

CITY COUNCIL MINUTES

City Council Chambers  
August 28, 1990

The meeting was called to order at 5:06 p.m.

Present on roll call: 8 - Evans, McElliott, Miller, Moss, Mykland, Nielsen, Warnick, and Deputy Mayor Stenger. Absent: 1 - Mayor Vialle. (Mayor Vialle arrived at 5:07 p.m.)

The Flag Salute was led by Council Member McElliott.

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C O N S E N T   A G E N D A

Approval of the minutes of the meeting of August 21, 1990.

RESOLUTIONS:

Resolution No. 31029

Authorizing the submittal of a grant application in the amount of \$250,000.00 to the Washington State Department of Community Development for the rehabilitation of the Rialto Theatre at 310 South 9th Street as part of the Broadway Theatre District project.

Resolution No. 31031

Setting Monday, September 24, 1990, at 5:00 p.m. as the date for a hearing by the Hearing Examiner on L.I.D. No. 5707 for the installation of water mains and fire hydrants in East "F" Street from East 88th Street to East 91st Street.

APPEALS:

G.E. Vaughn, representing the Arlington Residential Coalition, appealing the decision of the Hearing Examiner regarding the request for reclassification and modification of an existing reclassification to allow the development of a shopping center at the northwest corner of South 74th Street and Tacoma Mall Boulevard. (Lyon Commercial Real Estate, Inc.; File No. 120.1159A and 120.1291)

Setting Tuesday, September 11, 1990, at approximately 5:30 p.m. as the date for a hearing before the City Council.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearing Examiner Agenda for Tuesday, August 28, 1990.

- b. Minutes of the special meetings of the Tacoma-Pierce County Board of Health, June 29 and July 11, 1990.
- c. Minutes of the meeting of the Human Rights Commission, July 19, 1990.
- d. Department of Public Utilities Management and Operations Review, March 1990.

Council Member Nielsen moved that the Consent Agenda, including Resolution Nos. 31029 and 31031, be approved. Seconded by Council Member Mykland. 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:

Presentation of Suggestion Awards

Deputy Mayor Stenger noted that the recipient of the Suggestion Award would not be present at tonight's Council meeting. He stated that the Personnel Department would ensure he gets his award.

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Mayor Vialle arrived at 5:07 p.m.

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COMMUNICATIONS:

Hearing Examiner recommending approval of the request to modify a previously approved site plan for the development of a 19,700 square foot retail center on the property located between Sprague Street and I-5 in the vicinity of South 60th Street to increase the square footage, make the buildings two-story, change the location of the northwest building and increase the number of parking stalls for the project. (Edi Linardic; File No. 120.1277A)

Council Member McElliott moved to concur in the recommendations of the Hearing Examiner. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

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FINAL READING OF ORDINANCES:

Substitute Ordinance No. 24710

Amending Title 9 of the Official Code by adding Chapter 9.20 and amending Subsection 13.03.070.6 to provide procedures for the removal or pruning of vegetation on City controlled properties for view purposes.

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Mayor Vialle stated that the Substitute Ordinance No. 2 for Ordinance No. 24710 was not present on the dias for the Council to consider. She stated that this Ordinance would be considered later in the Council meeting.

Ordinance No. 24711

Amending Chapter 1.34 of the Official Code by amending Sections 1.34.100 and 1.34.120 to increase the working fund advance for the Director of Finance for the General Fund Departments from \$17,000.00 to \$18,000.00 and for the Director of Public Works for the Sewer Utility from \$100.00 to \$200.00.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Evans, McElliott, Miller, Moss, Mykland, Nielsen, Stenger, Warnick, and Mayor Vialle.

Nays: 0.

The Ordinance was declared passed.

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FIRST READING OF ORDINANCES:

Ordinance No. 24712

Amending Chapter 13.06 of the Official Code to reclassify the property located on the west side of South "M" Street between South 39th and South 40th Streets from a "C-1" Commercial District to a "M-1" Light-Industrial District to allow the expansion of a lumber yard, including off-street parking and a truck loading area. (Gray Lumber Company; File No. 120.1275)

Mayor Vialle moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner, with Deputy Mayor Stenger voting nay. Seconded by Council Member Moss. 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. 24713

Accepting grant awards in the amount of \$105,000.00 from Grantmakers Consultants, Inc.; depositing said sum in the Miscellaneous Trust Summary Fund; appropriating and transferring \$25,000.00 from the Miscellaneous Trust Summary Fund to the General Fund; and appropriating \$25,000.00 from the General Fund to pay the program expenses for an additional police officer for the D.A.R.E. program.

The Ordinance was set over for final reading to September 11, 1990. (The September 4, 1990 Council meeting was previously cancelled.)

Ordinance No. 24714

Authorizing the City Attorney to acquire, through right of eminent domain, two parcels of land and the necessary access, construction and utility easements to construct remedial measures at the Tacoma Landfill.

The Ordinance was set over for final reading to September 11, 1990.

Ordinance No. 24715

Authorizing the expenditure of Motor Vehicle Gas Tax Receipts provided by the State Legislature; and appropriating \$451,000.00 from the Miscellaneous Special Revenue Fund for the completion of enhancement projects authorized in the Six Year Comprehensive Street Program.

The Ordinance was set over for final reading to September 11, 1990.

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Mayor Vialle stated that the Council would now consider Substitute Ordinance No. 24710.

Substitute Ordinance No. 24710

Amending Title 9 of the Official Code by adding Chapter 9.20 and amending Subsection 13.03.070.6 to provide procedures for the removal or pruning of vegetation on City controlled properties for view purposes.

Deputy Mayor Stenger moved to suspend the rules to consider Substitute No. 2 for Ordinance No. 24710. Seconded by Council Member Moss. Voice vote was taken and carried. The motion was declared adopted.

Mayor Vialle moved to amend the title of Substitute No. 2 Ordinance No. 24710 to change the word "Resolution" to read "Ordinance." Seconded by Deputy Mayor Stenger. Voice vote was taken and carried. The motion was declared adopted.

Roll call vote was taken resulting as follows:

Ayes: 9 - Evans, McElliott, Miller, Moss, Mykland, Nielsen, Stenger, Warnick and Mayor Vialle.

Nays: 0.

The Substitute Ordinance No. 2, as amended, was declared passed.

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RESOLUTIONS:

Resolution No. 30932 (Continued from the meeting of June 12, 1990.)

Adopting the Tacoma-Pierce County Solid Waste Management Plan to guide solid waste management within the City of Tacoma.

Mayor Vialle stated that this Resolution would be considered after tonight's public hearing.

Purchase Resolution No. 31032

Awarding contracts to:

1. Williams Patten Crusher & Pulverizer Co., c/o The Greaves Company, Inc., in the amount of \$90,000.00 for replacement parts for the refuse shredder at the Tacoma Landfill - Sole Source;
2. Wang Laboratories, Inc., in the amount of \$13,583.16 for Wang comprehensive hardware and software service - Sole Source;
3. Rejecting all bids received for the 1990 Intersection Traffic Circle Program - Specification No. G-236-90; and
4. Rejecting all bids received for Wang office support system equipment - Specification No. G-067-90.

Council Member Nielsen moved that the Purchase Resolution be adopted, including waiving the formal bidding procedures on Item Nos. 1 and 2. Seconded by Council Member Moss.

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

Resolution No. 31033

Authorizing the release of a portion of a sewer easement located near South 17th and "I" Streets to allow for the construction of improvements for the new Tacoma Western Clinic building.

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. 31034

Authorizing the release a portion of a sewer easement located near North 9th and Bennett Streets to allow for the construction of a house.

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. 31035

Authorizing payment in the amount of \$25,000.00 for membership in the Regional Sludge Management Committee for 1990.

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

Resolution No. 31036

Authorizing the execution of Amendment No. 1 to the agreement with Hornberger Engineering in the amount of \$85,000.00 to conduct the 1991-1996 storm sewer rate study.

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

Resolution No. 31037

Endorsing Pierce County's "Proposition 21", and urging all voters of the County to vote "yes" on the proposition on November 6, 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. 31038

Directing the Planning Commission to develop a design plan for the "K" Street business district and to review the intent of the commercial special review district to determine its suitability for the "K" Street business district.

Mayor Vialle moved that the Resolution be adopted. Seconded by Deputy Mayor Stenger. Voice vote was taken and carried. The Resolution was declared adopted.

Resolution No. 31039

Authorizing the Bing Crosby Historical Society to continue to use space in the Pantages Theatre basement for the period of August 1990 through August 1991.

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. 31040

Authorizing the submittal of project prospectuses to the Washington State Transportation Improvement Board and the execution of related agreements for various arterial street improvements.

Mayor Vialle moved to suspend the rules to consider Substitute Resolution No. 31040. Seconded by Council Member Evans. Voice vote was taken and carried. The motion was declared adopted.

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

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

Mayor Vialle stated that the Council would hear Public Hearings and Appeals Item b. first and then hear Item a.

- b. This is the date set for public hearing on the Tacoma-Pierce County Solid Waste Management Plan.

Doug Pierce, Public Works Department, gave a presentation regarding the proposed Solid Waste Management Plan.

Speaking to the Council were:

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| Sally Sharrard | Pierce County Utilities Dept.                          |
| Joe Bushnell   | Tacoma-Pierce County Solid Waste<br>Advisory Committee |
| Cheryl Miller  | 3303 North 36th Street                                 |
| Jody Snyder    | Tacoma-Pierce County Health Dept.<br>Waste Management  |
| Dick Bartels   | Chair, Environmental Commission                        |

There being no further testimony, Mayor Vialle declared the public hearing closed at 6:00 p.m.

- a. This is the date set for hearing the appeal of Annabelle F. Reed of the decision of the Hearing Examiner regarding the application for a Special Use Permit to allow the construction of a new nature center building at Snake Lake Nature Center. (Continued from the meeting of August 7, 1990.) (Began at 6:01 p.m.)

Council Member Mykland stated that he had missed the June 19, 1990 appeal. He had not had an opportunity to review the tapes and, on advice from the City Attorney's office, stated he would abstain from consideration of this matter. Council Member Mykland then absented himself from the Chambers.

Deputy Mayor Stenger stated that although he had missed the June 19, 1990 appeal, he had reviewed the tapes and material and would be participating in this matter tonight.

Annabelle Reed requested to present a point of order. Under advice from the City Attorney, Mayor Vialle stated that this would not be the appropriate time to consider the point of order.

Bill Barker, City Attorney, reviewed the history of the appeal and the matters of mediation and negotiation he had been involved in on behalf the Council. He spoke regarding Council Member Nielsen's participation in the meetings with the participants and noted that he had not considered any new evidence and had not participated in the negotiations and, therefore, could consider the appeal tonight.

Mr. Barker then reviewed the options and authorities of the Council regarding this matter.

Annabelle Reed then presented her point of order. She stated she objected to the proceedings and wished to return to the original findings that upheld her appeal. She stated she had expressed concerns regarding letters that had been sent to the City Council urging the Council to take a particular position on this appeal.

Mayor Vialle stated that she had ordered these held and given to the City Clerk's Office to be retained until after the appeal, at which time they could be presented to the Council.

The Mayor and all Council Members stated that they had not seen these letters nor any petitions.

Annabelle Reed then stated that she expressed concerns regarding a Metropolitan Park Board member presenting a compromise proposal at a public meeting of the Park Board.

Mayor Vialle stated that she had not heard of this compromise, and it had not been presented to her. The other Council Members stated they also had not heard it or been presented with this proposal. The Mayor and Council stated they had not seen the Park Board minutes or any review of this compromise proposal.

Council Members stated that they had presented to Mr. Barker summaries and proposals of their own.

Mr. Barker stated that he had summarized the comments of the Council Members for the committee, but had not shown them the letters of the individual Council Members.

Mayor Vialle stated that each side would be given five minutes to summarize their position on this appeal matter.

Annabelle Reed summarized her position relative to the appeal.

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Jim Montgomery, Metropolitan Park Department, spoke regarding his position on this matter. He also spoke of a compromise on the building location offered by the Park District.

Council Member Miller stated that he would present a motion requesting to delay the vote on this issue for two weeks in order to view the new staked-out area of the proposed compromise building location.

Council Members, in turn, questioned Mr. Montgomery and Ms. Reed regarding their statements.

Council Member Miller moved to continue this appeal to the City Council meeting of September 11, 1990. Seconded by Council Member Evans.

Mr. Barker stated that the Council may request of the parties, whether the record could be supplemented by visiting the site and reviewing facts of the compromise proposal.

Mayor Vialle requested of the participants whether this would be allowable.

Jim Montgomery stated this would be permissible.

Annabelle Reed stated it would be permissible, but expressed concerns regarding whether Council would receive complete facts in this matter.

The Mayor and Council expressed satisfaction with the completeness of the facts in this matter.

Council requested a verbatim of the portion of the appeal that dealt with the compromise proposal and discussion of both parties of the appeal.

Voice vote was taken and carried on the motion, with Council Member Moss voting nay and Council Member Mykland abstaining. The motion was declared adopted.

The appeal was continued to September 11, 1990.

Mayor Vialle requested that the City Attorney coordinate the viewing of the site for the Council.

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Mayor Vialle stated that the Council would now consider Resolution No. 30932.

Resolution No. 30932 (Continued from the meeting of June 12, 1990.)

Adopting the Tacoma-Pierce County Solid Waste Management Plan to guide solid waste management within the City of Tacoma.

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

REPORTS BY CITY MANAGER:

Ray Corpuz, Jr., City Manager, stated that at the Council's request the Ethics Code changes that apply to City committees would be presented to the Council at their next meeting on September 11, 1990. He also stated that at the September 11 meeting, the first of the proposed reorganization Code amendment changes would be coming before the Council.

Mr. Corpuz Reminded the Council that the Mayor's Cup Golf Tournament was this Friday.

He also noted that Tacoma was recently mentioned in MONEY Magazine as the fourth most livable city in the United States. He stated that they would be corresponding with the staff of MONEY Magazine to obtain the criteria that they used to determine this, so that it could be used for publicity for the City.

Mr. Corpuz then requested an Executive Session to discuss property acquisition, the session not to exceed 30 minutes.

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COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Mayor Vialle reminded the Council of the joint Council/Utility Board/Civil Service Board study session tomorrow night in the Public Utilities Department auditorium beginning at 5:30 p.m. for dinner.

Mayor Vialle also reminded the Council of the Thursday, August 30, 1990 special Council meeting in the Council Chambers beginning at 5:00 p.m.

Council Member McElliott stated that the Thea Foss Waterway Design Plan was discussed at today's noon study session. She stated she would like to see "D" Street opened to Thea Foss Waterway. In the interim, she stated that the public could use Wiley Avenue as a temporary access. She wanted to see more access for McKinley Hill residents to Foss Waterway.

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Council Member Nielsen moved to recess to Executive Session to discuss property acquisition, the session not to exceed 30 minutes. Seconded by Council Member Moss. Voice vote was taken and carried. The motion was declared adopted.

Council recessed to Executive Session at 6:59 p.m. and reconvened at 7:29 p.m.

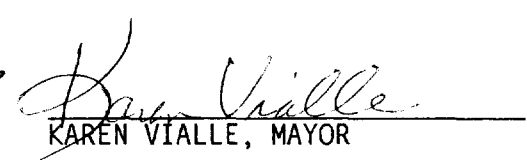
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On proper motion, the meeting was adjourned at 7:30 p.m.

ATTEST:



GENELLE BIRK, CITY CLERK

  
KAREN VIALLE, MAYOR

WPC 2079G