. (Continued from the meeting of August 24, 1993)

Deputy Mayor Mykland called on Mr. Bill Hall, Mr. Bill Kellis, Mr. Larry Faulk and Mr. Michael Crabtree to verify that all parties were present for the appeal.

Council Member Miller acknowledged that he is an acquaintance of Mr. Kellis and had worked in the past in a business environment in terms of commercial leasing, but did not feel this would infringe on his ability to make a decision or in any way influence his decision overall.

Council Member Baarsma stated that he was personally acquainted with Mr. Faulk. He stated they have talked politics from time to time but they never discussed this particular matter. He stated he felt he could make an impartial judgment.

Deputy Mayor Mykland reviewed the procedures for appeals before the City Council.

Mr. Hall stated he had a procedural question and stated he had information that he wanted to submit to the Council and wished to know if this was permissible. Mr. Hall presented information to Mr. Kerslake, Hearing Examiner, who reviewed the materials. Mr. Kerslake stated he did not recall the pictures provided to him as part of the record.

Mr. Faulk and Mr. Crabtree stated they did not recall that these pictures were part of the record. Mr. Kerslake stated that the material presented to him was lengthy and some did not appear to be part of the record.

Deputy Mayor Mykland ruled that the Council would not accept the information.

Mr. Kerslake reviewed his findings for the Council.

Council Member Miller stated he would like to expand on his disclosure on his declaration further. He stated Mr. Kellis had called him at his office in the last two weeks to discuss the appeal matter with him. Mr. Miller stated he did not discuss it and informed Mr. Kellis that he was unable to discuss it with him prior to the appeal.

No protest was taken regarding this disclosure by Mr. Faulk or Mr. Crabtree.

Mr. Bill Kellis, 2605 North Starr Street, gave the reasons for the appeal.

Mr. Bill Hall, 1125 North 26th Street, spoke in opposition to the Hearing Examiner's decision.

Mr. Kellis spoke again regarding his reasons for appeal.

Mr. Larry Faulk spoke in support of the Hearing Examiner's decision and the L.I.D. Mr. Michael Crabtree also spoke in support of the L.I.D.

Deputy Mayor Mykland then called on Mr. Kellis who used his remaining allotted time for comments. Mr. Hall also made final closing comments.

Council then discussed the issue of plat requirements and alley paving requirements and the differences between plat requirements and L.I.D.'s.

Council Member Miller moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner and deny the appeal. Seconded by Council Member Evans.

Roll call vote was taken as follows:

Ayes: 5 - Baarsma, Evans, Miller, Moss, and Deputy Mayor Mykland.

Nays: 1 - McElliott.

Absent: 3 - Nielsen, Silas, and Mayor Vialle.

The appeal was denied.

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Deputy Mayor Mykland moved to recess for 5 minutes. Seconded by Council Member Miller. Voice vote was taken and carried. The motion was declared adopted.

Council recessed at 7:55 p.m. and reconvened at 8:00 p.m.

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COMMUNICATIONS:

Hearing Examiner submitting Shoreline Management Substantial Development Permit No. 141.552 to allow the installation of a marine outfall on the Blair Waterway and the replacement of a storm water monitoring system at 3320 Lincoln Avenue. (Reichhold Chemical Corporation; File No. 141.552)

Council Member Miller moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Moss. Roll call vote was taken, resulting as follows: 6 - Baarsma, Evans, McElliott, Miller, Moss, and Deputy Mayor Mykland. Nays: 0. Absent: 3 - Nielsen, Silas, and Mayor Vialle. The motion was declared adopted.

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FINAL READING OF ORDINANCES:

Ordinance No. 25367

Depositing \$3,500 to the General Fund and appropriating \$2,950 from said fund for conducting a Housing Conference.

Roll call vote was taken, resulting as follows:

Ayes: 6 - Baarsma, Evans, McElliott, Miller, Moss, and Deputy Mayor Mykland.

Nays: 0.

Absent: 3 - Nielsen, Silas, and Mayor Vialle.

The Ordinance was declared passed.

Ordinance No. 25368

Depositing \$1,785 to the General Fund and appropriating \$1,534 from said fund for conducting an Employers' Conference.

Roll call vote was taken, resulting as follows:

Ayes: 6 - Baarsma, Evans, McElliott, Miller, Moss, and Deputy Mayor Mykland.

Nays: 0.

Absent: 3 - Nielsen, Silas, and Mayor Vialle.

The Ordinance was declared passed.

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FIRST READING OF ORDINANCES:

Ordinance No. 25369

Vacating portions of Browns Point Boulevard, 45th Street N.E. and High Point Drive to develop the abutting properties into a residential subdivision. (Andrew Hess; File No. 124.978)

Council Member Miller moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Moss. 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. 25370

Vacating the portion of East B Street between Puyallup Avenue and East 23rd Street abutting City-owned property for fencing to secure the area from transients and illegal dumping. (Department of Public Works; File No. 124.982)

Council Member Miller moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Baarsma. 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. 25371

Amending Chapter 13.06 of the Official Code to reclassify the property located at the southwest corner of South 38th and South Steele Streets from a "R-2" One-Family Dwelling District and a "R-4" Multiple-Family Dwelling District to a "C-2" Commercial District for the construction of a two-story building. (Cedarwood Development; File No. 120.1365)

Council Member Miller moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member McElliott. 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. 25372

Amending Chapter 13.06 of the Official Code to establish zoning designations for the recently-annexed 60-acre site located south of Marine View Drive at the head of the Hylebos Waterway by rezoning the northwest corner of the site to a "M-1" Light

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Industrial District and the remainder of the site to a "R-2" One-Family Dwelling District. (City of Tacoma; File No. 120.1358)

Council Member Miller moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Evans. 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. 25373

Amending Section 9.17.010 of the Official Code relative to the removal, impoundment, auction and sale of structures or obstructions within the right-of-way area that are dangerous or hazardous.

The Ordinance was set over for final reading next week.

Ordinance No. 25374

Amending Sections 13.06.010, 13.06.020 and 13.06.030 of the Official Code relative to construction, demolition and land clearing waste recycling.

Speaking to the Council were:

Geoffrey Cross	Attorney representing the Fjetlands
Carl Hatline	5908 Sixth Street NE
Earl Nelson	Environmental Engineer representing the Fjetlands
Skip Vaughn	President, United Neighborhoods of Tacoma

Council Member Miller clarified that there was a letter on the dais from the Tacoma Pierce County Health Department. He also requested a substitute ordinance on this matter for next week's Council Meeting. In addition, he asked the City Manager's office to advise the Council on certain matters brought up at the meeting tonight in the Friday Letter regarding this ordinance.

Speaking to the Council was:

Bill Dickson	Property stockholder in M-2 District
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The Ordinance was set over for final reading next week.



Ordinance No. 25375

Amending Chapter 1.30 of the Official Code relative to the portability of retirement benefits with the State of Washington.

The Ordinance was set over for final reading next week.

Ordinance No. 25376

Amending the Pay and Compensation Plan to implement rates of pay, benefits and job classification title changes.

The Ordinance was set over for final reading next week.

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RESOLUTIONS:

Resolution No. 32329 (Continued from the meeting of September 14, 1993)

Authorizing the execution of agreements with Pierce County and the City of Fife to enable Pierce County to assume sewerage services for the City of Fife.

Deputy Mayor Mykland moved to continue Resolution No. 32329 to a date to be determined. Seconded Council Member Miller. Voice vote was taken and carried. The motion was declared adopted.

Purchase Resolution No. 32338

Awarding Contracts to:

1. Boulevard Excavating, Inc., in the amount of \$39,770.03, for sanitary sewer extension in East L Street from East 38th Street south approximately 340 lineal feet - Specification No. G-231-93;
2. Motorola, in the amount of \$52,696.05, for Motorola Saber radios - State Contract No. 205-88;
3. D.L. Asahara Company, Inc., in the amount of \$36,000, to construct a cement concrete sidewalk on 6th Avenue - Specification No. G-237-93; and
4. Western Peterbilt, Inc., in the amount of \$378,391.63, for three tile frame refuse trucks - Specification No. G-044-93.

Deputy Mayor Mykland moved that the Purchase Resolution, including waiving formal bidding procedures on Item No. 2, be adopted. Seconded by Council Member Evans.

Voice vote was taken and carried on the Purchase Resolution. The Purchase Resolution, including waiving formal bidding procedures on Item No. 2, was declared adopted.

Resolution No. 32339

Authorizing the execution of an amendment to the Real Estate Purchase Contract with Tacoma Promenade for the Wapato Hills property.

Speaking to the Council were:

Mark Briggs	Consultant for Schurgin Development Company
John Manavian	Schurgin Development Company

Deputy Mayor Mykland moved to continue Resolution No. 32339 to the meeting of October 5, 1993. Seconded by Council Member Miller. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 32339 will be considered at the regular City Council meeting of October 5, 1993.

Resolution No. 32340

Authorizing the Rainier Cable Commission to file a certification with the Federal Communications Commission (FCC) to adopt and administer rates, rules and regulations.

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

Resolution No. 32341

Authorizing the option of an irrevocable election to have the Tacoma Employees' Retirement System included in the coverage of RCW Chapter 41.54 for portability of public retirement systems.

Deputy Mayor Mykland moved to continue Resolution No. 32341 to the meeting of October 5, 1993. Seconded by Council Member Miller. Voice vote was taken and carried. The motion was declared adopted.

The Resolution No. 32341 will be considered at the regular City Council meeting of October 5, 1993.

Resolution No. 32342

Authorizing the execution of an agreement with Wilshire Associates, for a maximum amount of \$105,000, to provide pension expert services from October 1, 1993 through September 30, 1994.

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

Resolution No. 32343

Authorizing the execution of an agreement with Disciplined Investment Advisors, for a maximum amount of \$246,250, to provide equity investment services from October 1, 1993 through September 30, 1994.

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

Resolution No. 32344

Authorizing the execution of an agreement with the Metropolitan Park District, in the amount of \$69,570.57, for program services for the South End Neighborhood Center.

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

Resolution No. 32345

Authorizing the execution of a lease extension agreement with the University of Washington, in the amount of \$7,000, for space at 1925 Commerce Street for the Home Repair Program.

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

Resolution No. 32346

Authorizing the execution of an agreement with GFS of Washington, Inc., in the amount of \$120,000, for property management services for the Olympic Ridge, Nob Hill, Overlook Rim and Forest Hill Village Apartments.

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

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UNFINISHED BUSINESS:

None.

REPORTS BY CITY MANAGER:

Ray E. Corpuz, Jr., City Manager, introduced Ms. Alice Bush, who would be serving as Special Assistant for the next three months. He also thanked Doris Payne for her work for the last three months.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Interviews of Candidates for the Public Utility Board. (Conducted earlier in the Council meeting,)

Council Member Baarsma stated that the City had successfully completed the series of meetings on the neighborhood councils and that many citizens had stepped forward to volunteer with organizing efforts. He stated that all neighborhood councils and committees appeared to be moving forward.

Council Member Baarsma stated he wished to know if it was proper for the Council to transmit a letter to TCI of Washington stating the Council's concerns regarding taking away the senior citizen discount for cable subscriptions. He stated the Council should request an explanation.

Deputy Mayor Mykland stated a letter could be prepared for next Tuesday's Council Meeting for all Council Members to sign.

Ray E. Corpuz, Jr., City Manager, stated that the letter would prepared and also reminded the Council that at the October 19 Study Session, cable television rates would be reviewed.

Council Member McElliott complimented the Public Works Department on Ordinance No. 25370 which was for fencing in the East 23rd Street area.

Council Member Evans stated he had received a letter from a Northeast Tacoma resident regarding the rental of the Norpoint Community Center. He requested that an inquiry be made of the Park District regarding the rates charged for the use of the

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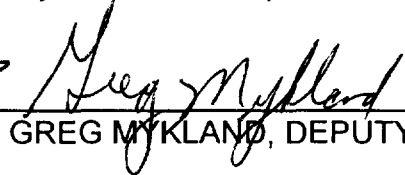
center. He stated the rates seemed high to him and requested an inquiry be made regarding this.

Council Member Miller stated that he knew there were problems with the notice provision on various proposals. He requested that staff investigate the possibility of giving the Hearing Examiner and Land Use Administrator the ability to extend that notice area when the impacts of the particular development may extend beyond the 400 foot area.

Council Member Miller moved to excuse Council Member Silas, Mayor Vialle and also Council Member Nielsen from the remainder of tonight's meeting. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

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On proper motion, the meeting was adjourned at 9:15 p.m.

  
GREG MYKLAND, DEPUTY MAYOR

ATTEST:   
GENELLE BIRK, CITY CLERK

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