

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

City Council Chambers  
June 23, 1992

The meeting was called to order by Mayor Vialle at 5:11 p.m.

Present on roll call: 6 - Baarsma, Evans, McElliott, Miller, Nielsen,  
and Deputy Mayor Mykland. Absent: 3 - Moss, Silas and Mayor Vialle.  
(Council Member Moss arrived at 5:14 p.m.)

The Flag Salute was led by Council Member Nielsen.

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

Approval of the minutes of the Tacoma City Council meeting of June 9, 1992,  
and the study sessions of May 12, 26 and 29, 1992.

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PETITIONS:

- a. Tacoma Lutheran Home and Retirement Community, requesting a reclassification of the property located south of Westgate Boulevard and east of Vassault Street from a "R-1" to a "R2-PRD" District. (Tacoma Lutheran Home and Retirement Community; File No. 120.1349)
- b. Narrows II Partnership, requesting a reclassification of the property located at Norpoint Drive north of Marine View Drive from a "R-2" to a "R-2 PRD" District. (Narrows II Partnership; File Nos. 120.1347 and 125.324)

For referral to the Hearings Examiner.

Resolution No. 31798

Setting Monday July 13, 1992, at 5:00 p.m. as the date for a hearing by the Hearings Examiner relative to the assessment roll for Sidewalk Construction Fund No. 91-1 for the replacement of hazardous sidewalks.

Resolution No. 31799

Authorizing the submittal of a grant application to the United States Department of Labor in the amount of \$58,000 to provide outreach case management, employment and transitional housing services to homeless veterans.

Resolution No. 31800

Authorizing the submittal of a grant application to the Washington Traffic Safety Commission for the continuation of the Tacoma/Pierce County Task Force on Alcohol/Driving.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner Agenda for Tuesday, June 23, 1992.
- b. Minutes of the meeting of the Appointments Committee, June 15, 1992.
- c. Minutes of the meeting of the Landmarks Preservation Commission, June 10, 1992.
- d. Minutes of the meeting and study session of the Public Utility Board, May 27, 1992.
- e. Minutes of the meeting of the Task Force on Hate Crimes, May 14, 1992.
- f. Minutes of the meeting of the Urban Waterfront Committee, April 8, 1992.
- g. Citizens' petition relative to a four-way left hand turn signal at the intersection of McKinley Avenue and 38th Street.

Council Member Nielsen moved that the Consent Agenda, including Resolution Nos. 31798, 31799 and 31800, 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

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Ray E. Corpuz, Jr., City Manager, requested an executive session to discuss pending and potential litigation.

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Council Member Moss arrived at 5:14 p.m.

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Council Member Nielsen moved to recess to executive session to discuss pending and potential 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 5:13 p.m.

Council Moss absented himself from the Executive Session at 5:15 p.m.

The Council reconvened at 5:33 p.m.

Council Member Mykland moved to suspend the rules to consider a motion regarding the public library. Seconded by Council Member Miller. Voice vote was taken and carried. The motion was declared adopted.

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Deputy Mayor Mykland moved that the Tacoma City Council concur in the action of the Tacoma Public Library to retain the law firm of Gordon, Thomas to pursue legal action on behalf of the Tacoma Public Library in the name of the City of Tacoma against Ameritech, Inc., in the matter of the "Alice-B" contract, said retainer to be on a contingent fee basis. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

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COMMUNICATIONS:

Hearings Examiner submitting recommendations regarding the preparation of a Special Benefit Study on the formation of the proposed L.I.D. No. 7718 for the undergrounding of utilities in Northeast Tacoma.

Deputy Mayor Mykland called on Mr. Lynn Wozniak and then on Mr. Steve Carter.

Deputy Mayor Mykland asked Mr. Wozniak if he was prepared to present testimony on this matter.

Mr. Wozniak stated he was not prepared for testimony.

Deputy Mayor Mykland ruled that since one of the parties was not ready for testimony, he would not allow testimony on this matter.

Deputy Mayor Mykland then called on Rod Kerslake, Hearings Examiner, for a presentation on his communication item.

Council then asked questions of Mr. Kerslake, Mr. Tom Bradley of the Department of Public Works, and Mr. Campbell of the Department of Public Utilities. Further discussion on this matter followed.

Council Member Miller moved to defer the "special benefit study" to precede the hearing on the assessment roll. Seconded by Deputy Mayor Mykland.

Roll call vote was taken, resulting as follows:

Ayes: 3 - Miller, Nielsen, and Deputy Mayor Mykland.

Nays: 4 - Baarsma, Evans, McElliott, and Moss.

Absent: 2 - Silas and Mayor Vialle.

The motion was declared failed.

Council Member Moss moved to conduct a complete "special benefit study" prior to formation of the district and that the costs of the "special benefit study" be included in the costs associated with the LID. Seconded by Council Member McElliott.

Roll call vote was taken, resulting as follows:

Ayes: 4 - Baarsma, Evans, McElliott, and Moss.

Nays: 3 - Miller, Nielsen, and Deputy Mayor Mykland.

Absent: 2 - Silas and Mayor Vialle.

The motion was declared passed.

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

Council recessed at 6:30 p.m. and reconvened at 6:35 p.m.

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Deputy Mayor Mykland stated that the Council would hear public hearings and appeals next.

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PUBLIC HEARINGS AND APPEALS: (Began at 6:36 p.m.)

This is the date set for hearing the appeal of Richard and Sonya Hawkins relative to L.I.D. No. 7717 for the conversion of existing overhead primary electrical, telephone and cable television lines to underground in various areas in North Tacoma.

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

Rod Kerslake, Hearings Examiner, gave a presentation on his intermediate ruling and on the appeal matters.

Richard Hawkins gave the reasons for the appeal.

Deputy Mayor Mykland and all members of the Council stated that they knew Mr. Richard Moe. They concurred that this would not affect their decision on this matter.

Council Member Baarsma stated that he knew all three of the appellants. He stated it would have no affect on his decision on this matter.

Mr. Hawkins, at the end of his presentation, turned the matter over to Tony Hudson, 3417 North 36th Street, for further testimony and support of the appeal.

Mr. Hudson then turned the presentation over to Mr. Dick Moe, 3519 North Union, for a testimony in support of the appeal.

Ms. Lorraine Stepan, 3302 North 36th Street, spoke in opposition to the appeal.

Ms. Mary Peterson, 3315 North 35th Street, spoke against the appeal.

Council Members then questioned the parties involved in the appeal regarding the LID.

Discussion followed regarding the rules and procedures on this matter.

Council Member Nielsen moved to overrule the Hearings Examiner and uphold the appeal. Seconded by Council Member Moss. Voice vote was taken and carried, with Council Member Miller voting nay. The motion was declared adopted.

The appeal was upheld.

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Deputy Mayor Mykland moved to take a short recess to allow the Council Chambers to clear. Seconded by Council Member Nielsen.

Council recessed at 7:55 p.m. and reconvened at 8:03 p.m.

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FINAL READING OF ORDINANCES:

Ordinance No. 25125

Establishing a working fund advance account in the Uniform Controlled Substance Trust Fund in the amount of \$40,000 to provide cash for "flash roll" transactions for police sting and intelligence operations to stop illegal drug trafficking.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Baarsma, Evans, McElliott, Miller, Moss, Nielsen, and Deputy Mayor Mykland.

Nays: 0.

Absent: 2 - Silas and Mayor Vialle.

The Ordinance was declared passed.

Ordinance No. 25126

Accepting Modifications 1 and 2 to the grant award agreement with the United States Equal Employment Opportunity Commission in the amounts of \$1,872 and \$1,824; and depositing in and appropriating \$3,696 from the Miscellaneous Grants Summary Fund for training purposes.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Baarsma, Evans, McElliott, Miller, Moss, Nielsen, and Deputy Mayor Mykland.

Nays: 0.

Absent: 2 - Silas and Mayor Vialle.

The Ordinance was declared passed.

Ordinance No. 25127

Appropriating \$100,223.25 from the Arterial Street Fund; and authorizing the execution of an agreement with the Port of Tacoma for said sum to reimburse the Port for the preparation of the SR-509 Environmental Impact Statement.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Baarsma, Evans, McElliott, Miller, Moss, Nielsen, and Deputy Mayor Mykland.

Nays: 0.

Absent: 2 - Silas and Mayor Vialle.

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

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 25128

Amending Chapter 13.10 of the Official Code relative to the Tacoma Shoreline Master Program ("S-3" Western Slope North Shoreline District) to allow the modification of existing use and development regulations which apply to the overwater residential community of Salmon Beach.

Council Member Nielsen moved to continue Ordinance No. 25128 to the meeting of June 30, 1992. Seconded by Deputy Mayor Mykland. Voice vote was taken and carried. The motion was declared adopted.

The Ordinance will be considered at the regular City Council meeting of June 30, 1992.

Ordinance No. 25129

Amending Chapter 13.04 of the Official Code to add a City Council Member and a high school student to the membership of the Environmental Commission.

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Council Member Nielsen moved to suspend the rules to consider Substitute Ordinance No. 25129. Seconded by Deputy Mayor Mykland. Voice vote was taken and carried. The motion was declared adopted.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Baarsma, Evans, McElliott, Miller, Moss, Nielsen, and Deputy Mayor Mykland.

Nays: 0.

Absent: 2 - Silas and Mayor Vialle.

The Substitute Ordinance was declared passed.

Ordinance No. 25130

Amending Chapter 12.10 of the Official Code to add a temporary reduction incentive in the Contract Demand Charge for water consumption through October 31, 1993.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Baarsma, Evans, McElliott, Miller, Moss, Nielsen, and Deputy Mayor Mykland.

Nays: 0.

Absent: 2 - Silas and Mayor Vialle.

The Ordinance was declared passed.

Ordinance No. 25131

Amending Section 6.76.090 of the Official Code relative to the sale and discharge of fireworks for 1992; and declaring an emergency making necessary the passage of this ordinance.

Deputy Mayor Mykland moved to suspend the rules to consider Substitute Ordinance No. 25131. Seconded by Council Member Moss. Voice vote was taken and carried. The motion was declared adopted.

Speaking to the Council were:

Virginia Hess  
M.J. Peterson  
Kathleen Dessert  
Cheryl Miller

Gonya Boys & Girls Club  
411 South 61st Street  
3703 North 29th  
3303 North 36th Street

Council Member Miller requested that the City lift the watering band on the Fourth of July due to the dry conditions and potential hazard of fireworks being ignited on that particular day. Members of the Council concurred with this recommendation.

Roll call vote was taken, resulting as follows:

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

Nays: 1 - Moss.

Absent: 2 - Silas and Mayor Vialle.

The Substitute Ordinance was declared passed.

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FIRST READING OF ORDINANCES:

Ordinance No. 25132

Appropriating \$300,000 from the Communication Equipment Replacement Fund to purchase additional radio equipment for the Police, Fire and Public Works Departments; and declaring an emergency making necessary the passage of this ordinance.

Deputy Mayor Mykland moved to suspend the rules to consider Substitute Ordinance No. 25132. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

The Substitute Ordinance was set over for final reading next week.

Ordinance No. 25133

Amending Chapter 1.12 of the Official Code to implement rates of pay for represented and unrepresented employees and changes in classifications to reflect the organizational structure; and declaring an emergency making necessary the passage of this ordinance.

Mr. Jan Gilbertson, Human Resources Department, stated that the emergency clause should be deleted and would be corrected at next week's council meeting.

The Ordinance was set over for final reading next week.

Ordinance No. 25134

Repealing Sections 6.76.050, 6.76.060, 6.76.070, 6.76.080, 6.76.090 and 6.76.100 of the Official Code and amending Section 6.76.120 relative to the public display of fireworks, sale, transportation, discharge, storage, or use of fireworks within the City of Tacoma effective July 1, 1993.



Speaking to the Council were:

Kathy Allison	919 North Lawrence
Timothy Stewart	Tacoma Resident
Kathleen Dessert	3703 North 29th Street
Jim Wolcott	Eastside Boys & Girls Club
Karen Gower	910 North G Street
Glen Fischer	Athletic Director, North End Athletics

The Ordinance was set over for final reading next week.

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RESOLUTIONS:

Resolution No. 31771 (Continued from the meeting of June 2, 1992.)

Authorizing the execution of an agreement with Starplex Corporation for event and security services for the Tacoma Dome.

Deputy Mayor Mykland moved to remove Resolution No. 31771 from the agenda. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 31771 was removed from the agenda.

Purchase Resolution No. 31801

Awarding contracts to:

1. Alfa-Laval Thermal, Inc., in the amount of \$65,000 for two heat exchangers - Central Treatment Plant Phase II, Secondary Treatment - Sole Source;
2. Collins Ambulance Corporation/McPherson Supply Co., in the amount of \$76,551 to increase their contract for one additional ambulance - Specification No. G-069-91;
3. Business Pro Computers, in the amount of \$110,000 to increase their contract for AST personal computers - Specification No. G-061-91; and
4. Purvis Construction, on their bid of \$560,390 for the Municipal Courts remodel and expansion - Specification No. G-216-92.

Council Member Nielsen moved that the Purchase Resolution, including waiving formal bidding procedures on Item No. 1, be adopted. Seconded by Council Member Miller.

Resolution No. 31802

Authorizing the execution of an agreement with Jensen, Dobler & Associates, Inc., d.b.a. Frisko-Freeze in the amount of \$20,000 for advertising space in the Tacoma Dome.

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

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UNFINISHED BUSINESS:

None.

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REPORTS BY CITY MANAGER:

Ray E. Corpuz, Jr., City Manager, stated that tomorrow night the Public Utility Board would be holding a hearing on the imposition of water surcharges and penalties. He then stated that also tomorrow night on CityLine, Dan Voelpel would discuss the Americans With Disabilities Act. He then invited the Council and the general public to attend a ground breaking on the newest addition to the Broadway Center for Performing Arts Thursday at 11:30 a.m.

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COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Deputy Mayor Mykland stated that Mayor Vialle had accepted two awards presented to the City of Tacoma at the Conference of Mayors in Houston, Texas. One award was for STRIVE and the other for the Commission on Children, Youth, and Their Families.

Deputy Mayor Mykland moved to excuse Mayor Vialle and Council Member Silas from tonight's Council Meeting. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.


Council Member Miller requested a response from staff on the legal rights of C & I Company to transfer clear rights to all property offered by C & I as consideration under the Street Occupancy permit that the City has entered into, including the status of the court challenge of the Department of Natural Resources lease and the Burlington Northern railroad leases.

Deputy Mayor Mykland and the members of the Council requested that staff prepare policies and rules of procedures on LIDs for Council to review.

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On proper motion, the meeting was adjourned at 9:24 p.m.

ATTEST:   
GENELLE BIRK, CITY CLERK

  
GREG MYKLAND, DEPUTY MAYOR

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