

CITY COUNCIL MINUTES

City Council Chambers
May 10, 1988

The meeting was called to order at 5:04 p.m.

Present on roll call: 9 - Hyde, McElliott, Moss, Mykland, Nielsen, Stenger, Vialle, Warrick, and Mayor Sutherland.

The Flag Salute was led by Council Member Moss.

CONSENT AGENDA

Approval of the minutes of the regular meeting of May 3, 1988.

PETITIONS:

Gordon Rush requesting the reclassification of the property located at the southeast corner of North 51st and Mildred Streets (5043 North Mildred) from a "R-1" District to a "R-2" District to allow for the construction of six single family homes in addition to the one existing. (Gordon Rush; File No. 120.1253)

For referral to the Hearings Examiner.

RESOLUTIONS:

Resolution No. 30024

Authorizing the submittal of an amendment to the City's Three Year Housing Program to the Department of Housing and Urban Development.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner Agenda for Tuesday, May 10, 1988.
- b. Minutes of the meeting of the Landmarks Preservation Commission, April 27, 1988.
- c. Minutes of the meeting of the Public Utility Board, April 13, 1988.
- d. Minutes of the special meeting of the Public Utility Board, April 19, 1988.
- e. Minutes of the meeting of the Tacoma-Pierce County Board of Health, April 6, 1988.
- f. Minutes of the special meeting of the Tacoma Public Library Board of Trustees, February 1, 1988.

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- g. Minutes of the meetings of the Tacoma Public Library Board of Trustees, February 17, 1988 and March 16, 1988.
- h. Minutes of the special meeting of the Tacoma Public Library Board of Trustees, March 7, 1988.
- i. Security Capital Real Estate Fund Adoptive Agreement, March 23, 1988.
- j. Monthly Financial Reports of the Belt Line Division, Data Processing Division, Fleet Services Fund, Light Division, Self-Insurance Claim Fund and Water Division, March 1988.

Council Member Nielsen moved that the Consent Agenda, including Resolution No. 30024, be approved. Seconded by Deputy Mayor Hyde. Voice vote was taken and carried. The Consent Agenda was declared approved.

Mayor Sutherland moved to continue the public hearing (Item C) for an amendment to the 1987-88 Community Development Block Grant Statement of Objectives and Use of Funds to provide an interim loan to Pioneer Business Forms, Inc., to retain jobs, for a period of one week to the City Council meeting of May 17, 1988. Seconded by Deputy Mayor Hyde. Voice vote was taken and carried. The motion was declared adopted.

The public hearing was continued to May 17, 1988.

REGULAR AGENDA

COMMUNICATIONS:

- a. Hearings Examiner submitting his decision relative to the appeal of Knapp College of the Tax and License Department's Business Audit Report issued December 15, 1987.

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

- b. Hearings Examiner submitting his decision relative to the appeal of Manke Lumber Company of Audit Assessment Notice AD 5355. (File No. T-18639)

Mayor Sutherland moved to concur in the recommendations of the Hearings Examiner. Seconded by Deputy Mayor Hyde. Voice vote was taken and carried. The motion was declared adopted.

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- c. Hearings Examiner recommending denial of the request for reclassification of the property located 75 feet north of the Northwest Corner of South 67th Street and Pacific Avenue (6526 Pacific Avenue) from a "R-2" One-Family Dwelling District to a "R-2-T" Residential-Commercial Transitional District to allow the conversion of an existing single-family dwelling into a professional office. (Anchalee Brunosky; File No. 120.1237)

Mayor Sutherland moved to concur in the recommendations of the Hearings Examiner. Seconded by Deputy Mayor Hyde. Voice vote was taken and carried. The motion was declared adopted.

FINAL READING OF ORDINANCES:

Ordinance No. 24043

Amending Chapter 13.06 of the Official Code to reclassify the property located on the southeast corner of East 38th Street and McKinley Avenue from a "R-2" One-Family Dwelling District to a "C-1" Commercial District to allow a convenience store and a gasoline service station. (Pacific Centers, Inc.; File No. 120.1230)

Roll call vote was taken, resulting as follows:

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

Nays: 3 - McElliott, Mykland, and Vialle.

The Ordinance was declared passed.

Ordinance No. 24083

Amending Title 13 of the Official Code to establish a new Chapter (13.09) designating the South Tacoma groundwater aquifer system as the "South Tacoma Groundwater Protection District."

Roll call vote was taken, resulting as follows:

Ayes: 9 - Hyde, McElliott, Moss, Mykland, Nielsen, Stenger, Vialle, Warnick, and Mayor Sutherland.

Nays: 0.

The Ordinance was declared passed.

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Ordinance No. 24086

Amending Section 6.88.040 of the Official Code to reassign the Visitor and Convention Promotion Sub-Fund from the Miscellaneous Trust Summary Fund to the Miscellaneous Special Revenue Fund and to redesignate the Vacated Street Right-of-Way Property Fund, a sub-fund of the Miscellaneous Trust Summary Fund, as the Open Space Fund.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Hyde, McElliott, Moss, Mykland, Nielsen, Stenger, Vialle, Warnick, and Mayor Sutherland.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 24087

Amending Section 1.24.570 of the Official Code entitled "Non-competitive position" to allow the Civil Service Board to suspend competition on recommendation of the Personnel Director for implementing classification reallocations to a higher class as a result of the Ewing Classification Study.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Hyde, McElliott, Moss, Mykland, Nielsen, Stenger, Vialle, Warnick, and Mayor Sutherland.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 24088

Appropriating \$4,665.00 from the Performing Arts Center Operating Fund for paying the cost of carpeting for the sixth floor Jones Building Administrative Offices, and declaring an emergency making necessary the passage of this ordinance.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Hyde, McElliott, Moss, Mykland, Nielsen, Stenger, Vialle, Warnick, and Mayor Sutherland.

Nays: 0.

The Ordinance was declared passed.

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Ordinance No. 24089

Accepting the donation of the Freedom Shrine exhibit from the Pierce County Veterans Advisory Council for display in the Tacoma Dome Convention Center.

Mayor Sutherland introduced Mr. John Palmiter of the Pierce County Veteran's Advisory Council. Mr. Palmiter introduced members of the Veteran's Council and the Exchange Club who were instrumental in getting the Freedom Shrine exhibit in the Tacoma Dome.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Hyde, McElliott, Moss, Mykland, Nielsen, Stenger, Vialle, Warrnick, and Mayor Sutherland.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 24090

Appropriating \$2,300,000.00 from the Self-Insurance Fund to meet anticipated obligations due to recent claims and litigation settlements that have exceeded estimations reported in January, 1988, and declaring an emergency making necessary the passage of this ordinance.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Hyde, McElliott, Moss, Mykland, Nielsen, Stenger, Vialle, Warrnick, and Mayor Sutherland.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 24092

Providing for the formation of L.I.D. No. 3904 for the construction of sanitary sewers in an easement approximately 120 feet west of and parallel to McKinley Avenue from East 88th Street north 500 feet, more or less.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Hyde, McElliott, Moss, Mykland, Nielsen, Stenger, Vialle, Warrnick, and Mayor Sutherland.

Nays: 0.

The Ordinance was declared passed.

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FIRST READING OF ORDINANCES:

Ordinance No. 24093

Amending Chapter 13.06 of the Official Code to correct the zoning for the property located in the vicinity of Montana Avenue and Arizona Avenue from a "C-2" Commercial District to a "R-4" Multiple Family Dwelling District. (H.C. Harned; File No. 120.1184B)

The Ordinance was set over for final reading next week.

Ordinance No. 24094

Amending Chapter 13.06 of the Official Code to regulate the removal of commercial underground storage tanks which store hazardous materials.

Mayor Sutherland moved to remove Ordinance No. 24094 from the agenda. Seconded by Council Member Moss. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 24094 was removed from the agenda.

Ordinance No. 24095

Transferring \$100,000.00 from the Capital Improvement Program Fund, \$60,000.00 from the Stadium and Convention Center Trust Fund, and \$190,000.00 from the Contingency Fund; depositing in and appropriating \$350,000.00 from the Tacoma Dome Operating Fund to clean and recoat the Tacoma Dome roof.

Mayor Sutherland moved to suspend the rules to consider Substitute Ordinance No. 24095. 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. 24096

Appropriating \$75,000.00 from the Capital Projects Waterway Fund to transfer the ownership of the steam plant property on City Waterway from the Department of Public Utilities to General Government; and declaring an emergency making necessary the passage of this ordinance.

The Ordinance was set over for final reading next week.

Ordinance No. 24097

Authorizing the sale and issuance of the City's Sewer Revenue Bonds, 1988 in the aggregate principal amount of \$37,500,000.00 to provide part of the funds necessary to redeem and retire outstanding sewer revenue bond anticipation notes of the City.

The Ordinance was set over for final reading next week.

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Mayor Sutherland moved that the Council consider Public Hearings and Appeals. Seconded by Council Member Warnick. Voice vote was taken and carried. The motion was declared adopted.

PUBLIC HEARINGS AND APPEALS: (Began at 5:37 p.m.)

- a. This is the date set for hearing the appeal of Jack L. and Mary-anne Callinsky, of the request of A. G. Masters for the reclassification of the property located on the northwest corner of South 19th and Visscher Streets (6001 South 19th Street) to allow the development of a professional law office. (A.G. Masters; File No. 120.1235)

Mayor Sutherland reviewed the procedures for appeals before the City Council.

Mayor Sutherland stated that he has known Mr. Callinsky for a number of years, but this friendship will have no bearing on his decision on this matter.

Rod Kerlake, Hearings Examiner, made a presentation to the Council regarding his decision.

Mr. Jack Callinsky gave the reasons for his appeal.

Mr. Dennis McBreen, 1802 South Visscher, spoke against the Hearing Examiner's decision.

Mr. Arlie G. Masters, Attorney, spoke in support of the Hearings Examiner's decision.

Mr. Joel Masters, 4248 Sunset Beach, also spoke in support of the Hearings Examiner's decision.

Council Member Stenger moved to uphold the Findings, Conclusions, and Decision of the Hearings Examiner and deny the appeal. Seconded by Council Member Moss.

Discussion followed regarding the proposed motion followed.

Deputy Mayor Hyde stated that he worked at Tacoma Community College and that this would not have any bearing on his decision on the appeal.

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

Ayes: 3 - Moss, Nielsen, and Stenger.

Nays: 6 - Hyde, McElliott, Mykland, Vialle, Warnick, and Mayor Sutherland.

The motion was declared failed.

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Council Member Vialle moved to overrule the Hearings Examiner and uphold the appeal. Seconded by Council Member Mykland.

Council Member Nielsen moved to set aside the motion and conclusion until statements of denial and error on the recommendation of the Hearings Examiner were presented. Seconded by Council Member Stenger.

Mayor Sutherland requested of the City Attorney indicate how long it would take for Findings of Fact and Conclusions of Law to come back to the Council for their consideration.

Robert Backstein, City Attorney, stated that it would take approximately one to two weeks for this matter to come back for Council consideration.

Mayor Sutherland stated that Council Member Nielsen's motion to set the vote over would be to the date of May 24, 1988.

Roll call vote was taken, resulting as follows:

Ayes: 4 - Moss, Nielsen, Stenger, and Mayor Sutherland.

Nays: 5 - Hyde, McElliott, Mykland, Vialle, and Warnick.

The motion was declared failed.

Council Member Vialle moved to overrule the Hearings Examiner and uphold the appeal. Seconded by Council Member Mykland.

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

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

Nays: 2 - Nielsen and Stenger.

The motion was declared adopted.

The appeal was upheld.

- b. This is the date set for a public hearing by the City Council regarding the City's Three-Year Housing Assistance Plan (1985-1988) goals relating to assisted housing resources.

Mr. Jim Josey, Community Development Department, made a presentation to the Council regarding the Housing Assistance Plan.

Deputy Mayor Hyde called for public testimony on this matter.

There being no testimony, Deputy Mayor Hyde declared the public hearing closed at 6:43 p.m.

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- c. This is the date set for a public hearing by the City Council to consider an amendment to the 1987-1988 Community Development Block Grant Statement of Objectives and Use of Funds to provide an interim loan to Pioneer Business Forms, Inc., to retain jobs.
- d. (This public hearing was continued earlier in the meeting to the City Council meeting of May 17, 1988.)

RESOLUTIONS:

Purchase Resolution No. 30025

Awarding contracts to:

1. Jones-Goodell Corporation on their bid of \$24,086.83 for painting the fireboat "Commencement" Specification No. G-027-88;
2. Rainier Welding, Inc., on their bid of \$77,661.78 for Tacoma Dome lighting and sound grid - Specification No. G-225-88;
3. Candid Photo Service, Inc., in the amount of \$22,000.00 to extend the contract for photographic processing and printing - Specification No. G-012-87;
4. Western Peterbilt, Inc., in the amount of \$143,092.56 to increase the contract for two (2) tandem axle cab and chassis for drop off box - Specification No. G-079-87;
5. Cascade Container Fabrication Company in the amount of \$45,060.00 to increase their contract for two (2) tilt-frame container hoists - Specification No. G-080-87; and
6. Centrecon Inc., in the amount of \$31,801.00 for ornamental streetlight standards.

Council Member Mykland moved that the Purchase Resolution be adopted, including waiving the formal bidding procedures on Purchase Item No. 6. Seconded by Council Member Moss.

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

Resolution No. 30026

Authorizing the execution of an agreement with Tacoma Public School District No. 10 to allow Bates Vocational School to provide fire training instruction for City fire personnel.

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

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Resolution No. 30027

Authorizing participation in a settlement agreement with other public agencies and private interests in the amount of \$6,133,000.00 to resolve land claims and jurisdictional issues with the Puyallup Tribe.

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

Speaking to the Council were:

Art Wang	Washington State Representative for the 27th District
Ramona Bennett	Puyallup Tribe
Carl Anderson	Secretary/Treasurer, Commencement Bay Tide Landowners Committee

Mayor Sutherland moved to continue Resolution No. 30027 to the meeting of May 17, 1988. Seconded by Council Member Mykland. Voice vote was taken and carried. The motion was declared adopted.

The resolution will be considered at the regular City Council meeting of May 17, 1988.

Resolution No. 30028

Authorizing the proper officers of the City to proceed with plans for a public boardwalk project on City Waterway.

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.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Council Member Mykland stated that on June 4 and 5, 1988, City Hall would again go to the Tacoma Mall and invited all Council Members to attend to meet the public and be a part of the City Council booth at the Mall.

Council Member Moss thanked the Tacoma-Pierce County Visitor and Convention Bureau for the packet of information that was used to promote and sell the City of Tacoma to outside entities.

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Council Member McElliott stated that the Planning Commission would be holding a meeting at Gault Elementary School for the benefit of the southeast area of the City and urged citizens to attend this meeting.

On proper motion, the meeting was adjourned at 7:37 p.m.

ATTEST:


GENELLE BIRK, CITY CLERK


DOUG SUTHERLAND, MAYOR

HPC. 4738.G

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