

CITY COUNCIL MINUTES

City Council Chambers
March 8, 1988

The meeting was called to order at 5:07 p.m.

Present on roll call: 7 - Moss, Mykland, Nielsen, Stenger, Vialle, Harnick, and Mayor Sutherland. Absent: 2 - Hyde and McElliott.

The Flag Salute was led by Mayor Sutherland.

CONSENT AGENDA

Approval of the minutes of the regular meeting of March 1, 1988.

PETITIONS:

Michael N. Rabstoff, MIRA Investments requesting the reclassification of the property located on South 19th, east of Prospect Avenue from a "R-2" to a "R-2T" to develop an 11,400 square foot medical building.

For referral to the Hearings Examiner.

RESOLUTIONS:

Resolution No. 29934

Setting Monday, March 28, 1988 at 5:00 p.m. as the date for a hearing by the Hearings Examiner on L.I.D. No. 2605 for the placement of a 2-inch asphalt surface with storm drainage on Bismark Street from East "B" Street to East "D" Street.

Resolution No. 29935

Setting Monday, March 28, 1988 at 5:00 p.m. as the date for a hearing by the Hearings Examiner on L.I.D. No. 8486 for placement of permanent pavement on:

1. East "G" Street from East 26th to East 27th Street;
2. East 36th Street from East "T" Street to Roosevelt Avenue;
3. Junett Street from South 48th Street north 225 feet; and
4. The alley between South "D" Street and Fawcett Avenue from Division Lane to South 36th Street.

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APPEALS:

- a. L. Rutherford d/b/a Contractor's Labor Pool (File No. T-58733) appealing Audit Assessment Notice AD 5610 by the Department of Tax and License.

Setting Thursday, May 12, 1988 at 9:00 a.m. as the date for hearing by the Hearings Examiner.

- b. David Smiley appealing the revocation of the Dance Hall and Restaurant Licenses for the Galaxy Restaurant located at 1916 Jefferson Avenue South by the Tax and License Department. (Galaxy Restaurant; File No. T-47869-B)

Setting Thursday, May 5, 1988 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, March 8, 1988.
- b. Minutes of the meeting of The Municipal Authority, February 18, 1988.
- c. Minutes of the meeting of the Public Utility Board, February 10, 1988.
- d. Minutes of the meeting of the Board of Administration of the Tacoma Employees' Retirement System, January 28, 1988.
- e. Minutes of the meeting of the Tacoma Employees' Retirement System Investment Committee, January 28, 1988.
- f. Minutes of the meeting of the Urban Policy Committee, February 24, 1988.
- g. Citizens' petition regarding the dumping of refuse in the gulch located in the vicinity of Pacific Avenue and South 38th Street.
- h. Tacoma Employees' Retirement System report of purchases and sales of investments, January 1988.
- i. Monthly Report of Tacoma Police Department, January 1988.
- j. Annual Financial Reports of the Belt Line Division, Data Processing Division, Fleet Services Fund, Light Division, Self-Insurance Claim Fund and Water Division, 1988.

Council Member Vialle moved that the Consent Agenda, including Resolution Nos. 29934 and 29935, be approved. Seconded by Council Member Moss.

Mayor Sutherland moved to suspend the rules to amend the Consent Agenda by adding an additional appeal. Seconded by Council Member Mykland. Voice vote was taken and carried. The motion was declared adopted.

Council Member Mykland moved to schedule the appeal of David Smiley, who is appealing the revocation of his registration certificate and regulatory licenses for Smiley's Place, located at 1209 South "K" Street, by the Department of Tax and License, setting Thursday, May 5, 1988, at 10:30 a.m. as the date for hearing by the Hearings Examiner. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

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Voice was taken on the Consent Agenda, as amended. The Consent Agenda, as amended, was declared approved.

REGULAR AGENDA

ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS:

Resolution No. 29936

Appointing members to various committees, boards, and commissions.

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

COMMUNICATIONS:

- a. Hearings Examiner submitting Shoreline Management Substantial Development Permit and Substantial Development/Conditional Use Permit No. 141.430 to allow the existing marine outfall for the North End sewer treatment plant located in the vicinity of Wheatland Street and Ruston Way into Commencement Bay to be extended. (City of Tacoma; File No. 141.430)

Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Nielsen. Roll call vote was taken, resulting as follows: Ayes: 7 - Moss, Mykland, Nielsen, Stenger, Vialle, Warnick, and Mayor Sutherland. Nays: 0. Absent: 2 - Hyde and McElliott. The motion was declared adopted.

- b. Hearings Examiner recommending approval of modifications to a previously-approved site plan to allow an increase in the size of the two retail buildings planned for the property located on the west side of North Pearl Street at approximately North 11th Street. (Edgewater Development; File No. 120.1158b)

Mayor Sutherland moved to concur in the recommendations of the Hearings Examiner. Seconded by Council Member Warnick. Voice vote was taken and carried. The motion was declared adopted.

- c. Hearings Examiner recommending that the request of John D. Dobler for the reclassification of the property located 175 feet south of the southeast corner of South 47th and South Junett Streets from a "R-2" One-Family Dwelling District to a "R-4-LT" Residential-Commercial Transitional District be withdrawn and the application fee not be returned. (John Dobler; File No. 120.1233)

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Mayor Sutherland moved to concur in the recommendations of the Hearings Examiner. Seconded by Council Member Mykland. Voice vote was taken and carried. The motion was declared adopted.

Mayor Sutherland proclaimed the week of February 6 - 12, 1988, to be "American Association of University Women," and presented the proclamation to Ms. Thelma Saltman.

FINAL READING OF ORDINANCES:

Ordinance No. 23982

Amending Chapter 13.06 of the Official Code to reclassify the property located at the southwest corner of South 45th Street and Pacific Avenue from a "R-2" One-Family Dwelling District to a "C-1" Commercial District to allow on-site consumption of beer and wine at an existing grocery store/delicatessen. (Lively Market, Inc.; File No. 120.1226)

Roll call vote was taken, resulting as follows:

Ayes: 5 - Moss, Nielsen, Stenger, Warrnick, and Mayor Sutherland.

Nays: 2 - Mykland and Vialle.

Absent: 2 - Hyde and McElliott.

The Ordinance was declared passed.

Ordinance No. 24039

Accepting \$750.00 from the Stewardship Foundation; and depositing in and appropriating said sum from the Miscellaneous Grants Summary Fund for the Pierce County Youth 2000 Forum.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Moss, Mykland, Nielsen, Stenger, Vialle, Warrnick, and Mayor Sutherland.

Nays: 0.

Absent: 2 - Hyde and McElliott.

The Ordinance was declared passed.

Ordinance No. 24042

Approving and confirming the assessment roll for L.I.D. No. 8441 for the placement of permanent pavement on various streets in Tacoma.

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Council Member Mykland moved to continue Ordinance No. 24042 for one week. Seconded by Council Member Vialle.

Council Member Nielsen suggested that public testimony be allowed prior to continuance of this ordinance.

Council Member Mykland temporarily withdrew his motion. Council Member Vialle also withdrew her second to the motion.

Mayor Sutherland called for public testimony.

Speaking to the Council were:

Judy Craig

7705 Warren Drive N.W., Gig Harbor

Cheryl Wells

6703 South Mason

After discussion, Mayor Sutherland moved to approve and confirm the assessment roll for LID 8441, however, to amend segment No. 3 so that the property jointly owned by Judy Craig and Cheryl Wells be adjusted to reflect the figure of \$400 for the stairway and the balance of the \$1,843.45 be paid for by appropriate matching funds of the City. Seconded by Council Member Mykland. Voice vote was taken and carried. The motion was declared adopted.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Moss, Mykland, Nielsen, Stenger, Vialle, Warrnick, and Mayor Sutherland.

Nays: 0.

Absent: 2 - Hyde and McElliott.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 24043

Amending Chapter 13.06 of the Official Code to reclassify the property located on the southeast corner of East 38th Street and McKinley Avenue from a "R-2" One-Family Dwelling District to a "C-1 Commercial District to allow a convenience store and a gasoline service station. (Pacific Centers, Inc.; File No. 120.1230)

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Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Nielsen. Voice vote was taken and carried, with Council Members Mykland and Viaie voting nay. The motion was declared adopted.

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

Ordinance No. 24044

Accepting \$2,000.00 from the Tacoma Opera Guild and depositing said sum in the Miscellaneous Grants Summary Fund; transferring \$2,000.00 from the General Fund to the Miscellaneous Grants Summary Fund; and appropriating \$4,000.00 from the Miscellaneous Grants Summary Fund for performances of The Merry Widow by the Tacoma-Pierce County Opera.

The Ordinance was set over for final reading next week.

Ordinance No. 24045

Appropriating \$185,000.00 from the Miscellaneous Trust Summary Fund; authorizing the execution of an agreement with the Tacoma-Pierce County Chamber of Commerce for tourism and convention promotion in Tacoma; and declaring an emergency making necessary the passage of this ordinance.

The Ordinance was set over for final reading next week.

RESOLUTIONS:

Resolution No. 29929 (Continued from the meeting of February 23, 1988.)

Authorizing the execution of an amendment to the agreement with Merritt, Pardini/TRA in the amount \$48,555.90 for additional services relating to the possible relocation of the Washington State Historical Museum on the Tacoma Union Station site.

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

Purchase Resolution No. 29937

Awarding contracts to:

1. Baker Pacific Corporation on their bid of \$31,751.41 for asbestos abatement at the Municipal Dock Building - Specification No. G-208-88;
2. George Scofield Co., Inc. in the amount of \$12,400.00 to increase their contract for building and construction materials; and

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- 3. Rejecting all bids submitted for the Tacoma Dome turf storage room - Specification No. G-205-88.

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

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

Resolution No. 29938

Authorizing the execution of Amendment No. 2 to the agreement with Merritt and Pardini in the amount of \$15,945.00 for the design of the Portland Avenue Neighborhood Center.

Council Member Mykland moved to continue Resolution No. 29938 to the meeting of March 15, 1988. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

The Resolution will be considered at the regular City Council meeting of March 15, 1988.

Resolution No. 29939

Authorizing the execution of an agreement with Brown & Caldwell in the amount of \$754,980.00 to provide engineering services for the design of Wastewater Pumping and Conveyance Facilities for the Western Slopes Service Area.

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

Resolution No. 29940

Authorizing the execution of a license agreement with the Tacoma Host Committee for the NCAA Division 1 Women's Basketball Championship scheduled from Thursday, March 31, 1988 to Sunday April 3, 1988 at the Tacoma Dome.

Mayor Sutherland moved that the Resolution be adopted. Seconded by Council Member Warrnick.

Speaking to the Council was:

Fred Shanaman

Tacoma Host Committee

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

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PUBLIC HEARINGS AND APPEALS: (Began at 6:26 p.m.)

This is the date set for hearing the appeal of Cigarette Distributors, Inc., relative to Audit Assessment Notice AD 5462.

Mayor Sutherland stated that Mr. James Furber, attorney for Cigarette Distributors, Inc., stated in his letter dated February 26, 1988 (page 207 of the City Council Agenda), that they had waived their right to oral argument before the Council and would like the matter determined on the basis of the record provided.

Mayor Sutherland asked if Mr. Backstein, City Attorney, had anything further to state on this request.

Robert Backstein, City Attorney, stated that he had nothing to add at that time.

Rod Kerslake, Hearings Examiner, made a presentation to the Council regarding the appeal.

Robert Backstein stated he had no response and that the record would stand as presented.

Council Member Nielsen moved to concur on the Findings, Conclusions, and Recommendation of the Hearings Examiner and deny the appeal. Seconded by Council Member Warrick. Voice vote was taken and carried. The motion was declared adopted.

The appeal was denied.

REPORTS BY CITY MANAGER:

Erling O. Mork, City Manager, stated that the Personnel/Labor Relations Director had a residency waiver extension to present to the Council.

Richard J. Sokolowski, Personnel/Labor Relations Director, requested a one year extension on the residency waiver for Kim Gerhardt.

Mayor Sutherland moved to extend the residency waiver for Kim Gerhardt for a six month period. Seconded by Council Member Moss. Voice vote was taken and carried. The motion was declared adopted.

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COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Council Member Vialle requested information of staff as to how the City is handling the problem of unauthorized dumping in the gulch located near South 38th Street and Pacific Avenue.

Mayor Sutherland moved to excuse Deputy Mayor Hyde from the Council meeting of March 8, 1988. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

Mayor Sutherland stated that Council Member McElliott was attending her caucus and would be unable to attend tonight's Council meeting.

Mayor Sutherland moved to recess to Executive Session to discuss personnel matters, the session not to exceed 20 minutes. Seconded by Council Member Warrick. Voice vote was taken and carried. The motion was declared adopted.

Council recessed to Executive Session at 6:31 p.m. and reconvened at 6:41 p.m.

On proper motion, the meeting was adjourned at 6:43 p.m.

ATTEST:


GENELLE BIRK, CITY CLERK


DOUG SUTHERLAND, MAYOR

HPC 4083.G

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