

CITY COUNCIL MINUTES

City Council Chambers
May 26, 1987

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

Present on roll call: 8 - McElliott, Moss, Mykland, Nielsen, Rasmussen, Stenger, Warnick, and Mayor Sutherland.

Absent: 1 - Hyde.

The Flag Salute was led by Council Member Mykland.

CONSENT AGENDA

Approval of the minutes of the regular meeting of May 19, 1987.

APPEALS:

Francis J. Browne appealing the decision of the Hearings Examiner relative to a variance for a detached garage at the property located at 1219 Karl Johan Avenue. (Durstun Builders, Inc.; File Nos. 130.2815 and 130.2815A)

Setting Tuesday, June 23, 1987 at 6:00 p.m. as the date for hearing by the City Council.

ASSESSMENT ROLLS:

The Director of Public Works presents the Assessment Rolls for the following:

L.I.D. No. 2602 for the renovation and replacement of sidewalks abutting the west side of Commerce Street from Jefferson Avenue north 125 feet more or less, the west side of Jefferson Avenue from South 17th Street to Commerce Street and the east side of Broadway from South 17th Street north 227 feet more or less.

L.I.D. No. 8440 for the placement of permanent pavement and street lighting on South 78th Street from South Sprague Avenue to South Trafton Street.

Setting Monday, June 22, 1987 at 5:00 p.m. as the date for hearing by the Hearings Examiner.

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ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner Agenda for Thursday, May 28, 1987.
- b. Minutes of the meeting of the Appointments Committee, May 18, 1987.
- c. Minutes of the meeting of the Civil Service Board, April 20, 1987.
- d. Minutes of the meeting of the Landmarks Preservation Commission, May 13, 1987.
- e. Minutes of the meeting of the Policy Review Committee, May 11, 1987.
- f. Minutes of the meeting of the Public Utility Board, April 22, 1987.
- g. Minutes of the public hearing of the Tacoma Planning Commission, May 4, 1987.
- h. Total Work Report of the Tacoma-Pierce County Humane Society & S.P.C.A., April 1987.
- i. Department of Public Utilities Budget Analysis, First Quarter 1987.

Council Member Nielsen moved that the Consent Agenda be approved. Seconded by Deputy Mayor Rasmussen. Voice vote was taken and carried. The Consent Agenda was declared approved.

Mayor Sutherland moved to reschedule the Sharon Guest Home appeal (File No. 121.1053) to July 7, 1987. Seconded by Council Member Mykland. Voice vote was taken and carried. The motion was declared adopted.

Mayor Sutherland moved to consider Resolution No. 29609. Seconded by Deputy Mayor Rasmussen. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 29609

Expressing the intent of the Tacoma City Council to support the Tacoma-Pierce County Economic Development Board's Commission of Higher Education and Research position statement and recommendations on graduate education and economic development in Pierce County.

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

Speaking to the Council was:

Elizabeth Heath

Economic Development Board

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

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REGULAR AGENDA

COMMUNICATIONS:

- a. Hearings Examiner submitting Shoreline Management Substantial Development Permit No. 141.407 to allow the replacement of an existing 20,000 gallon fiberglass reinforced plastic muriatic acid storage tank within an existing chemical processing facility located at 605 Alexander Avenue. (Occidental Chemical Corporation; File No. 141.407)

Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Moss.

Roll call vote was taken, resulting as follows:

Ayes: 8 - McElliott, Moss, Mykland, Nielsen, Rasmussen, Stenger, Harnick, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Hyde.

The motion was declared adopted.

- b. Hearings Examiner submitting Shoreline Management Substantial Development Permit No. 141.404 to allow the demolition of existing structures, the dredging of material from Blair Waterway, filling of Slip 2, construction of new concrete pier structure, rip-rap bank protection under new piers 3 and 4, the developing of approximately 32 acres of upland area, extension of utilities, construction of related support buildings, partial filling of Slip 5, and maintenance dredging at Slip 2 and Slip 5 on Blair Waterway. (Port of Tacoma; File No. 141.404)

Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Harnick.

Roll call vote was taken, resulting as follows:

Ayes: 8 - McElliott, Moss, Mykland, Nielsen, Rasmussen, Stenger, Harnick, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Hyde.

The motion was declared adopted.

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- c. Hearings Examiner submitting Shoreline Management Substantial Development Permit No. 141.406 to allow the dredging of material from the berthing area adjacent to the Tacoma Terminals, Inc., Pier located within Sitcum Waterway, to allow maintenance dredging of this portion of Sitcum Waterway and to allow disposal at either the Commencement Bay Department of Natural Resources Deep Water Disposal Site or at an approved upland location located at the southwest side of Sitcum Waterway. (Port of Tacoma; File No. 141.406)

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: 8 - McElliott, Moss, Mykland, Nielsen, Rasmussen, Stenger, Harnick, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Hyde.

The motion was declared adopted.

Mayor Sutherland presented awards from the American Public Works Association to City Public Works Department staff, Thomas Stucker and Mark Eimatermatinger.

Mayor Sutherland presented the 1986 Award of Merit from the Washington State Chapter of the American Public Works Association to Larry Walker, Public Works Department.

FINAL READING OF ORDINANCES:

Ordinance No. 23829

Vacating the alley between North 31st and 32nd Streets, east from Pine Street 100 feet, to clear an existing encroachment. (David L. Hale; File No. 124.833)

Roll call vote was taken, resulting as follows:

Ayes: 7 - McElliott, Moss, Mykland, Nielsen, Stenger, Harnick, and Mayor Sutherland.

Nays: 0.

Absent: 2 - Hyde and Rasmussen.

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The Ordinance was declared passed.

Ordinance No. 23830

Vacating a portion of the air rights over the north four feet of North 30th Street abutting 2217 North 30th Street. (Old Town Associates; File No. 124.832)

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 2 - Hyde and Rasmussen.

The Ordinance was declared passed.

Ordinance No. 23852

Appropriating \$37,091.00 from the General Fund for code enforcement and vector control programs, and declaring an emergency making necessary the passage of this ordinance.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 2 - Hyde and Rasmussen.

The Ordinance was declared passed.

Ordinance No. 23861

Authorizing the acceptance of \$5,000.00 from the Washington State Historical Society; depositing said sum in the Miscellaneous Grants Summary Fund; transferring \$5,000.00 from the General Fund to the Miscellaneous Grants Summary Fund; and appropriating \$10,000.00 from the Miscellaneous Grants Summary Fund for the Smithsonian exhibit, "Magnificent Voyagers," at the Washington State Historical Society Museum.

Roll call vote was taken, resulting as follows:

Ayes: 8 - McElliott, Moss, Mykland, Nielsen, Rasmussen, Stenger,
Warrnick, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Hyde.

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The Ordinance was declared passed.

Ordinance No. 23862

Authorizing the acceptance of \$4,000.00 from the Seattle Children's Theatre; depositing \$4,000.00 in the Miscellaneous Grants Summary Fund; transferring \$4,000.00 from the General Fund to the Miscellaneous Grants Summary Fund; and appropriating \$8,000.00 from the Miscellaneous Grants Summary Fund to provide free performances of "Little Lulu" at the Pantages Centre.

Roll call vote was taken, resulting as follows:

Ayes: 8 - McElliott, Moss, Mykland, Nielsen, Rasmussen, Stenger, Warrnick, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Hyde.

The Ordinance was declared passed.

Ordinance No. 23863

Amending Chapter 2.06 of the Official Code to adopt the 1985 Edition of the Uniform Plumbing Code.

Roll call vote was taken, resulting as follows:

Ayes: 8 - McElliott, Moss, Mykland, Nielsen, Rasmussen, Stenger, Warrnick, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Hyde.

The Ordinance was declared passed.

Ordinance No. 23864

Amending Chapter 2.07 of the Official Code to adopt the 1985 Edition of the Uniform Mechanical Code.

Roll call vote was taken, resulting as follows:

Ayes: 8 - McElliott, Moss, Mykland, Nielsen, Rasmussen, Stenger, Warrnick, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Hyde.

The Ordinance was declared passed.

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Ordinance No. 23865

Approving and confirming the assessment roll for L.I.D. No. 5665 for water main construction in North 27th Street from Carr Street to McCarver Street.

Roll call vote was taken, resulting as follows:

Ayes: 8 - McElliott, Moss, Mykland, Nielsen, Rasmussen, Stenger, Warrick, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Hyde.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 23866

Appropriating \$50,000.00 from the Capital Outlay City Waterway Fund for removal of asbestos at the Municipal Dock Building, and declaring an emergency making necessary the passage of this ordinance.

The Ordinance was set over for final reading next week.

Ordinance No. 23867

Amending Chapter 8.12 of the Official Code to add a new section relative to destruction of property.

The Ordinance was set over for final reading next week.

Ordinance No. 23868

Transferring \$5,389.17 from the Community Development Grants Summary Fund to the UDAG Grant Summary Fund and appropriating \$34,389.17 from the UDAG Grant Summary Fund to hire outside legal counsel in the Tacoma Holiday Inn matter.

The Ordinance was set over for final reading next week.

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RESOLUTIONS:

Resolution No. 29590 (Continued from the meeting of May 5, 1987.)

Expressing the intent of the City Council to fund selected code enforcement and vector control programs for the neighborhood strategy areas from the General Fund.

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

Council Member Mykland moved to amend Resolution No. 29590 to strike the words beginning on line 6, "for neighborhood strategy areas from the Community Development Block Grant Program." Seconded by Council Member Nielsen.

After further discussion, Council Member Nielsen moved to table Resolution No. 29590. Seconded by Deputy Mayor Rasmussen. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 29590 was tabled.

Resolution No. 29593 (Continued from the meeting of May 12, 1987.)

Authorizing the execution of an agreement with Seifert and Forbes, Architects, for the provision of architectural services for a second floor addition to the existing Administration/Engineering Services Building at the Central Treatment Plant.

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

Resolution No. 29605 (Continued from the meeting of May 19, 1987.)

Authorizing the execution of Amendment No. 4 to the Consulting Engineering Agreement with Parametrix, Inc., in the amount of \$1,039,204.00 to provide construction services on the Marine Outfall for the Central Treatment Plant.

Council Member Nielsen moved to suspend the rules to consider Resolution No. 29605. Seconded by Council Member Mykland. Voice vote was taken and carried. The Resolution was declared adopted.

Deputy Mayor Rasmussen stated that his company had done work with Parametrix, Inc., in the past. However, he has no current business dealings with Parametrix, Inc. and this would not have any bearing on his decision relative to Resolution No. 29605.

Council Member Mykland stated that as an employee of Pierce Transit he deals with Parametrix, Inc., directly, but in a different capacity and a different area and that this would not keep him from making a fair decision on Resolution No. 29605.

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Purchase Resolution No. 29607

Awarding contracts to:

1. Dye Plastics, Inc., on their bid of \$366,999.50 for 60-gallon plastic refuse containers - Specification No. G-026-87;
2. Asahara Inc., on their bid of \$68,360.00 for street intersection radii improvements - Specification No. G-220-87;
3. Asahara Landscaping on their bid of \$43,310.00 for the 12th Year Curb Ramp Program - Specification No. G-221-87;
4. Safety Signs, Inc., on their bid of \$14,067.90 for the cooperative purchase of Type 1 traffic lane markers - Washington State Contract No. 112-86; and
5. City of Fife on their bid of \$1,000.00 for the sale of one surplus 1982 Kawasaki motorcycle.

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

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

Resolution No. 29608

Authorizing the execution of Amendment #5 to the grant award contract with the Washington State Energy Office relative to the Tacoma Solar Access and Economic Feasibility Analysis.

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

Resolution No. 29609 was considered earlier in the Council meeting.

PUBLIC HEARINGS AND APPEALS: (Began at 5:52 p.m.)

- a. This is the date set for hearing the appeal of Joan Lech relative to the decision of the Hearings Examiner concerning the reclassification of the property located at the northeast corner of South 56th and Orchard Streets. (File Nos. 120.1190 and 131.106) (Continued from the meeting of April 14, 1987.)

Mayor Sutherland stated that the Council had received a letter from Joan Lech, indicating she was withdrawing her appeal.

Council Member Stenger moved to withdraw the appeal of Joan Lech without prejudice. Seconded by Mayor Sutherland. Voice vote was taken and carried. The motion was declared adopted.

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The appeal was withdrawn without prejudice.

Since all parties had not yet arrived for the appeal of Manor Care of Meadow Park and it was not yet 6:00 p.m., Mayor Sutherland moved to recess until 6:00 p.m. Seconded by Council Member Mykland. Voice vote was taken and carried. The motion was declared adopted.

Council recessed at 5:43 p.m. and reconvened at 6:00 p.m.

- b. This is the date set for hearing the appeal of Manor Care of Meadow Park relative to the decision of the Hearings Examiner concerning the reclassification of the property located at the northeast corner of South 56th and Orchard Street. (File Nos. 120.1190 and 131.106.) (Continued from the meeting of April 14, 1987.)

Mayor Sutherland inquired if Mr. Kyle Bowman, representing Manor Care of Meadow Park, was in the audience.

Mr. Bowman was not present.

Mayor Sutherland inquired if anyone was present representing Manor Care of Meadow Park. There was no response.

Mayor Sutherland moved to concur on the Findings, Conclusions, and Recommendations of the Hearings Examiner and deny the appeal, based on the record present and the fact that the appellant did not show for the appeal. Seconded by Council Member Stenger. Voice vote was taken and carried. The motion was declared adopted.

The appeal was denied based on the record present and the fact that the appellant did not show for the appeal.

Mr. Kyle Bowman, representing Manor Care of Meadow Park, arrived at approximately 6:10 p.m.

Council Member Mykland moved to reconsider the appeal of Manor Care of Meadow Park. Seconded by Council Member Warnick. Voice vote was taken and carried. The motion was declared adopted.

- b. This is the date set for hearing the appeal of Manor Care of Meadow Park relative to the decision of the Hearings Examiner concerning the reclassification of the property located at the northeast corner of South 56th and Orchard Streets. (File Nos. 120.1190 and 131.106) (Continued from the meeting of April 14, 1987.) (Began at 6:11 p.m.)

Mayor Sutherland asked Mr. Bowman if he had received a letter dated April 10, 1987 written to the Mayor and Council by Mr. Thomas Fishburne.

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Mr. Bowman stated he had not received the letter. Mr. Bowman was given a copy of the letter to review prior to the appeal.

Robert Backstein, City Attorney, stated that in his March 5, 1987 letter, Mr. Bowman stated that a more specific reason for his appeal would follow. Mr. Backstein stated that the reason has not been received.

Mr. Bowman stated that he had brought the specific reasons for the appeal with him to present at this appeal.

Mr. Backstein reviewed the Council's options relative to this matter.

After discussion, Council Member Harnick moved to dismiss the appeal based on the fact that Mr. Bowman had not provided the reason for the error in the Hearings Examiner's decision as required by Section 13.01.120 of the Official Code of the City of Tacoma. Seconded by Council Member Nielsen.

Roll call vote was taken as follows:

Ayes: 8 - McElliott, Moss, Mykland, Nielsen, Rasmussen, Stenger, Harnick, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Hyde.

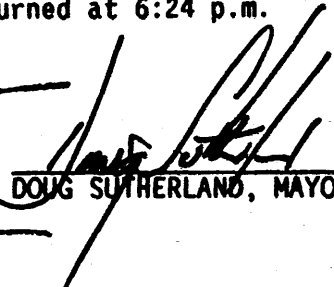
The appeal was denied.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Council Member McElliott reported on the trip that she and Council Members Mykland and Moss made to San Antonio, Texas for the National League of Cities Conference and Neighborhoods U.S.A. Conference.

Council Member Mykland moved to excuse Council Member Hyde from the City Council meeting of May 26, 1987. Seconded by Council Member Moss. Voice vote was taken and carried. The motion was declared adopted.

On proper motion, the meeting was adjourned at 6:24 p.m.


DOUG SUTHERLAND, MAYOR

ATTEST: 
GENELLE BIRK, CITY CLERK

HPC 1151.G

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