

CITY COUNCIL MINUTES

City Council Chambers  
February 28, 1989

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

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

The Flag Salute was led by Council Member Vialle.

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CONSENT AGENDA

Approval of the minutes of the regular meetings of February 21, 1989.

PETITIONS:

Pearl St. Associates c/o Zenczak & Partners, requesting the reclassification of the property located at Westgate Boulevard and North Pearl Street from a "R-2" District to a "R-2-T" and a "R-4-L" Districts for a proposed four building office complex.

For referral to the Hearing Examiner.

RESOLUTIONS:

Resolution No. 30345

Setting Tuesday, April 25, 1989 at 9:30 a.m. as the date for a hearing by the Hearing Examiner to vacate a portion of the SR-5 "turned-back" area on the easterly side of the freeway between South 48th and South 49th Streets. (Pacific Commercial Investments Inc.; File No. 124.883)

Resolution No. 30346

Setting Monday, March 27, 1989 at 5:00 p.m. as the date for a hearing by the Hearing Examiner on L.I.D. No. 5680 for the installation of 8-inch water mains in North 32nd Street from Cedar Street to Oakes Street and in Oakes Street from North 31st Street to North 32nd Street.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearing Examiner Agenda for Tuesday, February 28, 1989.
- b. Minutes of the meeting of the Civil Service Board, January 16, 1989.

- c. Minutes of the meeting of the Hilltop Area Task Force, February 6, 1989.
- d. Minutes of the meetings of the Board of Trustees of the Tacoma Public Library, December 21, 1988 and January 18, 1989.
- e. Minutes of the special meeting of the Board of Trustees of the Tacoma Public Library, January 11, 1989.
- f. Minutes of the meeting of the Urban Policy Committee, February 15, 1989.
- g. Citizens' petition opposing the addition of "Sexual Orientation" to Chapter 1.29.010 of the Official Code.
- h. Total Work Reports of the Tacoma-Pierce County Humane Society & S.P.C.A., December 1988 and January 1989.

Mayor Sutherland moved to suspend the rules to amend the Consent Agenda by adding two appeals:

- a. Northshore Golf Associates, Inc. appealing the decision of the Hearing Examiner relative to approval of the final Assessment Roll for L.I.D. No. 8433.

Setting Tuesday, March 7, 1989 at 5:30 p.m. as the date for hearing by the City Council.

- b. Block Brothers Industries, WSLA Development Corporation, and Tacoma Land Company appealing the decision of the Hearing Examiner relative to the approval of the final Assessment Roll for L.I.D. No. 8433.

Setting Tuesday, March 7, 1989 at 5:30 p.m. as the date for hearing by the City Council.

Seconded by Council Member Moss.

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

Council Member Vialle moved that the Consent Agenda, as amended, including Resolution Nos. 30345 and 30346, be approved. Seconded by Council Member Nielsen. Voice vote was taken and carried. The Consent Agenda, as amended, was declared approved.

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R E G U L A R   A G E N D A

ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS:

Resolution No. 30347

Appointing Deputy Mayor Jack Hyde to the Pierce Transit Board of Commissioners for a term of three years, expiring on May 1, 1992.

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

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COMMUNICATIONS:

Hearing Examiner recommending approval of the request for modification of a previously-approved site development plan to allow the construction of a 20,280 square foot bulk grocery store on the northern 230 feet of the property located on the west side of South Sprague Avenue approximately 140 feet north of South 64th Street (6208 South Sprague Avenue). (Terry Owen and Michael Hickey; File Nos. 120.1248A & 130.3114)

Mayor Sutherland 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.

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FINAL READING OF ORDINANCES:

Ordinance No. 24218

Amending Chapter 13.06 of the Official Code to reclassify the property located on the north side of South 90th Street abutting the east side of the Interstate 5 freeway from a "C-F-P" Freeway Commercial District to a "R-4-T" Transitional District to construct a 21,000 square foot business school for approximately 700 students. (Phillips Colleges, Inc.; File No. 120.1260)

Roll call vote was taken, resulting as follows:

Ayes: 7 - Hyde, Moss, Nielsen, Stenger, Vialle, Warnick, and Mayor Sutherland.

Nays: 0.

Absent: 2 - McElliott and Mykland.

The Ordinance was declared passed.

Ordinance No. 24279

Amending Chapter 13.06 of the Official Code to reclassify the property located at the northwest corner of South 19th and Mullen Streets from a "R-2" One-Family Dwelling District to a "C-2" Commercial District for the construction of a three-story 9,800 square foot office building. (John S. Mocerì; File No. 120.1259)

Council Member Vialle moved that should ingress and egress onto South 19th Street be denied by the State Department of Transportation, that the applicant for the building come back with a new site plan for that site. Seconded by Deputy Mayor Hyde.

Speaking to the Council was:

George Mocerì

Representing John S. Mocerì

Roll call vote was taken, resulting as follows:

Ayes: 2 - Hyde and Vialle.

Nays: 5 - Moss, Nielsen, Stenger, Warnick, and Mayor Sutherland.

Absent: 2 - McElliott and Mykland.

The motion was declared failed.

Roll call vote was taken, on the Ordinance, resulting as follows:

Ayes: 6 - Hyde, Moss, Nielsen, Stenger, Warnick, and Mayor Sutherland.

Nays: 1 - Vialle.

Absent: 2 - McElliott and Mykland.

The Ordinance was declared passed.

Substitute Ordinance No. 24280

Amending Chapter 12.06 of the Official Code to revise rates for Street Lighting and Traffic Signal Service and Private Off-Street Lighting Service effective March 13, 1989.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Hyde, Moss, Nielsen, Stenger, Vialle, Warnick, and Mayor Sutherland.

Nays: 0.

Absent: 2 - McElliott and Mykland.

The Substitute Ordinance was declared passed.

Ordinance No. 24304

Transferring \$60,000.00 from the Contingency Fund to the General Fund; appropriating said sum from the General Fund for retaining special counsel to assist the City Attorney in litigation involving substantial tax revenue to

the City of Tacoma; authorizing the execution of an agreement with Albert Malanca for said purpose; and declaring an emergency making necessary the passage of this ordinance.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Hyde, Moss, Nielsen, Stenger, Vialle, Warnick, and Mayor Sutherland.

Nays: 0.

Absent: 2 - McElliott and Mykland.

The Ordinance was declared passed.

Ordinance No. 24305

Appropriating \$241,000.00 from the Visitor and Convention Promotions Fund; authorizing an agreement with the Tacoma-Pierce County Chamber of Commerce for the purpose of tourism and convention promotion in the City of Tacoma; and declaring an emergency making necessary the passage of this ordinance.

Deputy Mayor Hyde moved to continue Ordinance No. 24305 to the meeting of March 7, 1989. Seconded by Mayor Sutherland. Voice vote was taken and carried. The motion was declared adopted.

The Ordinance will be considered at the regular City Council meeting of March 7, 1989.

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PUBLIC HEARINGS AND APPEALS: (Began at 5:48 p.m.)

This is the date set for hearing the appeal Raymond J. Missler relative to the preliminary plat of ROOF ADDITION located in the vicinity of 35th Street N.E. and 49th Avenue N.E. to subdivide a 5-acre parcel of land into 29 residential building sites. (Roof Addition/Jim and Stephanie Roof; File No. 125.294)

Mayor Sutherland asked of the City Attorney and the Hearing Examiner whether the appeal letter met the requirements for City appeals.

Robert Backstein, City Attorney, stated that the letter does not set forth where the Hearing Examiner is in error. He stated that the Council may want to ask Mr. Missler where he felt the Hearing Examiner was in error.

After discussion, Mayor Sutherland asked Mr. Raymond Missler to discuss his appeal with the Council. Mayor Sutherland then explained the appeals process to Mr. Missler.

Mr. Missler discussed the appeal process with the Council.

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Council Member Stenger moved to dismiss the appeal for lack of grounds for error or omission and to include a refund of any appeal funds paid by Mr. Missler. Seconded by Council Member Nielsen. Voice vote was taken and carried, with Council Member Vialle voting nay. The motion was declared adopted.

The appeal was dismissed.

Council Member Nielsen expressed concerns regarding whether the appeal should have been on the agenda.

After discussion, Council determined that the placement of appeals on the agenda should not be denied by staff, but rather at the Council level.

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FIRST READING OF ORDINANCES:

Ordinance No. 24287 (Continued from the meeting of January 31, 1989.)

Amending Sections 1.18.040 and 1.19.010 of the Official Code relating to compensation for the Mayor and Council members.

Substitute Ordinance No. 24287 (Continued from the meeting of January 31, 1989.)

Amending Sections 1.18.040 and 1.19.010 of the Official Code relating to compensation for the Mayor and Council members.

Mayor Sutherland moved to continue Ordinance No. 24287 and Substitute Ordinance No. 24287 to the meeting of March 7, 1989. Seconded by Council Member Warnick. Voice vote was taken and carried. The motion was declared adopted.

The Ordinance No. 24287 and Substitute Ordinance No. 24287 will be considered at the regular City Council meeting of March 7, 1989.

Ordinance No. 24306

Amending the Pay and Compensation Plan to implement 1988 and 1990 rates of pay in accordance with a collective bargaining agreement with the Brotherhood of Locomotive Engineers, for the Beltline Railway Division effective July 1, 1988 through December 31, 1990.

The Ordinance was set over for final reading next week.

Ordinance No. 24307

Amending Chapter 12.08 of the Official Code to implement new sanitary sewer rates effective April 1, 1989.

Speaking to the Council were:

H. W. Klein  
Cheryl Miller

4841 South D Street  
3303 North 36th Street

The Ordinance was set over for final reading next week.

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RESOLUTIONS:

Resolution No. 30338 (Continued from the meeting of February 21, 1989.)

Authorizing the execution of an agreement with Pierce County Department of Assigned Counsel in the amount of \$159,950.00 to furnish legal services to indigent defendants appearing in the Municipal Courts.

Resolution No. 30339 (Continued from the meeting of February 21, 1989.)

Authorizing the execution of an agreement with Pierce County in the amount of \$133,460.00 to utilize the Pierce County District Court Probation Department to furnish rehabilitation and treatment programs for 1989.

Mayor Sutherland moved to continue Resolution No. 30338 and Resolution No. 30339 to the meeting of March 21, 1989. Seconded by Council Member Warnick. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 30388 and Resolution No. 30339 will be considered at the regular City Council meeting of March 21, 1989.

Purchase Resolution No. 30348

Awarding a contract to:

1. Tucci & Sons, Inc., on their bid of \$1,509,062.45 for arterial street improvement - Stevens Street, South 19th Street to Sixth Avenue - Specification No. G-204-89.

Deputy Mayor Hyde moved that the Purchase Resolution be adopted. Seconded by Council Member Warnick.

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

Resolution No. 30349

Authorizing the execution of a collective bargaining agreement with the Brotherhood of Locomotive Engineers effective July 1, 1988 through December 31, 1990.

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

Resolution No. 30350

Authorizing the execution of an option agreement to purchase 1,000 acres of land at the mouth of the Skokomish River known as Mortensen Trust/Nalley Ranch for the Cushman Project wildlife mitigation purposes.

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

Resolution No. 30351

Adopting the Central Plan as an element of the Land Use Management Plan.

Deputy Mayor Hyde moved that the Resolution be adopted. Seconded by Council Member Stenger.

Council Member Nielsen moved to retain the sentence "Signs oriented towards the freeway are intended to be limited in size, height, and numbers to help prevent visual blight" which was inadvertently crossed out on page 47 of the draft Central Plan "Addendum." Seconded by Council Member Moss. Voice vote was taken and carried. The motion was declared adopted.

Council Member Stenger moved that the Council adopt the Proposed Amendment No. 1 which amends the Central Plan to recognize that a traffic problem exists with the two 90 degree turns on the South 12th Street arterial where it transitions to South 13th Street along South "G" Street. This problem should be studied further to determine a reasonable solution. References in the Plan as shown in the attached pages 34, 69 and 71 will be removed. Seconded by Council Member Vialle. Voice vote was taken and carried. The motion was declared adopted.

Council Member Stenger moved that the Council adopt proposed Amendment No. 2 which would remove any and all references to the extension of Proctor Street South, south of South 19th Street as shown on pages 39, 86, 87, and 97. Seconded by Council Member Vialle.

Roll call vote was taken, resulting as follows:

Ayes: 4 - Hyde, Stenger, Vialle, and Warnick.

Nays: 3 - Moss, Nielsen, and Mayor Sutherland.

Absent: 2 - McElliott and Mykland.

The motion was declared adopted.

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Council Member Vialle moved that the Council adopt proposed Amendment No. 3 to add a recommendation in the Plan to change the land use intensity from "Other Low Intensity" to "Single-Family Detached Housing" for the area between South Gove and Cheyenne Streets from South 12th to 18th Streets as shown on the attached page 55. Seconded by Council Member Moss.

Speaking to the Council were:

William Lynn	Representing Terry Owen and Investco
Ron Green	1402 South Verde
Paul Meneghel	1239 South Verde
Cheryl Miller	3303 North 36th Street

Roll call vote was taken, resulting as follows:

Ayes: 3 - Hyde, Moss, and Vialle.

Nays: 4 - Nielsen, Stenger, Warnick, and Mayor Sutherland.

Absent: 2 - McElliott and Mykland.

The motion was declared failed.

Council Member Vialle changed her vote from an aye to a nay for purposes of reconsideration next week.

Voice vote was taken and carried on Resolution No. 30351, as amended. The Resolution, as amended, was declared adopted.

Resolution No. 30352

Remanding the proposed ordinance regarding building-height regulations and policy regarding vegetation and above-ground utility lines to the Planning Commission for further study.

Council Member Nielsen moved to suspend the rules to consider Substitute Resolution No. 30352. Seconded by Council Member Moss. Voice vote was taken and carried. The motion was declared adopted.

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

Resolution No. 30353

Authorizing the execution of an agreement with Waste Treatment Technologies, Inc., to provide equipment and material enabling the City to chemically stabilize sewage sludge.

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

Resolution No. 30354

Waiving the residency requirement for unclassified personnel to Pierce County and directing that residency waiver requests for unclassified employees living outside of Pierce County be made as set forth in the City Code.

Council Member Stenger moved to suspend the rules to consider Substitute Resolution No. 30354. Seconded by Council Member Vialle.

Council Member Vialle moved to adopt Substitute Resolution No. 30354. Seconded by Deputy Mayor Hyde.

Speaking to the Council were:

Gary Conklin	City of Tacoma employee
Patricia Bosmans	City of Tacoma employee

Council Member Nielsen moved to table Substitute Resolution No. 30354. Seconded by Council Member Warnick.

Voice vote was taken and carried, with Council Members Vialle and Stenger voting nay. The motion was declared adopted.

Substitute Resolution No. 30354 was tabled.

Mayor Sutherland moved to adopt Resolution No. 30354. Seconded by Council Member Warnick.

Roll call vote was taken, resulting as follows:

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

Nays: 2 - Stenger and Vialle.

Absent: 2 - McElliott and Mykland.

The Resolution was declared adopted.

Resolution No. 30355

Authorizing the execution of an interlocal agreement with Pierce County in the amount of \$50,000.00 to participate in efforts to stop illegal drug and gang activity in the Tacoma-Pierce County area.

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

Council Member Vialle moved to suspend the rules to consider Substitute Resolution No. 30355. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

Mayor Sutherland moved that the Substitute Resolution be adopted. Seconded by Deputy Mayor Hyde. Voice vote was taken and carried. The Substitute Resolution was declared adopted.

Resolution No. 30356

Creating the Capital Improvements Projects Committee to serve in an advisory capacity to the City Council on capital improvement needs.

Deputy Mayor Hyde moved to suspend the rules to consider Substitute Resolution No. 30356. Seconded by Council Member Vialle. Voice vote was taken and carried. The motion was declared adopted.

Mayor Sutherland moved that the Substitute Resolution be adopted. Seconded by Deputy Mayor Hyde. Voice vote was taken and carried. The Substitute Resolution was declared adopted.

Mayor Sutherland stated that on next week's agenda there would be a resolution to appoint members to this committee. He reminded the Council to submit their recommended names to the Mayor/Council Secretary to be included in the Resolution.

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UNFINISHED BUSINESS:

Council Member Vialle stated that next week she would bring back under unfinished business Resolution No. 30351, although her concern was only with a portion of that Resolution.

Deputy Mayor Hyde moved to excuse Council Members McElliott and Mykland from tonight's meeting. Seconded by Council Member Warnick. Voice vote was taken and carried. The motion was declared adopted.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Council Member Nielsen brought to the Council's attention a situation involving residents living in the southeast portion of the City generally in the area east of Pacific Avenue and south of 84th Street. These individuals live in the City of Tacoma but also live in an area which is an independent taxing district. This year these residents started receiving assessments for improvements outside the City limits. Mr. Nielsen stated that the City and County were working jointly on this problem.


Council Member Warnick noted that the Wilson High swim team had won the Triple A crown and brought the trophy back to their school in recent tournaments.


Deputy Mayor Hyde noted that we now had a new City Attorney and expressed his appreciation of the services of Robert Backstein.

Mayor Sutherland also complimented Mr. Backstein and expressed his and the Council's thanks for Mr. Backstein's work over the years.

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On proper motion, the meeting was adjourned at 8:05 p.m.

ATTEST:  GENELLE BIRK, CITY CLERK

 DOUG SUTHERLAND, MAYOR

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