

CITY COUNCIL MINUTES

City Council Chambers
June 20, 1989

The meeting was called to order at 5:09 p.m.

Present on roll call: 8 - McElliott, Moss, Mykland, Nielsen, Stenger, Vialle, Warnick, and Deputy Mayor Hyde. Absent: 1 - Mayor Sutherland.

The Flag Salute was led by Council Member Warnick..

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

Approval of the minutes of the regular meeting of June 13, 1989.

PETITIONS:

Art Redford requesting the reclassification of the property located in the vicinity of Orchard and Center Streets from a "R-2" District to a "M-1" District. (Art Redford; File No. 120.1283)

For referral to the Hearing Examiner.

RESOLUTIONS:

Resolution No. 30479

Setting Monday, July 10, 1989, at 5:00 p.m. as the date for a hearing by the Hearing Examiner on L.I.D. No. 5695 for the construction of an 8-inch water main in 69th Avenue Court West from 35th Street West to the south and west approximately 650 feet.

Resolution No. 30480

Setting Tuesday, August 1, 1989, at 10:30 a.m. as the date for a hearing by the Hearing Examiner on the request to vacate a portion of Center Street northwesterly from the northwest corner of Center and Tyler Streets. (John D. Dabler and Gary W. Davis; File No. 124.889)

Resolution No. 30481

Setting Monday, July 10, 1989, at 5:00 p.m. as the date for a hearing on L.I.D. No. 6965 to install modern sodium vapor street lights on 30-foot ornamental concrete standards along the following streets:

1. Inverness Drive from Nassau Avenue to Oakmont Street;
2. Oakmont Street from Inverness Drive to Nassau Avenue;

3. Brae Burn Drive from Oakmont Street to Larchmont Avenue;
4. Larchmont Avenue from Nassau Avenue to vacated 41st Street N.E.;
5. 41st Street N.E. from Larchmont Avenue to Nassau Avenue;
6. Oakmont Place from Nassau Avenue to North Shore Boulevard;
7. North Shore Boulevard from Nassau Avenue to a point 350 feet more or less, north of Oakmont Place; and
8. Andrews Court from North Shore Boulevard south to the cul-de-sac.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearing Examiner Agenda for Tuesday, June 20, 1989.
- b. Minutes of the meeting of the Citizens Transportation Advisory Committee, May 11, 1989.
- c. Minutes of the meeting of the Tacoma Employees' Retirement System, April 27, 1989.
- d. Minutes of the meeting of the Tacoma-Pierce County Board of Health, May 3, 1989.
- e. Tacoma Employees' Retirement System Report of Purchases and Sales of Investments, April 1989.
- f. Hilltop Area Task Force Report and Recommendation, June 1989.
- g. Landmarks Preservation Commission, Design Review Guidelines Workbook, May 1989.

Council Member Nielsen moved that the Consent Agenda, including Resolution Nos. 30479, 30480, and 30481, be approved. Seconded by Council Member Mykland. 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

COMMUNICATIONS:

- a. Hearing Examiner submitting Shoreline Management Substantial Development/Conditional Use Permit No. 141.450 to allow the remodeling and partial reconstruction of an existing 2,056 square foot building located on the southwesterly corner of East 11th Street and Marine View Drive (4225 East 11th Street) and permit a non-water dependent, non-water related industrial and commercial use. (Grant L. Anderson; File No. 141.450)

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

- b. Hearing Examiner recommending that the request of American Manufacturing Company for the vacation of a portion of "A" Street be withdrawn and the filing fee be returned. (American Manufacturing Company; File No. 124.887)

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

FINAL READING OF ORDINANCES:

Ordinance No. 24372

Transferring \$4,595.00 from the Contingency Fund to the General Fund; appropriating \$4,595.00 from the General Fund to extend the Family Program operated by Catholic Community Services; and declaring an emergency making necessary the passage of this ordinance.

Roll call vote was taken, resulting as follows:

Ayes: 6 - Moss, Mykland, Stenger, Vialle, Warnick, and Deputy Mayor Hyde.

Nays: 1 - McElliott.

Absent: 2 - Nielsen and Mayor Sutherland.

The Ordinance was declared passed.

Ordinance No. 24377

Imposing an interim zoning provision relating to height of structures; and declaring an emergency making necessary the immediate passage of this ordinance and its taking effect immediately upon publication.

Speaking to the Council was:

George Mocerì

4510 North Gove Street

Roll call vote was taken, resulting as follows:

Ayes: 7 - McElliott, Moss, Mykland, Nielsen, Vialle, Warnick, and Deputy Mayor Hyde.

Nays: 0.

Absent: 2 - Stenger and Mayor Sutherland.

The Ordinance was declared passed.

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FIRST READING OF ORDINANCES:

Ordinance No. 24373

Adding \$1,370,000.00 to the Department of Public Utilities Self Insurance Claim Fund Budget; appropriating \$1,370,000.00 from said fund for the payment of certain settlement costs due in 1989 including a 1988 payment provided for in the settlement of the litigation with the Nisqually Indian Tribe; and declaring an emergency making necessary the passage of this ordinance.

The Ordinance was set over for final reading next week.

Ordinance No. 24374

Authorizing the execution of an agreement with the United States Department of Labor in contemplation of the receipt of \$58,000.00 in federal matching funds; accepting and depositing said sum in the Miscellaneous Grants Summary Fund; transferring \$7,500.00 from the General Fund to the Miscellaneous Grants Summary Fund; and appropriating \$65,000.00 from the Miscellaneous Grants Summary Fund to provide outside case management, employment, and transitional housing services to homeless veterans.

The Ordinance was set over for final reading next week.

Ordinance No. 24375

Providing for changes in the Second Annual Business Improvement Area (BIA) budget including the appropriation of \$41,380.00 of unexpended 1988-89 funds; and authorizing an amendment to agreement with Downtown Local Development Council relative to changes in the work program and budget.

Speaking to the Council was:

Ron Burgess

Downtown Tacoma Association

The Ordinance was set over for final reading next week.

Ordinance No. 24376

Transferring \$769,765.00 from the Capital Improvement Fund and \$84,000.00 from the Stadium and Convention Center Trust Fund to the Tacoma Dome Operating Fund; appropriating \$853,765.00 from the Tacoma Dome Operating Fund to improve the Tacoma Dome seating; and declaring an emergency making necessary the passage of this ordinance.

Speaking to the Council was:

Randy Lewis

Tacoma-Pierce County Chamber
of Commerce

The Ordinance was set over for final reading next week.

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Deputy Mayor Hyde stated that Council would consider "Citizen's Request to be Heard" and "Public Hearings and Appeals" next.

CITIZEN'S REQUEST TO BE HEARD: (Began at 5:35 p.m.)

Mr. Monte McConnell, representing S.C.A.N.! (Stop Child Abuse Now!) requesting to speak about the short- and long-term goals of the organization.

Mr. McConnell presented his concerns and information about his organization to the Council.

PUBLIC HEARINGS AND APPEALS: (Began at 5:41 p.m.)

- a. This is the date set for hearing the appeal of various neighbors relative to the decision of the Hearing Examiner to approve a special use permit to allow a day care facility located 100 feet west of the northwest corner of North 43rd and Bennett Streets for a maximum of 70 children within a "R-2" One-Family Dwelling District. (John and Claudia O'Sullivan; File No. 121.1137)

Deputy Mayor Hyde called on Keith McGoffin, attorney representing the neighbors and Patricia Schafer, attorney representing the O'Sullivans, and explained the procedure for appeals before the City Council.

Rod Kerlake, Hearing Examiner, spoke regarding his Findings, Conclusions, and Recommendations.

Council Member Mykland stated that he knows some of the appellants; however, this would not cause any problem in his making an unbiased opinion regarding this matter.

Council Member Nielsen stated that he was personally acquainted with one couple involved in the appeal; however, he had not had any discussion with them regarding this matter and would be participating in the vote on this matter.

Council Member Vialle stated that one of the appellants had called her prior to the appeal. She stated that she could not discuss the appeal prior to hearing this appeal and would be participating in this matter.

Council Member Stenger stated that he had had a conversation with one of the appellants; however, it would not affect his decision on this matter tonight.

Bill Barker, City Attorney, asked clarification of Council Member Mykland as to whether he had discussed any of the matter with the appellant.

Council Member Mykland stated that he had had no discussion with the appellant; rather he was merely acquainted with them.

Keith McGoffin, attorney representing the neighbors, gave the reasons for the appeal.

Patricia Schafer, attorney representing John and Claudia O'Sullivan, spoke in support of the Hearing Examiner's decision.

Mr. McGoffin spoke in rebuttal of Ms. Schafer's comments.

Ms. Schafer made rebuttal comments following Mr. McGoffin's rebuttal.

Council Member Warnick 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, with Council Member Vialle voting nay. The motion was declared adopted.

The appeal was denied.

- b. This is the date set for a public hearing on the submission of an application to the U.S. Department of Housing and Urban Development for approximately \$2.3 million for the development of a shopping center, park and open space west of Sprague Avenue between South 56th and South 64th Streets.

Keith Palmquist, Director of Community Development, spoke regarding the proposed development and introduced Mr. Jeffrey Rasak of the Schurgin Development Company.

Mr. Jeffrey Rasak, Schurgin Development Company, spoke regarding the proposed development.

Mr. Mark Briggs, Mark Briggs and Associates, also spoke regarding the proposed development.

Deputy Mayor Hyde called for public testimony.

There being no public testimony, Deputy Mayor Hyde declared the public hearing closed at 6:40 p.m.

RESOLUTIONS:

Resolution No. 30478

Accepting the lowest and most responsive bid to purchase the 1989 Refuse Utility Revenue Bonds in the amount of \$13,925,000.00; and fixing the schedule of maturities and interest rates for said bonds.

Deputy Mayor Hyde moved to suspend the rules to consider Substitute Resolution No. 30478. Seconded by Council Member Vialle. Voice vote was taken and carried. The motion was declared adopted.

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

Purchase Resolution No. 30482

Awarding contracts to:

1. Harlow Construction Company, on their bid of \$36,942.75 for corner cutback on the southwest corner of Center and Mullen Streets - Specification No. G-219-89;
2. Madsen Electric, on their bid of \$176,533.45 for the intersection improvement, right-turn lane, and traffic signalization at South 38th and South Pine Streets - Specification No. G-213-89;
3. Architectural Sheet Metal, in the amount of \$27,623.98 to increase their contract for the Cavanaugh Building reroof - Specification No. G-280-88;
4. Standard Parts Corporation, in the amount of \$4,000.00 to increase their contract for automotive filters - Specification No. G-081-88
5. Sahlberg Equipment, on their bid of \$1,937.58, Sanderson Safety Supply, on their bid of \$12,978.81 and Firesafe Fire and Safety Equipment Co., on their bid of \$20,112.19 to extend the contract for safety supplies - Specification No. G-009-88 and Informal Specification No. 7374;
6. Aratex Services, Inc., in the amount of \$104,346.72 to extend the contract for coverall, uniform and linen service - Specification No. G-025-88;
7. Western Equipment Dist., Inc., on their bid of \$18,106.00 for two gas powered utility vehicles for the Tacoma Dome - Portion of Specification No. G-040-89; and
8. Rejecting all bids submitted for two electric utility vehicles for the Tacoma Dome - Portion of Specification No. G-040-89.

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

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

Resolution No. 30483

Authorizing the execution of an agreement with Parsons, Brinckerhoff, Quade and Douglas, Inc. in the amount of \$350,000.00 to prepare an Environmental Impact Statement for the Steam Plant No. 2 Project.

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

Council Member Mykland stated that as an employee of Pierce Transit his company had contracted with the firm of Parsons, Brinckerhoff, Quade, and Douglas. He stated that he does not receive any benefit from this contract and it would not affect his decision regarding this matter tonight.

Council Member Warnick stated that he was only voting in favor of this Resolution because there was now a state law which mandated the Environmental Impact Statement.

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

Resolution No. 30484

Authorizing the execution of a letter of agreement with Gordon, Thomas, Honeywell, Malanca, Peterson and Daheim in the amount of \$75,000.00 for the provision of legal services in connection with the Steam Plant No. 2 Project.

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

Speaking to the Council were:

Marion Weed
Sheila Gisione

4735 - 42nd Avenue N.E.
resident of Northeast Tacoma

Roll call vote was taken, resulting as follows:

Ayes: 5 - McElliott, Moss, Nielsen, Warnick, and Deputy Mayor Hyde.

Nays: 3 - Mykland, Stenger, and Vialle.

Absent: 1 - Mayor Sutherland.

The Resolution was declared adopted.

Resolution No. 30485

Authorizing the execution of the Second Addendum to the Operating Agreement with the Port of Tacoma to extend the test period of a merged rail operation for an additional six months.

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. 30486

Granting a residency waiver for Mark M. Doherty, Park Supervisor at Mossyrock Park.

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. 30487

Approving the preliminary plat of UNGER SECOND ADDITION located on South 88th and Asotin Streets to subdivide a 2.37 acre parcel of land into 12 residential building sites. (Lee Unger; File No. 125.297)

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.

Resolution No. 30488

Authorizing the utilization of South Seattle Auto Auction, Inc., Puget Sound Auto Auction, and James G. Murphy Company for the disposal of surplus vehicles.

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

Resolution No. 30489

Authorizing the execution of amendments to the agreements with Black & Veatch, in the amount of \$8,710.00; Preston, Thorgrimson, Ellis and Holman, in the amount of \$5,000.00; and Seattle Northwest Securities Corporation, in the amount of \$5,100.00 for additional work required in the issuance of the 1989 Refuse Utility Revenue Bonds.

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

Resolution No. 30490

Authorizing the execution of an amendment to the lease agreement with Pacific Machine Shop, Inc., to provide for a month-to-month tenancy.

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. 30491

Authorizing the execution of an agreement with Washington State Historical Society for program and planning services related to the State Museum project.

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. 30492

Authorizing the execution of Amendment No. 2 to the Union Station funding agreement with the State of Washington to extend the agreement through May 30, 1990.

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

Resolution No. 30493

Accepting recommendations submitted by the Hilltop Area Task Force, reconvening the Task Force and extending its operation to June 30, 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. 30494

Entering into a license agreement with the 4th of July Extravaganza Commission to allow the use of the Tacoma Narrows Airport facilities for the 4th of July air show and related activities and the charging of a \$2.00 per car parking fee.

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

REPORTS BY CITY MANAGER:

Erling O. Mork, City Manager, requested an Executive Session to discuss litigation.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

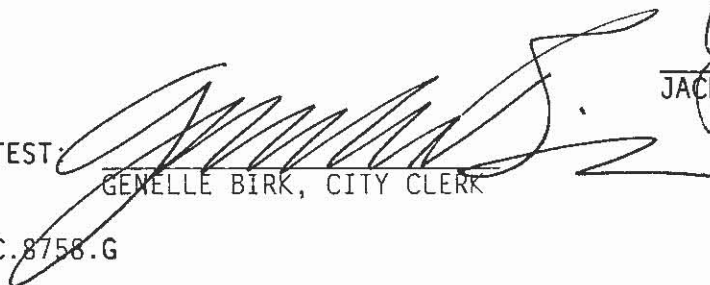
Deputy Mayor Hyde moved to recess to Executive Session to discuss litigation, the session not to exceed 15 minutes. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

Council recessed to Executive Session at 7:20 p.m. and reconvened at 7:25 p.m.

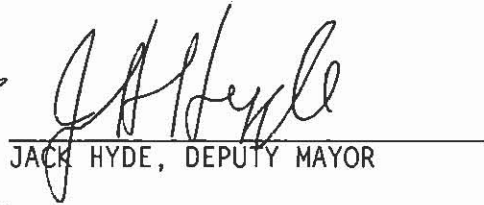
Deputy Mayor Hyde moved to settle the matter of payment of back rent and attorney fees, the release of the security interest and the Assignment of Judgment pertaining to the Tutor Craft Company lease in the manner as more particularly set forth in the letter of recommendation dated June 20, 1989, and further that the proper officers of the City are authorized to execute the necessary documents to consummate such settlement. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

On proper motion, the meeting was adjourned at 7:28 p.m.

ATTEST:



GENELLE BIRK, CITY CLERK



JACK HYDE, DEPUTY MAYOR

WPC.8758.G