

CITY COUNCIL MINUTES

City Council Chambers
October 8, 1991

The meeting was called to order by Mayor Vialle at 5:10 p.m.

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

The Flag Salute was led by Deputy Mayor Mykland.

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

Approval of the minutes of the meeting of the Tacoma City Council, October 1, 1991; the study session of September 24, 1991 and October 1, 1991; and the budget workshop of September 25, 1991.

PETITIONS:

Laurence G. Ortengren, requesting the reclassification of the property located north and south of 45th Street N.E., bounded by High Point Drive on the east and Brown's Point Boulevard on the west from a "R-3-PRD" Planned Residential District to a "R-2" Single-Family Dwelling District. (Laurence G. Ortengren; File No. 120.1342)

For referral to the Hearings Examiner.

RESOLUTIONS:

Resolution No. 31488

Setting Tuesday, November 12, 1991, at 9:30 a.m. as the date for a hearing by the Hearings Examiner on the request to vacate a 20-foot alley right-of-way near 65th Avenue Northeast and 23rd Street Northeast. (City of Tacoma, Public Works Department; File No. 124.943)

Resolution No. 31489

Setting Tuesday, November 12, 1991, at 10:30 a.m. as the date for a hearing by the Hearings Examiner on the request to vacate a portion of North Ferdinand Street north of North 16th Street. (Joseph M. Glaser; File No. 124.944)

Resolution No. 31490

Setting Monday, October 28, 1991, at 5:00 p.m. as the date for a hearing by the Hearings Examiner for L.I.D. No. 6969 for the installation of modern sodium vapor street lights on 14-foot poles along Fernside Drive from Hegra Road to South 12th Street.

Resolution No. 31491

Setting Monday, October 28, 1991, at 5:00 p.m. as the date for a hearing by the Hearings Examiner for L.I.D. No. 6968 for the installation of modern sodium vapor street lights on 14-foot poles along Aurora Avenue from Hegra Road to South 12th Street and Karl Johan Avenue from 6th Avenue to South 12th Street.

Resolution No. 31492

Setting Tuesday, November 19, 1991, at approximately 5:30 p.m. as the date for a public hearing by the City Council relative to restricting the parking of commercial vehicles in residential areas.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner Agenda for Tuesday, October 8, 1991.
- b. Minutes of the meeting of the Urban Waterfront Committee, August 15, 1991.
- c. Minutes of the meeting of the Landmarks Preservation Commission, September 11, 1991.
- d. Minutes of the meeting of the Public Utility Board, September 11, 1991.
- e. Minutes of the meeting of the Public Utility Board Retreat, September 13-14, 1991.
- f. Minutes of the meeting of the Council Redistricting Committee, September 19, 1991.
- g. Minutes of the meeting of the Municipal Authority, September 19, 1991.
- h. Minutes of the meeting of the Municipal Authority, Economic Development, September 5, 1991.
- i. Monthly Financial Reports of the Belt Line Division, Light Division, Water Division, Data Processing Division, Fleet Services Fund and Self-Insurance Claim Fund, August, 1991.

Council Member Nielsen moved that the Consent Agenda, including Resolution Nos. 31488, 31489, 31490, 31491, and 31492, be approved. Seconded by Council Member Miller. Voice vote was taken and carried. The Consent Agenda was declared approved.

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

ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS:

Tacoma Police Community Awards.

Mayor Vialle proclaimed the week of October 6-12, 1991, to be Fire Prevention Week, and presented the proclamation to Fire Chief Stan Thaut and Sparkey the fire dog.

Mayor Vialle, Police Chief Ray Fjetland and Captain Mark Langford presented Police awards to the following citizens who had made contributions to the community through their help to the Tacoma Police Department:

- Gene Cantrell
- Robert Beard
- Michael Luther
- Robert Joy
- Lymaris Ramos
- Gregory Lynch
- Marc Jacobson
- Keith Walton
- Lane Ficke
- Michael Fitzgerald

Mayor Vialle moved to suspend the rules to consider Resolution No. 31494. Seconded by Council Member Moss. Voice vote was taken and carried. The motion was declared passed.

Resolution No. 31494

Authorizing the execution of an agreement with the Tacoma Athletic Commission for the construction and operation of a Tacoma-Pierce County Sports Museum at the Tacoma Dome.

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

Speaking to the Council was Clay Huntington of the Tacoma Athletic Commission.

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

COMMUNICATIONS:

Hearings Examiner submitting Shoreline Management Substantial Development Permit No. 141.512 to allow the construction of a 360 square foot office building on the northwesterly corner of East D and 3rd Streets extended (250 East D Street.) (Superior Oil Company; File No. 141.512)

Mayor Vialle moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Deputy Mayor Mykland. Roll call vote was taken, resulting as follows: Ayes: 8 - McElliott, Miller, Moss, Mykland, Nielsen, Silas, Warnick, and Mayor Vialle. Nays: 0. Absent: 1 - Evans. The motion was declared adopted.

FINAL READING OF ORDINANCES:

Ordinance No. 24980

Vacating a portion of South 11th Street lying easterly of SR-16 to combine the vacated right-of-way with the abutting property on the north to construct a residence. (Tom Sinkula; File No. 124.940)

Roll call vote was taken, resulting as follows:

Ayes: 8 - McElliott, Miller, Moss, Mykland, Nielsen, Silas, Warnick, and Mayor Vialle.

Nays: 0.

Absent: 1 - Evans.

The Ordinance was declared passed.

Ordinance No. 24990

Establishing a "B-SRD" Business Special Review District in the 6th Avenue corridor between Trafton and Alder Streets. (City of Tacoma, Planning and Development Services; File No. 120.1335)

Council Member Miller stated he had heard from people within the 6th Avenue Business District stating that they were not properly notified. Council Member Miller moved that Ordinance No. 24990 be set over for two weeks to check on the notification process and determine whether or not people within the district did get proper notification. Seconded by Council Member Silas.

Deputy Mayor Mykland suggested it be amended that it be set over for a length of time that would allow proper notification of all business and property owners along that corridor.

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Council Member Moss stated that his concern was the same as Deputy Mayor Mykland's and Mayor Vialle said she would ask Mr. Corpuz to have Mr. Bacho follow up on this request.

Mayor Vialle said that the motion was to set this over to a date to be determined so that it could be determined if proper notification was given to the 6th Avenue Business District.

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. 24992

Amending Chapter 10.22 of the Official Code to allow the waiving of bond requirements for sidewalk replacement on City right-of-way.

Roll call vote was taken, resulting as follows:

Ayes: 8 - McElliott, Miller, Moss, Mykland, Nielsen, Silas, Warnick, and Mayor Vialle.

Nays: 0.

Absent: 1 - Evans.

The Ordinance was declared passed.

Ordinance No. 24993

Annexing approximately 60 acres of property located at the head of the Hylebos Waterway east of Marine View Drive lying contiguous to the City of Tacoma. (Camille Fjetland and John J. Hauff)

Roll call vote was taken, resulting as follows:

Ayes: 8 - McElliott, Miller, Moss, Mykland, Nielsen, Silas, Warnick, and Mayor Vialle.

Nays: 0.

Absent: 1 - Evans.

The Ordinance was declared passed.

Ordinance No. 24994

Approving and confirming the assessment roll for L.I.D. No. 8520 for the placement of permanent pavement, storm water catch basins and drainage in various locations on the eastside of Tacoma.

Roll call vote was taken, resulting as follows:

Ayes: 8 - McElliott, Miller, Moss, Mykland, Nielsen, Silas, Warnick, and Mayor Vialle.

Nays: 0.

Absent: 1 - Evans.

The Ordinance was declared passed.

PUBLIC HEARINGS AND APPEALS: (Began at 5:35 p.m.)

This is the date set for hearing the appeal of Harry Edward Donovan on the decision of the Hearings Examiner relative to the request for a Shoreline Management Substantial Development/Conditional Use Permit/Variance to allow the completion of a three-story addition to an existing overwater, single-family dwelling located at #76 Salmon Beach and to allow the dwelling to exceed the 35-foot height limit for buildings constructed in the "S-3" Western Slope North Shoreline District.

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

Mr. William Chapman, Hearings Examiner, reviewed the facts of the appeal for the Council.

After discussion, Council Member Moss moved to remand this to the Hearing Examiner. Seconded by Council Member Warnick. Roll call vote was taken, resulting as follows: Ayes: 8 - McElliott, Miller, Moss, Mykland, Nielsen, Silas, Warnick and Mayor Vialle. Nays: 0. Absent: 1 - Evans. The motion was declared passed.

Council Member Nielsen said that he will assume that the Hearing Examiner will assume that all City ordinances in effect during the 1970 and 1979 period will be considered and that tradition will not be considered in swaying the Examiner's mind in terms of the need for a building permit and that the remand, of course, is without any prejudice.

Mayor Vialle seconded Mr. Nielsen's comments as to the applicability of the ordinances in a fair and equitable manner.

The appeal was remanded to the Hearing Examiner for another hearing.

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FIRST READING OF ORDINANCES:

Ordinance No. 24495

Accepting revenues derived from Senior Citizens Awareness Day and Senior Center asbestos reimbursement in the amount of \$7,813.50; and depositing in and appropriating said sum from the General Fund for Senior Citizens programs.

The Ordinance was set over for final reading next week.

Ordinance No. 24996

Accepting donations in the amount of \$1,944 from Puget Sound National Bank, Pierce County Medical Bureau, National Distributing Company, Seafirst Bank, Puget Sound Hospital and Pacific First Federal Savings Bank; and depositing in and appropriating said sum from the Miscellaneous Grants Summary Fund for Senior Citizens Awareness Day.

The Ordinance was set over for final reading next week.

Ordinance No. 24997

Authorizing the execution of Amendment No. 61 to the Neighborhood Preservation Program agreement with the Municipal Authority in the amount of \$2,500,000; appropriating said sum from the UDAG Trust Fund for implementation of the Affordable Housing Fund Program; and declaring an emergency making necessary the passage of this ordinance.

The Ordinance was set over for final reading next week.

Ordinance No. 24998

Approving the 1991 Councilmanic redistricting boundaries as recommended by the Council Redistricting Committee.

The Ordinance was set over for final reading next week.

RESOLUTIONS:

Purchase Resolution No. 31493

Awarding a contract to:

Northwest Welding, Inc., in the amount of \$3,500 to repair a portable seating section at the Tacoma Dome - Increase Emergency P.O. No. E-40634.

Deputy Mayor Mykland moved that the Purchase Resolution, including waiving formal bidding procedures, be adopted. Seconded by Council Member Miller.

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

Resolution No. 31495

Authorizing the execution of a Consent Order with the State of Washington Department of Ecology relative to the stormwater planning and management activities for the Sitcum Waterway drainage basin tributary to the City outfalls.

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

Resolution No. 31496

Authorizing the execution of an Interlocal Agreement with the Metropolitan Park District in the amount of \$70,000 for the construction of a sidewalk on Sixth Avenue from Jackson Avenue to Titlow Park.

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.

UNFINISHED BUSINESS:

Mayor Vialle made the following motion, based upon the Executive Session of last week, "I move that the proper officers of the City of Tacoma be authorized to settle ROBINSON CONSTRUCTION, INC. V. CITY OF TACOMA, Pierce County Cause No. 90-2000487-0, in an amount not to exceed \$550,000, and further that said officers be authorized to pursue contribution from any other responsible parties." Seconded by Council Member Miller. Voice vote was taken and carried with Deputy Mayor Mykland abstaining as he was not at Executive Session last week. The motion was adopted.

REPORTS BY CITY MANAGER:

Ray E. Corpuz, Jr., City Manager, stated that the telephone problem today was caused by six computer chips that were effected by the vibration of the building. Those were replaced and the problem is fixed.

Mr. Corpuz reminded the Council that this is Women's Awareness Week, the 17th Annual one the City of Tacoma has put on. Barbara Hedges who is the Athletic Director for the University of Washington is giving a keynote speech tomorrow at the Rialto at 4:00 p.m.

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Mr. Corpuz requested an Executive Session to consider pending litigation, the session not to last longer than 20 minutes.

Mayor Vialle said today's phone outage gave an indication of what would happen if we have a major emergency in this building and the City. She would like documentation about what procedures we need and follow up recommendations from the Management Forum on what to do in an emergency.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:


Mayor Vialle reminded the Council and the public that "Cityline" will be on the municipal channel tomorrow night at 6:30 p.m. and that Bill Ogden will interview Ms. Lee Busch, our Volunteer Coordinator.

Mayor Vialle moved to excuse Council Member Evans from tonight's meeting. Seconded by Council Member Miller. Voice vote was taken and carried. The motion was declared passed.

Council Member Nielsen moved to recess to Executive Session to discuss pending litigation, the session not to exceed 20 minutes. Seconded by Council Member Miller. Voice vote was taken and carried. The motion was declared adopted.

Council recessed to Executive Session at 6:35 p.m. and reconvened at 6:41 p.m.

On proper motion, the meeting was adjourned at 6:42 p.m.

ATTEST: 
GENELLE BIRK, CITY CLERK


KAREN L. R. VIALLE, MAYOR

OS. 5587G.