

## CITY COUNCIL MINUTES

City Council Chambers  
April 6, 1993

The meeting was called to order at 5:12 p.m.

Present on roll call: 8 - Baarsma, Evans, McElliott, Miller, Mykland, Nielsen, Silas, and Mayor Vialle. Absent: 1 - Moss.

The Flag Salute was led by Council Member McElliott.

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Approval of the minutes of the Tacoma City Council meeting of March 30, 1993.

### RESOLUTIONS:

#### Resolution No. 32147

Setting Monday, April 26, 1993, at 5:00 p.m. as the date for a hearing by the Hearings Examiner relative to L.I.D. No. 8574 for asphalt paving on the alley between North 26th and North 27th Streets from Starr Street east 470 feet.

### ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner Agenda for Tuesday, April 6, 1993.
- b. Minutes of the meeting of the Landmarks Preservation Commission, March 24, 1993.
- c. Minutes of the meeting of the Municipal Authority Economic Development, March 11, 1993.
- d. Minutes of the Public Utility Board study session and meeting of March 10, 1993.
- e. Minutes of the meeting of the Tacoma Transportation Committee, March 11, 1993.
- f. Monthly Financial Reports of Belt Line Division, Data Processing Fund, Fleet Services Fund, Geographical Information System Fund, Light Division, Self-Insurance Claim Fund and Water Division, January 1993.
- g. Draft Capital Facilities Plan and Capital Facilities Program, March 22, 1993.
- h. Draft Utilities Plan, March 22, 1993

Council Member Nielsen moved that the Consent Agenda, including Resolution No. 32147, be approved. Seconded by Council Member Evans. Voice vote was taken and carried. The Consent Agenda was declared approved.

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Mayor Vialle proclaimed the week of April 5-11, 1993, to be "National Community Development Week" and presented the proclamation to Mr. Mark Foge.

Mayor Vialle proclaimed the week of April 12-16, 1993, to be "Tacoma Building Safety Week," and presented the proclamation to Mr. James Walton.

### REGULAR AGENDA

#### ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS:

Resolution No. 32148

Appointing citizens to various committees, boards and commissions.

Mayor Vialle 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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#### FINAL READING OF ORDINANCES:

Ordinance No. 25289

Amending Section 1.24.920 of the Official Code regarding seniority in a classification for City employees.

Roll call vote was taken, resulting as follows:

Ayes: 8 -- Baarsma, Evans, McElliott, Miller, Mykland, Nielsen, Silas, and Mayor Vialle.

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Nays: 0.

Absent: 1 -- Moss.

The Ordinance was declared passed.

Council Member Moss arrived at 5:27 p.m.

Ordinance No. 25290

Amending Section 1.34.120 of the Official Code to increase the Public Works, Sewer Utility petty cash working fund from \$200 to \$1,000.

Roll call vote was taken, resulting as follows:

Ayes: 9 -- Baarsma, Evans, McElliott, Miller, Moss, Mykland, Nielsen, Silas, and Mayor Vialle.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 25291

Authorizing the issuance of \$15,000,000 in Refuse Utility Bond Anticipation Notes for additions and improvements to the Refuse Utility System.

Mayor Vialle moved to suspend the rules to consider Substitute Ordinance No. 25291. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

Roll call vote was taken, resulting as follows:

Ayes: 7 -- Baarsma, Evans, Moss, Mykland, Nielsen, Silas, and Mayor Vialle.

Nays: 0.

Abstained: 2 -- McElliott and Miller.

The Substitute Ordinance was declared passed.

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**RESOLUTIONS:**

**Purchase Resolution No. 32149**

**Awarding a contract to:**

**Plastic Supply, Inc., in the amount of \$27,500 for a Dasher System - Hockey Glass at the Tacoma Dome - Emergency Purchase Order No. E-44902.**

**Council Member Nielsen moved that the Purchase Resolution, including waiving formal bidding procedures, be adopted. Seconded by Mayor Vialle.**

**Voice vote was taken and carried on the Purchase Resolution, including waiving formal bidding procedures. The Purchase Resolution was declared adopted.**

**Resolution No. 32150**

**Authorizing the execution of Amendment No. 78 to the Neighborhood Preservation Program Agreement with the Municipal Authority to modify the terms of the loans made in distressed neighborhoods that are in excess of market value.**

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

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

**This is the date for hearing the appeal of Geoffrey C. Cross and Neil J. Hoff relative to the decision of the Hearings Examiner for a Special Use Permit for a 20-bed Group Care Home Class II juvenile rehabilitation facility in a "C-3" Commercial District located at the northeast corner of South Fourth and St. Helens Avenue. (Second Chance; File No. 121.1239)**

**Council Members indicated they had received a packet of materials on this appeal, separate from their Council notebooks, but did not open their packets at the advice of the City Attorney. Council Members indicated they would be making their decision based solely on the record.**

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Mr. Gordon Crandall, Hearings Examiner Pro Tem, spoke regarding his decision relative to the Special Use Permit.

Mr. Geoffrey Cross and Mr. Neil Hoff, Appellants, presented reasons for the appeal.

Mr. John Beckwith and Mr. Ken Maas, representing Second Chance, spoke in support of the Hearings Examiner's decision.

At 7:50 p.m. Council recessed for five minutes and reconvened at 7:55 p.m.

Council Member Miller moved to remand this issue back to the Hearings Examined based on:

1. Further definition of the make-up, size and selection of the advisory committee to include neighborhood representatives and representatives from the rehabilitation community;
2. Further definition of the scope of the rules of operation of this facility to include the hours of ingress and egress, the criteria for selection of individuals who would be allowed within this facility, and the type of activities allowed for those residents;
3. Further definition of the force given to the recommendations of the advisory committee so that there can be assurances that those recommendations will be implemented; and
4. The placement of a one-year review of this Council to assess the impacts this facility has had on this neighborhood and the ability to place additional conditions as indicated by impacts.

Seconded by Council Member Silas. Voice vote was taken the motion failed.

Council Member Moss moved to overrule the Findings, Conclusions and Recommendations of the Hearings Examiner and uphold the appeal based on substantial errors on page 5 of the February 5, 1993 report, as follows:

"2. (3) The use will be located, planned, and developed in a manner not inconsistent with the health, safety, convenience, or general welfare of person residing or working in the community."

"4. The Examiner concludes that the levels of concentration of such agencies is not so great that a 20-bed controlled facility, such as Second Chance, would overburden the area. The uncontroverted evidence is that similar facilities in Bremerton, Seattle, Fife and Spokane co-exist peacefully with other residential and institutional neighbors."

"5. The Second Chance facility has been located, planned and will be developed in a manner which is not inconsistent with the health, safety, convenience or general welfare of person residing or working in the community."

Seconded by Council Member Evans.

*Amended 4/13/1993:*

*"Council Member Evans stated that he upholds Council Member Moss' statements and that the proposal does affect the health, safety and welfare of the community; that the compatibility and detrimental affect of the surrounding area has not been sufficiently bought off and that the impacts of property values are substantial.*

*Council Member Baarsma referred to the following statement on page 5 of the Hearings Examiner report, 'The uncontroverted evidence is that similar facilities in Bremerton, Seattle, Fife and Spokane co-exist peacefully with other residential and institutional neighbors.' He indicated that it was stated in the record that the Hearings Examiner did not take into account the unique aspects of this particular area, specifically, the high number of senior citizens. The Hearings Examiner admitted that the other facilities to his knowledge were not placed near to or adjacent to senior citizens."*

Roll call vote was taken, resulting as follows:

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

Nays: 3 -- Mykland, Nielsen and Silas.

The motion was declared adopted.

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UNFINISHED BUSINESS:

None.

REPORTS BY CITY MANAGER:

Mr. Ray E. Corpuz, Jr., City Manager, requested an Executive Session, not to exceed 15 minutes, to discuss pending and potential litigation.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Mayor Vialle announced that Volunteers Recognition Day will be held at the Tacoma Sports Center on Saturday, April 10, 1993 at 1:00 p.m.

Deputy Mayor Mykland requested staff to look into securing the Bacon Bowl event in Tacoma.

Council Member Baarsma indicated that he and the Council received a letter from the Metropolitan Park District requesting the opportunity to meet with Council on April 27 for the purpose of discussing the environmental assessment on the Dickman Mill site. Council Member Baarsma suggested that the Council accept the invitation. Mayor Vialle suggested to invite the Park District to a Council Study Session. Council Member Baarsma requested that the Council provide citizens an opportunity to comment and present their concerns. Mayor Vialle indicated that when the Park District comes before the Council with a specific proposal, it would be appropriate, at that time, to consider a public hearing.

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


Council recessed to Executive Session at 8:40 p.m. and reconvened at 8:58 p.m.

Council Member Nielsen announced Executive Session would be extended an additional 5 minutes. Council reconvened at 9:03 p.m.

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On proper motion, the meeting was adjourned at 9:05 p.m.

ATTEST:   
GENELLE BIRK, CITY CLERK

  
KAREN L. R. VIALLE, MAYOR

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