

CITY COUNCIL MINUTES

City Council Chambers
April 14, 1992

The meeting was called to order by Mayor Vialle at 5:11 p.m.

Present on roll call: 8 - Baarsma, Evans, McElliott, Miller, Moss, Mykland, Nielsen and Mayor Vialle. Absent: 1 - Silas.

The Flag Salute was led by Council Member Nielsen.

CONSENT AGENDA

Approval of the minutes of the Tacoma City Council meeting of April 7, 1992.

RESOLUTIONS:

Resolution No. 31709

Setting Monday, June 8, 1992, at 5:00 p.m. as the date for a hearing by the Hearings Examiner on L.I.D. No. 5720 for the installation of a 6-inch water main in Grandview Avenue from Wright Avenue to East 32nd Street and in East 32nd Street from approximately 300 feet east of Roosevelt Avenue to Grandview Avenue.

Resolution No. 31710

Setting Monday, June 8, 1992, at 5:00 p.m. as the date for a hearing by the Hearings Examiner on L.I.D. No. 5719 for the installation of a 6-inch water main in Sweet Street from Portland Avenue to 250 feet east of Q Street.

Resolution No. 31719

Setting Tuesday, April 28, 1992, at approximately 5:30 p.m. as the date for a public hearing by the City Council on amending Chapters 5.26 and 6.60 of the Official Code relating to animal control and license fees.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner Agenda for Tuesday, April 14, 1992.
- b. Minutes of the meetings of the Task Force on Hate Crimes, November 14, December 12, 1991 and February 13, 1992.

- c. Minutes of the meeting of the Landmarks Preservation Commission, March 25, 1992.
- d. City of Tacoma, Year in Review, 1991.

Council Member Nielsen moved that the Consent Agenda, including Resolution Nos. 31709, 31710 and 31719, be approved. Seconded by Deputy Mayor 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

ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS:

Presentation of Suggestion Awards.

Mayor Vialle presented a certificate and a cash award to Mr. Barry Roberts, of the Public Works Department, for his suggestion concerning setting curb forms along for asphaltting concrete curbing.

Mayor Vialle presented a certificate and a cash award to Ms. Veronica Dykas, Information Systems, for her suggestion concerning a car pool bulletin board.

COMMUNICATIONS:

Hearings Examiner submitting a revised Shoreline Management Substantial Development/Conditional Use Permit No. 141.501 implementing the directions of the State Shoreline Hearings Board to allow the construction of a two-story addition to an existing overwater single-family dwelling and a 7-foot by 15-foot overwater deck addition located at #11 Salmon Beach. (Doug Boneske; File No. 141.501)

Mayor Vialle moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Deputy Mayor Mykland. Roll call vote was taken, resulting as follows: Ayes: 8 - Baarsma, Evans, McElliott, Miller, Moss, Mykland, Nielsen and Mayor Vialle. Nays: 0. Absent: 1 - Silas. The motion was declared adopted.

FINAL READING OF ORDINANCES:

Ordinance No. 25059

Vacating a portion of the alley between Puyallup Avenue and East 25th Street, east of A Street, to combine the alley right-of-way with abutting properties to create unified ownership. (Puget Sound Tire and Retread Company; File No. 124.948)

Roll call vote was taken, resulting as follows:

Ayes: 8 - Baarsma, Evans, McElliott, Miller, Moss, Mykland, Nielsen and Mayor Vialle.

Nays: 0.

Absent: 1 - Silas.

The Ordinance was declared passed.

Ordinance No. 25091

Authorizing the execution of an amendment to the grant award contract with the United States Department of Housing and Urban Development in the amount of \$4,000; and depositing in and appropriating said sum from the Miscellaneous Grants Summary Fund to process housing discrimination cases based on "handicap and familial status" under the Fair Housing Amendments Act.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Baarsma, Evans, McElliott, Miller, Moss, Mykland, Nielsen and Mayor Vialle.

Nays: 0.

Absent: 1 - Silas.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 25090 (Continued from the meeting of April 7, 1992.)

Appropriating \$143,262.86 from the Labor-Management Health Care Trust Fund to pay Pierce County Medical Bureau, Inc. for recovery of underwriting losses for the fourth quarter of 1991.

The Ordinance was set over for final reading next week.

Ordinance No. 25093

Amending Chapter 13.06 of the Official Code to reclassify the property located at the northeast corner of South 56th and Mullen Streets from a "R-2" One-Family Dwelling District to a "R-3-PRD" Planned Residential Development District to construct a 38-unit apartment complex. (Al and Marienjke Deutscher; File No. 120.1341)

Mayor Vialle moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Nielsen. 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. 25094

Authorizing the sale and issuance of a short-term obligation note in the amount of \$500,000 to purchase two locomotives for the Belt Line Division.

The Ordinance was set over for final reading next week.

RESOLUTIONS:

Purchase Resolution No. 31711

Awarding contracts to:

1. Northwest Cascade, Inc., in the amount of \$37,167.43 for sanitary sewer construction at South 64th and Orchard Streets - Emergency P.O. No. 42479;
2. Chemical Waste Management, on their bid of \$43,360; Sol-Pro, Inc., on their bid of \$27,206; Burlington Environmental, on their bid of \$23,100; and Northwest Enviroservice, on their bid of \$12,830 for household hazardous waste consulting, treatment and disposal - Specification No. G-010-92; and
3. Kiewitt Pacific Inc., in the amount of \$2,950,000 to increase their contract for the Tacoma Landfill - Stage II Closure - Specification No. G-223-91.

Council Member Nielsen moved that the Purchase Resolution, including Substitute Exhibit "A" and waiving formal bidding procedures on Item No. 1, be adopted. Seconded by Council Member Moss.

Purchase Resolution No. 31711 - Substitute Exhibit "A"

Awarding contracts to:

1. Northwest Cascade, Inc., in the amount of \$37,167.43 for sanitary sewer construction at South 64th and Orchard Streets - Emergency P.O. No. 42479;
2. Chemical Waste Management, on their bid of \$43,360; Sol-Pro, Inc., on their bid of \$27,206; Burlington Environmental, on their bid of \$23,100; and Northwest Enviroservice, on their bid of \$12,830 for household hazardous waste consulting, treatment and disposal - Specification No. G-010-92; and
3. Various vendors for replacement and additional vehicles - Washington State Contract Nos. 160A-91, 160B-91 and 160C-91.

4

Voice vote was taken and carried on the Purchase Resolution, as amended. The Purchase Resolution, including Substitute Exhibit "A" and waiving formal bidding procedures on Item No. 1, was declared adopted.

Resolution No. 31712

Authorizing the execution of a real estate option to purchase agreement with U. S. Generating Company in the amount of \$3,250,000 for 17 acres of surplus property between Taylor Way and Alexander Avenue.

Mayor Vialle moved to set this Resolution over for one week. Seconded by Council Member Miller. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 31712 was set over for one week.

Resolution No. 31713

Authorizing the execution of lease agreements with Event Cushion Rentals in the amount of \$2,000; The Country's Best Yogurt (TCBY) in the amount of \$6,000; Picolo's Espresso in the amount of \$8,000; and Taco Time in the amount of \$15,000 for advertising space in the Tacoma Dome.

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

Resolution No. 31714

Adopting the "Thea Foss Waterway Design and Development Plan" as an element of the "Land Use Management Plan".

Mayor Vialle moved to continue Resolution No. 31714 to the meeting of April 21, 1992, per request of staff. Seconded by Council Member Moss. Voice vote was taken and carried.

Resolution No. 31714 was continued to the meeting of April 21, 1992.

Resolution No. 31715

Authorizing the execution of an amendment to the agreement with the AIDS Housing Association in the amount of \$11,400 to upgrade the fire alarm system in the assisted-living facility for HIV/AIDS women and their children.

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

Resolution No. 31716

Designating the Sanitary Sewer Overflow Elimination and Inflow & Infiltration Reduction Project as a Major Independent Construction Project to allow the hiring of temporary project employees.

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

Resolution No. 31717

Authorizing the submission of project prospectuses in the amount of \$766,000 to the Washington State Department of Transportation for certain Intermodal Surface Transportation Efficiency Act projects; and further authorizing the execution of related documents and agreements.

Deputy Mayor 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. 31718

Authorizing the execution of an agreement with the law firm of John Francis Kennedy in the amount of \$125,000 for legal services regarding the Grice Landfill site.

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

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

Dean Wilson, representing the Growth Management Implementation Group requesting to speak on the Growth Management Forum to be conducted on April 29, 1992.

Dean Wilson, Planning Commission Member, made a presentation to the Council regarding the Growth Management Forum to be held on April 29, 1992, at Henry Foss High School Cafeteria.

PUBLIC HEARINGS AND APPEALS: (Began at 5:42 p.m.)

This is the date set for hearing the appeal of the residents of Beverly Avenue NE and Broadview Avenue NE on the decision of the Hearings Examiner relative to L.I.D. No. 7718.

Mayor Vialle reviewed the procedures for appeals before the City Council regarding the appeal and issues involved.

All Council Members indicated that they had had correspondence and phone calls from residents in the neighborhood with regard to this L.I.D. over the week end and felt that this would not present a conflict in their making a decision.

6

Mr. Ralph Fry, representing residents of Broadview Avenue, stated the reasons for the appeal.

Mr. Leonard Wozniak, representing residents of Beverly Avenue, made a presentation to the Council with regard to this appeal.

Mr. Oliver Callson spoke in support of forming the L.I.D. in this neighborhood.

After discussion among the Council, the Hearings Examiner and Mr. Tom Bradley of the Public Works Department, Council Member Evans moved that the Council vote be continued for two weeks to allow recalculation of participation and objection, an examination of boundaries and alteration if those are pertinent, and including a complete benefit study. Seconded by Council Member Moss.

Mayor Vialle asked Mr. Bill Barker, City Attorney, for a legal opinion as to whether the Council could delay their vote or does it require a remand back to the Hearings Examiner.

Bill Barker stated that as he understood the motion, changing the boundaries, changing the allocations, would require starting the process anew. He stated that the hearing could be continued for two weeks to get a benefit study however, two weeks would not be sufficient time.

Following further discussion among the Council and City Attorney, Bill Barker, Deputy Mayor Mykland said that he thinks it would be proper to remand this to the Hearings Examiner and request before it comes back and before a decision is made on the completion of a study, that Council have a full understanding of the costs involved. He asked that the motion be withdrawn and instead that the motion be to remand this matter to the Hearings Examiner and that Council be provided with additional information regarding costs for the study.

Council Member Evans asked that if we did that then do we examine different boundaries in order to take into account each side of Beverly Avenue?

Deputy Mayor Mykland said we are not doing that at this time.

Council Member Evans asked if there was any way we could do that and Mayor Vialle stated that the only way we could do that is for Council to take action and reform the L.I.D.

Council Member Evans asked if Council could still reform the L.I.D. after the remand and Mayor Vialle stated that yes it could occur.

Council Member Evans then stated that on that basis he would agree to withdraw his motion and Council Member Baarsma withdrew his second.

Mayor Vialle seconded Deputy Mayor Mykland's motion to remand this back to the Hearings Examiner.

Council Member McElliott said that it was her understanding that Council was entitled to consider whether or not the boundaries are properly drawn.

Mayor Vialle stated that that was correct.

Mayor Vialle said there is a motion before the Council to remand this to the Hearings Examiner for purposes of looking at a benefit study and coming back to the Council with the cost of such study.

Mr. Barker said as he understood the original motion was to remand back to get a benefit study and also to give the neighborhood a chance to coalesce as to whether they were in opposition or not.

Deputy Mayor Mykland said that before the process starts the Council needs to receive information as to how much it's going to cost, who will pay the cost, and who will conduct this study.

Council Member Nielsen stated that the same appraiser who did the previous studies (Narrowmoor and Olympic Blvd) should not be used for this one.

Voice vote was taken on the motion to remand this matter to the Hearings Examiner and carried. The motion was declared adopted.

Mayor Vialle asked Mr. Corpuz to have staff begin a review on the L.I.D. procedures.

UNFINISHED BUSINESS:

Mayor Vialle stated that the following motion was on the dais: "To appoint a Charter Review Committee to consist of nine members, one member to be appointed by each member of the City Council with the Chair to be appointed by the Mayor."

Mayor Vialle moved to amend the above motion by changing it to read: "That the Council appoint a Charter Review Committee to consist of thirteen members, one member to be appointed by each member of the City Council with the Chair to be appointed by the Mayor to add that an additional four members be recommended by the Appointments Committee and confirmed by the full Council. Such appointments will be made by May 12, 1992."

Council Member Baarsma moved that the motion be adopted. Seconded by Council Member Moss. Voice vote was taken and carried on the motion as amended. The motion, as amended, was declared adopted.

Mayor Vialle stated that there should be a special Appointments Committee meeting to expedite this matter.

REPORTS BY CITY MANAGER:

None.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Mayor Vialle announced that a Town Hall meeting will be held next Monday night at 7:00 p.m. at the Allen A.M.E. Church at 1223 South "K" Street. This will be the first of our meetings that we hold in the Councilmanic Districts every two years.

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

Council Member Evans made a cultural report on the fact that in the last week we had four very distinguished Theater performances here.

Mayor Vialle stated that the display that was just at the Art Museum, the Disney Art, involving the youngsters from Baker and Gray Middle School and Mt. Tahoma High School who had the wonderful banners downtown corporate sponsorship: Puget Sound National Band and Cheney Foundation.


Council Member Nielsen said that the scope of the study on the L.I.D. Council just considered was left very unsettled and he hoped that the City Attorney's Office and the Hearings Examiner could initiate a process to form a consensus through polling as to what we consider this benefit study to include, not include, what its entire scope is since it was left very unsettled. He also stated a concern personally about the cost of the study, particularly in view sensitive areas, be borne by the proponets or the affected parties within the L.I.D. He didn't feel the City should incur the expense of the appraisal studies. He believed the cost of this study ought to be rolled up into the cost of the entire L.I.D. and shared by all the individuals affected.

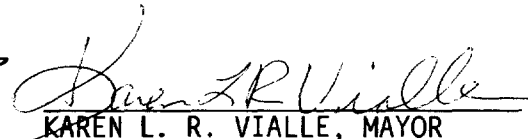
Council Member Miller told the City Manager he had received a phone call today from an individual who raised some very strong concerns regarding a purchase resolution we did about 6 or 9 months ago--which he felt was a very controversial one regarding the repair contract on our radio equipment. He stated he had heard that the repair contract that we had authorized was a three-year contract for a set amount, that that total amount has already been expended in the 6 to 9 months we've now proceeded into the contract and that that will be coming back to us for further extensions of the amount. He asked that the City Manager look into it and give the Council a report as to what those circumstances are.

Council Member McElliott said that she has been getting, from different areas of the City and different people, the comment that there are chunks of cement along the waterfront on Ruston Way, down on the beach with metal

protruding, re-barb pieces sticking up. She asked who should remove them, or maybe when they were thrown there someone thought that they would be turned over and that the re-barb would be sticking into the sand. It's a hazard and she wanted a report on who is responsible for them.

On proper motion, the meeting was adjourned at 7:35 p.m.

ATTEST: 
GENELLE BIRK, CITY CLERK


KAREN L. R. VIALLE, MAYOR

OS.7028G.