

C I T Y C O U N C I L M I N U T E S

City Council Chambers
September 11, 1990

The meeting was called to order at 5:03 p.m.

Present on roll call: 7 - Evans, McElliott, Miller, Moss, Mykland, Nielsen, and Deputy Mayor Stenger. Absent: 2 - Warnick and Mayor Vialle. Council Member Warnick arrived at 5:04 p.m.

The Flag Salute was led by Council Member Evans.

Council Member Warnick arrived at 5:04 p.m.

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

Approval of the minutes of the meeting of August 28, 1990.

APPEALS:

South Tacoma Nissan/Suzuki, Inc., appealing the decision of the Hearing Examiner regarding the request for a special exception to allow a second freestanding sign on the property located at the northeast corner of South 76th Street extended and South Tacoma Way (7601 South Tacoma Way). (South Tacoma Nissan/Suzuki; File No. 131.152)

Setting Tuesday, October 23, 1990, at approximately 5:30 p.m. as the date for a hearing before the City Council.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearing Examiner Agenda for Tuesday, September 11, 1990.
- b. Minutes of the meeting of the Public Utility Board, August 8, 1990.
- c. Minutes of the meeting of the Tacoma Planning Commission, August 6, 1990.
- d. Minutes of the meeting of the Urban Waterfront Committee, August 8, 1990.
- e. Minutes of the meeting of the Civil Service Board, August 6, 1990.
- f. Minutes of the meeting of the Appointments Committee, August 27, 1990.
- g. Minutes of the meeting of the Urban Policy Committee, June 13, 1990.
- h. Report of the Director of Finance, July 1990.
- i. World Trade Exposition Center Report, World Trade Exposition Committee, 1990.

- j. Final Six Year Comprehensive Street Program, 1991-1996.
- k. Monthly Financial Reports of the Belt Line Division, Light Division, Water Division, Data Processing Division, Fleet Services Fund and Self-Insurance Claim Fund, July 1990.

Council Member Nielsen moved that the Consent Agenda 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

ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS:

Resolution No. 31030

Appointing members to various committees, boards and commissions.

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

COMMUNICATIONS:

- a. Hearing Examiner submitting Shoreline Management Substantial Development/Conditional Use Permit No. 141.471 to allow the retention of a second-story addition and a one-story patio cover addition to an existing over-water single-family dwelling located at #46 Salmon Beach. (Marilyn T. Mahoney and Roger C. Edwards; File No. 141.471)

Council Member Warnick moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner. Seconded by Council Member Moss. Roll call vote was taken, resulting as follows: Ayes: 7 - Evans, McElliott, Miller, Moss, Nielsen, Warnick, and Deputy Mayor Stenger. Nays: 1 - Mykland. Absent 1 - Mayor Vialle. The motion was declared adopted.

- b. Hearing Examiner submitting Shoreline Management Substantial Development Permit No. 141.452 to allow the development of a 12,265 square foot over-water pier addition together with 170 lineal feet of vertical bulkhead, the repair of an existing bulkhead, the development of an upland lumber storage yard and the restoration of shoreline for fisheries habitat and vegetation enhancement for the property located at 1720 Marine View Drive. (Manke Lumber Company/AHR Engineers; File No. 141.452)

Council Member Nielsen 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, Moss, Mykland, Nielsen, Warnick, and Deputy Mayor Stenger. Nays: 0. Absent: 1 - Mayor Vialle. The motion was declared adopted.

- c. Hearing Examiner submitting Shoreline Management Substantial Development/Conditional Use Permit No. 141.482 to allow the retention of an expanded second-story addition constructed onto the existing over-water single-family dwelling, the repair and replacement of an existing over-water deck and the repositioning of the existing structure for the property located at #9 Salmon Beach. (Robert Terpstra; File No. 141.482)

Council Member Warnick moved to amend the Findings, Conclusions, and Recommendations of the Hearing Examiner. Seconded by Council Member Moss.

Council Member Moss moved to amend the Findings, Conclusions, and Recommendations of the Hearing Examiner to include not only on this property, but also on all properties dealing with Salmon Beach that a hold harmless agreement as was previously negotiated on the sewer agreement be included as a condition. Seconded by Council Member Nielsen.

Council Member Miller asked if this motion also included Communication Item a on tonight's agenda. Council Member Moss indicated that it would include Communication Item a.

Voice vote was taken and carried with Council Member Warnick and Deputy Mayor Stenger voting nay. The motion was declared adopted.

Roll call vote was taken, resulting as follows:

Ayes: 6 - Evans, Miller, Moss, Nielsen, Warnick, and Deputy Stenger.

Nays: 2 - McElliott and Mykland.

Absent: 1- Mayor Vialle.

The motion to concur was adopted.

FINAL READING OF ORDINANCES:

Ordinance No. 24592

Vacating a portion of the alley between South Tacoma Way and Puget Sound Avenue south of South 74th Street to combine the vacated alley right-of-way with the abutting properties in order to expand an existing automobile sales lot. (Robert L. Larson; File No. 120.902)

Council Member Nielsen moved to approve Ordinance No. 24592, as revised. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

Roll call vote was taken, resulting as follows:

Ayes: 6 - Evans, Miller, Moss, Nielsen, Warnick, and Deputy Mayor Stenger.

Nays: 2 - McElliott and Mykland.

Absent: 1 - Mayor Vialle.

The Ordinance, as revised, was declared passed.

Ordinance No. 24680

Vacating a portion of North 11th Street between Jackson and Cascade Avenues to square off the property previously vacated by Ordinance No. 24413 to utilize the area as additional yard space. (Arthur D. DeCaro; File No. 124.914)

Council Member Miller moved to approve Ordinance No. 24680, as corrected. 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 - Evans, McElliott, Miller, Moss, Mykland, Nielsen, Warnick, and Deputy Mayor Stenger.

Nays: 0.

Absent: 1 - Mayor Vialle.

The Ordinance was declared passed.

Ordinance No. 24709

Vacating a portion of the south three feet of North 17th Street abutting 1607 North Alder Street to clear the existing encroachment of a garage into a small portion of the right-of-way. (Allan E. Lawrence; File No. 124.916)

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Mayor Vialle.

The Ordinance was declared passed.

Ordinance No. 24713

Accepting grant awards in the amount of \$105,000.00 from Grantmakers Consultants, Inc.; depositing said sum in the Miscellaneous Trust Summary Fund; appropriating and transferring \$25,000.00 from the Miscellaneous Trust Summary Fund to the General Fund; and appropriating \$25,000.00 from the General Fund to pay the program expenses for an additional police officer for the D.A.R.E. program.

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Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Mayor Vialle.

The Ordinance was declared passed.

Ordinance No. 24714

Authorizing the City Attorney to acquire, through right of eminent domain, two parcels of land and the necessary access, construction and utility easements to construct remedial measures at the Tacoma Landfill.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Mayor Vialle.

The Ordinance was declared passed.

Ordinance No. 24715

Authorizing the expenditure of Motor Vehicle Gas Tax Receipts provided by the State Legislature; and appropriating \$451,000.00 from the Miscellaneous Special Revenue Fund for the completion of enhancement projects authorized in the Six Year Comprehensive Street Program.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Mayor Vialle.

The Ordinance was declared passed.

Council Member Moss moved that the Council consider public hearings and appeals. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

PUBLIC HEARINGS AND APPEALS: (Began at 5:33 p.m.)

- a. This is the date set for hearing the appeal of Annabelle F. Reed of the decision of the Hearing Examiner regarding the application for a Special Use Permit to allow the construction of a new nature center building at Snake Lake Nature Center. (Continued from the meeting of August 28, 1990.)

Council Member Mykland stated that he would be abstaining from this matter and absented himself from the Council Chambers.

Council Member Miller stated that on his visit to the site to review the revised staking, he was present on the site at the same time that friends of the appellant were there. He stated that he had no discussion with them. He noted that he had no contact with the individuals.

Council Member Nielsen moved to concur with the original Findings, Conclusions, and Recommendations of the Hearing Examiner and to deny the appeal. Seconded by Council Member Warnick.

Council Member Miller moved that the following additional conditions be placed on the special use permit requested by the Metropolitan Park District for the Snake Lake Nature Center. These conditions are meant to protect the wetlands and downstream drainage properties outside of the boundaries of the Park District ownership. Any contamination of the water source within the wetlands will have an adverse effect on neighboring properties.

1. All drainage from paved parking areas shall be directed through oil separation catch basins before being directed to the City's storm drainage system.
2. No portion of the proposed building shall be placed within fifty feet of the edge of the wetlands as identified by the State Department of Ecology. All waste plumbing within one hundred feet of the edge of the wetland shall be double sleeved or otherwise protected to prevent possible wetlands contamination in the event of a leak.
3. No portion of the proposed elevator pit shall be placed within one hundred feet of the edge of the wetlands as identified by the State Department of Ecology. Appropriate measures shall be taken to ensure complete sealing of the elevator pit so as to both prevent water infiltration and ensure containment of contaminants in the event of a leak or spill. Any proposed drain within the elevator pit shall be tightlined to the City sewer system.

Council Member Nielsen moved to amend Council Member Miller's amendment to add item number 4 from the verbatim transcript of the appeal from the Council Meeting of August 28, 1990, which reads: "The District agrees to redesign the parking so that all spaces are concentrated toward the Tyler Street entrance." Seconded by Council Member Moss.

Voice vote was taken and carried, with Council Member Evans voting nay. The motion was declared adopted.

Voice vote was taken and carried on Council Member Miller's amendment, as amended. The motion was declared adopted.

Roll call vote was taken on Council Member Nielsen's motion, as amended, resulting as follows:

Ayes: 5 - Miller, Moss, Nielsen, Warnick, and Deputy Mayor Stenger.

Nays: 2 - Evans, and McElliott.

Abstaining: 1 - Mykland.

Absent: 1 - Mayor Vialle.

The motion was declared adopted.

The appeal was denied.

- b. This is the date set for hearing the appeal of G. E. Vaughn, representing the Arlington Residential Coalition regarding the request for reclassification and modification of an existing reclassification to allow the development of a shopping center at the northwest corner of South 74th Street and Tacoma Mall Boulevard. (Lyon Commercial Real Estate, Inc.; File Nos. 120.1159A and 120.1291) (Began at 5:58 p.m.)

Deputy Mayor Stenger called on Mr. Lynn, attorney representing Lyon Commercial Real Estate, and Mr. Vaughn, representing the Arlington Residential Coalition.

Mr. Tom Neitzel stated he would be representing the Arlington Coalition at tonight's appeal.

Deputy Mayor Stenger requested of the City Attorney whether it would be permissible to have Mr. Neitzel represent the Arlington Residential Coalition instead of Mr. Vaughn.

John Kouklis, Chief Assistant City Attorney, stated that it would be permissible.

Mr. Neitzel distributed a statement to the Council regarding tonight's appeal.

Deputy Mayor Stenger requested if the Hearing Examiner and the appellant had seen this document.

Both the Hearing Examiner and Mr. Lynn stated they had not seen this.

Deputy Mayor Stenger asked the Hearing Examiner and Mr. Lynn to review the document.

Mr. Lynn stated he did not object to Council having this before them.

Mr. Kerslake, Hearing Examiner, spoke regarding his Findings, Conclusions and Recommendations.

Deputy Mayor Stenger stated that he had received two letters on this issue. He stated he had received a letter at the end of June from Mr. Lyon suggesting the the Council reconsider this issue. He noted that he did not move to reconsider the issue, did not respond to the letter, and that it would not affect his decision on this appeal.

Deputy Mayor Stenger also stated he had received a letter from Mr. P.K. Wallerich of North Pacific Bank. He stated this would have no affect on his decision.

All Council Members had indicated they had received a letter and that it would not affect their decision tonight.

Council Member Nielsen stated that Mr. Neitzel was a former co-employee and a friend of his. He stated they had had no discussion regarding this matter and that it would not affect his decision tonight.

Council Member McElliott stated that when the Council held their Community Meeting in the south end area of Tacoma, some mention of those problems were made that night vehemently by the neighborhood. She stated she was bearing them in mind even though they are not all written into the record here.

Deputy Mayor Stenger reviewed the agenda process for the participants.

Discussion followed regarding Mr. Neitzel's request that Council be allowed to see the supplemental materials presented to the City Clerk's office.

Deputy Mayor Stenger requested if Mr. Lynn had had an opportunity to review the material.

After discussion, Deputy Mayor Stenger moved to recess for ten minutes to allow Mr. Lynn to review the material of Mr. Neitzel. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

Council recessed at 6:47 p.m. and reconvened at 6:57 p.m.

Mr. Bill Lynn stated that there was new information contained in this document. He stated that if pages 5 and 6 were removed, he would not object to it being submitted to the Council.

Pages 5 and 6 were removed and the material submitted to the Council.

Mr. Neitzel spoke to the Council regarding the reasons for his appeal.

Mr. Bill Lynn spoke in support of the Hearing Examiner's decision.

Council Member Miller noted that there was correspondence from North Pacific Financial Services. He stated he was not sure of the relationship it had with North Pacific Bank. He stated he does business with North Pacific Bank but that would not affect his decision tonight.

Mr. Neitzel spoke in rebuttal of Mr. Lynn's comments.

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

The appeal was denied.

FIRST READING OF ORDINANCES:

Ordinance No. 24716

Amending Chapter 13.06 of the Official Code to reclassify the property located at the southeast corner of South 78th and Trafton Streets from a "R-2" One-Family Dwelling District to a "M-1" Light Industrial District to allow the development of a 20,000 square foot storage warehouse. (Sheehan and Associates; File No. 120.1309)

Council Member Moss moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner. Seconded by Council Member Warnick. 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. 24717

Accepting donations from Pacific First Federal Savings Bank, Seafirst Bank, U.S. Bancorp, National Distributing Company, Pierce County Medical and Puget Sound Bank; and depositing in and appropriating \$3,150.00 from the Miscellaneous Grants Summary Fund for expenses associated with Senior Citizens Awareness Day.

The Ordinance was set over for final reading next week.

Ordinance No. 24718

Amending Title 11 of the Official Code relating to traffic laws to bring the City Code in compliance with State law.

The Ordinance was set over for final reading next week.

Ordinance No. 24719

Amending Chapter 5.36.040 of the Official Code relating to "Quarantine - Duties of Owner," to change the reference from "vicious" dog to "potentially dangerous" dog.

The Ordinance was set over for final reading next week.

Ordinance No. 24720

Amending Chapter 1.06 of the Official Code to implement organizational changes in the Administrative Code in accordance with the 1990 Reorganization Plan.

Council Member Mykland moved to continue Ordinance No. 24720 to the meeting of September 18, 1990. Seconded by Council Member Miller. Voice vote was taken and carried. The motion was declared adopted.

The Ordinance No. 24720 will be considered at the regular City Council meeting of September 18, 1990.

Ordinance No. 24721

Authorizing the issuance of revenue anticipation notes in the amount of \$5,000,000.00 to provide interim financing for capital projects and working capital for the Refuse Utility.

The Ordinance was set over for final reading next week.

RESOLUTIONS:

Purchase Resolution No. 31041

Awarding contracts to:

1. Gootee Chevrolet Buick, in the amount of \$3,439.38 to increase their contract for one 1990 Chevrolet one ton step van - Washington State Contract No. 175C-89;
2. The Van Factory, in the amount of \$5,242.71 to increase their contract for police special operations vehicle modification - Single Source;
3. Western Peterbilt, in the amount of \$53,199.52 to increase their contract for one recycling collection truck - Specification No. G-048-90;
4. Lotepro Corporation, in the amount of \$61,446.00 for the North End Wastewater Treatment Plant bio-chemical oxygen demand removal alternative polyurethane foam media (bio-cubes) - Emergency Purchase Order No. E-39383;
5. Boddie's Building Construction, in the amount of \$75,622.77 to increase their contract for City Waterway boardwalk and riprap - Specification No. G-249-90;

6. General Welding Supply Company, in the amount of \$20,758.54 to extend their contract for specialty gases - Specification No. G-064-89;
7. Lincoln Construction, in the amount of \$7,430.83 to increase their contract for Tacoma Dome women's restroom expansion - Specification No. G-269-90;
8. Ben-Ko-Matic Brush & Equipment Company, in the amount of \$13,000.00 to increase their contract for mechanical sweeper brooms - Washington State Contract No. 158-89;
9. Cues, Inc., on their bid of \$102,861.68 for one 14,000 GVW step van with sewer TV camera inspection system - Specification No. G-052-90; and
10. Rejecting all bids received for personal computer hardware/software - Specification No. G-061-90.

Council Member Mykland moved that the Purchase Resolution be adopted. Seconded by Council Member Moss.

Council Member Nielsen moved to waive the formal bidding procedures on Purchase Item No. 4. Seconded by Council Member Mykland. Voice vote was taken and carried. The motion was declared adopted.

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

Resolution No. 31042

Approving the request of North Shore Golf Associates for an open space current use classification to add a 1.4 acre parcel located west of Fairwood Boulevard, approximately 400 feet south of 51st Street N.E. (North Shore Golf Associates; File No. 128.9B)

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. 31043

Authorizing the execution of an agreement in the amount of \$14,197.00 with the Metropolitan Park District to implement the Tacoma Vegetable Garden Project for the period from April 16, 1990 to December 31, 1990.

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. 31044

Modifying the competitive bidding process and establishing standards and criteria for the re-use of the copper roofing salvaged from the Union Station dome.

Council Member Mykland moved to suspend the rules to consider Substitute Resolution No. 31044. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

Council Member Evans moved that the Substitute Resolution be adopted. Seconded by Council Member Miller.

Council Member Mykland read the additional paragraph in the Substitute Resolution into the record as follows:

The Finance Department shall be directed to establish separate revenue and expenditure accounts within the Union Station Renovation Fund No. 3250 to account for these monies. Monies received from the sale of the copper is intended to be used for Union Station site public amenities or the prospective Century Park.

Speaking to the Council was:

Murray Morgan

Honorary Chair, Save Our Station
(S.O.S.)

Voice vote was taken and carried. The Resolution was declared adopted.

Resolution No. 31045

Authorizing the execution of Amendment No. 7 to the agreement with Parametrix, Inc., in the amount of \$85,420.00 to complete the Sediment Monitoring Program for the Central Treatment Plant Marine Outfall Project.

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. 31046

Authorizing the execution of Tacoma Dome License Agreement No. 975 for use of the Tacoma Dome on September 21-23, 1990, by the Ringling Bros./Barnum & Bailey Circus.

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

Resolution No. 31047

Authorizing the execution of an agreement with Foster Pepper & Shefelman in the amount of \$50,000.00 for specialized legal services in connection with a declaratory judgment action on the construction contract award for the Union Station-Federal District Courts 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.

UNFINISHED BUSINESS:

Council Member Mykland moved to reconsider Ordinance No. 24712 which had first reading on August 28, 1990. Seconded by Council Member Warnick. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 24712

Amending Chapter 13.06 of the Official Code to reclassify 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, including off-street parking and a truck loading area. (Gray Lumber Company; File No. 120.1275)

Council Member Mykland moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner. Seconded by Council Member Moss. Voice vote was taken and carried, with Deputy Mayor Stenger voting nay. The motion was declared adopted.

Final reading of the Ordinance was set over to a date to be determined.

REPORTS BY CITY MANAGER:

Ray E. Corpuz, Jr., City Manager, stated that he would be sending the Council a revised budget process which would include a recommendation for Council budget workshops on October 4 and October 25. He stated these would be evening meetings. It also included a recommendation to adopt the budget ordinance by the end of November.

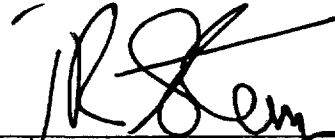
COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Deputy Mayor Stenger reminded the Council and the public that next week's meeting would be at the Tacoma Dome Exhibition Hall beginning at 5:00 p.m. After the Council Meeting, at approximately 6:00 p.m., would be the presentation of the Summer Library Reading Awards.

Council Member Warnick spoke regarding a recent article in The Morning News Tribune about the Tacoma Express football team.

Deputy Mayor Stenger requested that the Council have a study session before the end of the year on the recent report from the Tax Policy Task Force.

On proper motion, the meeting was adjourned at 7:45 p.m.



THOMAS R. STENGER, DEPUTY MAYOR

ATTEST:



GENELLE BIRK, CITY CLERK

WPC.21758.