

CITY COUNCIL MINUTES

City Council Chambers
September 8, 1992

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

Present on roll call: 7 - Baarsma, Evans, McElliott, Miller, Nielsen, Silas, and Deputy Mayor Mykland. Absent: 2 - Moss and Mayor Vialle.

The Flag Salute was led by Council Member Silas.

CONSENT AGENDA

Approval of the minutes of the Tacoma City Council meeting of August 25, 1992 and study session of July 28, 1992.

RESOLUTIONS:

Resolution No. 31877

Setting Tuesday, October 20, 1992, at approximately 5:30 p.m. as the date for a public hearing by the City Council regarding the Comprehensive Housing Affordability Study One-Year Plan for the fiscal year 1993.

Resolution No. 31878

Setting Tuesday, October 27, 1992, at 9:00 a.m. as the date for a hearing by the Hearings Examiner on the request to vacate various street and alley rights-of-way between South 54th and South 56th Streets, Cheyenne Street and Mason Avenue. (Tacoma Housing Authority; File No. 124.962)

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner's Agenda for Tuesday, September 8, 1992.
- b. Minutes of the meeting of the Landmarks Preservation Commission, August 26, 1992.
- c. Minutes of the meeting of the Municipal Authority, July 23, 1992.
- d. Minutes of the study sessions of August 6 and 12, 1992; the meeting of August 12, 1992 and the special meeting of August 18, 1992 of the Public Utility Board.
- e. Minutes of the meeting of the Urban Waterfront Committee, June 10, 1992.
- f. Progress Report of the Commission on Children, Youth and Families, September 1, 1992.

- g. Hearings Examiner submitting Findings of Fact, Conclusions of Law and Decision of the Weatherly Inn vs. City of Tacoma Finance Department, File No. T-66529.
- h. Monthly Financial Reports of the Belt Line Division, Light Division, Water Division, Data Processing Fund, Fleet Services Fund and Self-Insurance Claim Fund, July 1992.
- i. Report of the Director of Finance, July 1992.

Council Member Nielsen moved that the Consent Agenda, including Resolution Nos. 31877 and 31878, be approved. Seconded by Council Member Evans. 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

ANNOUNCEMENT, PRESENTATIONS AND APPOINTMENTS:

Presentation of certificates of appreciation. Deputy Mayor Mykland presented certificates of appreciation to Mr. Russ Nance and Mr. Lloyd Bray for their participation on the Citizens Transportation Advisory Committee.

Council Member Moss arrived at 5:15 p.m.

- a. Hearings Examiner submitting Shoreline Management Substantial Development Permit No. 141.529 to allow building additions at the Tacoma Central Treatment Plant located at 2201 Portland Avenue. (City of Tacoma; File No. 141.529)

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

- b. Hearings Examiner recommending approval of a request for a reclassification modification for the property located on the northeast corner of South 80th and Trafton Streets to allow an approximately 51,500 square foot warehouse and assembly facility for door and window panels rather than the previously-approved 24,000 square foot warehouse addition and outdoor storage area. (AMPAC Enterprises, Inc.; File No. 120.1279A)

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

14

- c. Hearings Examiner recommending approval of a request to modify a previously-approved site plan for the property located on the northwesterly corner of Center and Tyler Streets to delete a 12-unit apartment complex, construct a second story over a portion of the proposed commercial building and add additional parking. (Alpine Maintenance; File No. 120.1262B)

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

FINAL READING OF ORDINANCES:

Ordinance No. 25174

Providing for the reconstruction or replacement of sidewalks at 1012 South 64th Street; 4816 South I Street; and 424 North Yakima Street; and establishing Sidewalk Construction Fund No. 92-1.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Mayor Vialle.

The Ordinance was declared passed.

Ordinance No. 25175

Amending Chapter 12.10 of the Official Code to add a temporary surcharge on water rates effective October 1, 1992 through May 31, 1993 and specify surcharge exemptions.

Deputy Mayor Mykland moved to continue Ordinance No. 25175 to the meeting of September 15, 1992. Seconded by Council Member Moss. Voice vote was taken and carried. The motion was declared adopted.

The Ordinance will be considered at the regular City Council meeting of September 15, 1992.

Ordinance No. 25176

Appropriating \$59,365.46 from the Labor-Management Health Care Trust Fund to pay Pierce County Medical Bureau, Inc., for recovery of underwriting losses for the second quarter of 1992 for the Police and Fire LEOFF I contract.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Mayor Vialle.

The Ordinance was declared passed.

Ordinance No. 25177

Accepting \$141,305 from the State of Washington; and depositing in and appropriating said sum from the Miscellaneous Grants Summary Fund for growth management activities.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Mayor Vialle.

The Ordinance was declared passed.

Ordinance No. 25178

Authorizing the issuance and sale of Local Improvement District Bond Issue No. 48.

Council Member Miller moved to suspend the rules to consider Substitute Ordinance No. 25178. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Mayor Vialle.

The Substitute Ordinance was declared passed.

FIRST READING OF ORDINANCES

Ordinance No. 25179

Vacating American Lake Boulevard and the abandoned Pacific Traction Company right-of-way and portions of South Stevens Street and Grove Place to unify Tacoma School District No. 10 and Metropolitan Park District properties into one contiguous parcel to be developed as the new combination Manitou Elementary School and park recreational facility. (Tacoma School District No. 10 and Metropolitan Park District; File No. 124.957)

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

The Ordinance was set over to a date to be determined.

Ordinance No. 25180

Vacating a portion of North Ferdinand Street from North 16th Street north 100 feet for a garage, children's play area, and additional yard space. (Joseph M. Glaser; File No. 124.944)

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

The Ordinance was set over to a date to be determined.

Ordinance No. 25181

Vacating a triangular portion of surplus right-of-way on the easterly side of Tyler Street southerly of South 38th Street to combine the vacated area with the abutting property for additional landscaped yard space. (Paul George Babare; File No. 124.956)

Deputy Mayor Mykland 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.

The Ordinance was set over to a date to be determined.

Ordinance No. 25182

Amending Chapter 13.06 of the Official Code to establish a "M-3" Heavy Industrial Zoning District for the recently annexed 712 acres in the Port Industrial area. (City of Tacoma; File No. 120.1348)

The Ordinance was set over for final reading next week.

Ordinance No. 25183

Authorizing a temporary interest-bearing loan from the Equipment Rental Capital Outlay Fund to the Union Station Fund in the amount of \$1.5 million; appropriating said sum from the Union Station Fund for renovation of the Tacoma Union Station; and declaring an emergency making necessary the passage of this ordinance.

The Ordinance was set over for final reading next week.

Ordinance No. 25184

Appropriating \$15,000 from the Visitor and Convention Promotion Sub-Fund of the Special Revenue Summary Fund for partially funding the international affairs activities of the Economic Development Division; and declaring an emergency making necessary the passage of this ordinance.

The Ordinance was set over for final reading next week.

PUBLIC HEARINGS AND APPEALS: (Began at 5:35 p.m.)

This is the date set for hearing the appeal of the Arlington Residential Coalition and the United States Air Force on the decision of the Hearings Examiner relative to the reclassification of the property located on the northwest corner of the intersection of South 80th and South Pine Streets from a "R-4-L" Low Density Multiple-Family Dwelling District to a "R-3-PRD" Planned Residential Development District to allow the construction of 445 residential units. (Investco Corporation; File Nos. 120.1298 and 127.305)

Council Member Baarsma declared his personal acquaintence of the petitioners and stated he has not had any conversations with the petitioners concerning this appeal.

Council Member Miller declared that in the past he removed himself from participation in this appeal because of his personal affiliation with the applicant because he leased building space from the applicant. Council Member Miller stated he no longer leases space from the applicant and he too has not had any conversations with the applicant concerning this appeal.

Deputy Mayor Mykland declared he has not had any conversations with any of the parties involved in this appeal.

Mr. Gordon Crandall, Hearings Examiner Pro Tem, spoke regarding his decision relative to the reclassification of the property located on the northwest corner of the intersection of South 80th and Pine Streets for the construction of 445 residential units.

Captain Steve Martell, U.S. Air Force, Steve Martell, presented reasons for the appeal.

Mr. Skip Vaughn, representing Arlington Residential Coalition, presented reasons for the appeal.

Mr. Steve Bernham, attorney representing Investco Financial Corporation, spoke in support of the Hearings Examiner's decision.

Council Member Baarsma moved to overrule the Hearings Examiner and uphold the appeal. Seconded by Council Member Evans.

Council Member Baarsma indicated he took exception to the recommendation of the Hearings Examiner decision based on the following:

1. The Examiner erred in his decision to rezone the property as the rezone does not satisfy the criteria of the Parkridge case as the density would endanger the health, safety and welfare of the citizens of Tacoma.
2. The Hearings Examiner erred in not complying with the Council's January 21, 1992 direction to consider the Joint Land Use Study and the pending studies of the Joint Military Civilian Use of McChord Air Force base and location of airports to supplement or replace SeaTac International Airport in his decision.
3. The Examiner erred in his conclusion that the recommendation of the Joint Land Use Study relating to the risk of airport/aircraft crash may not form the basis for establishing density at the proposed site. The risk of an aircraft crash runs counter to the land use regulatory code requirement that the rezone must bear a substantial relationship to the public health, safety and welfare.
4. The Hearings Examiner erred in recognizing that aircraft noise at the site may form the basis for denying the applicant's application for zone reclassification then ignoring the clear evidence that the 70-75 LDN aircraft noise contour which affects the proposed site is incompatible with residential uses and therefore inconsistent with the public, health, safety and welfare of the citizens of Tacoma.

Roll call vote was taken, resulting as follows:

Ayes: 4 - Baarsma, Evans, McElliott, Mayor Mykland.

Nays: 4 - Miller, Moss, Nielsen, and Silas.

Absent: 1 - Mayor Vialle.

Deputy Mayor Mykland changed his vote to nay in order to bring this matter fore the Council next week when Mayor Vialle is present for a full vote of the Council.

Council recessed at 7:10 p.m. and reconvened at 7:20 p.m.

RESOLUTIONS:

Resolution No. 31879

Amending the General Government Fee Schedule for Special and Miscellaneous Services to increase fees for processing of applicant fingerprinting and delete the sale of Minority/Women Business Enterprise Directories.

Council Member Nielsen moved that the Resolution be adopted. Seconded by Council Member Moss. Voice vote was taken and carried. The Resolution was declared adopted with Council Member Silas voting in opposition.

Resolution No. 31880

Authorizing the execution of a real estate contract in the amount of \$2,406 for the sale of surplus property located between 3820 and 3826 South 10th Street to Steven J. and Doris Brewer.

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

Resolution No. 31881

Expressing the intent to proceed with the structuring and sale of additional taxable revenue bonds for the Union Station Federal Courthouse project.

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

Resolution No. 31882

Authorizing the execution of a revised retainer agreement with Foster, Pepper & Shefelman in the amount of \$20,000; and a letter of agreement with Puget Sound Securities in the amount of \$20,000 for bond counsel services for the Union Station renovation project.

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

Resolution No. 31883

Designating the Thea Foss Waterway Environmental Master Plan as a special project of limited duration for the hiring of temporary employees.

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 with Council Member McElliott voting in opposition.

Resolution No. 31884

Establishing the membership, duties and responsibilities of the Downtown Tacoma Parking Commission.

Council Member Miller moved that the Resolution be adopted. Seconded by Council Member Silas. Voice vote was taken and carried. The Resolution was declared adopted with Council Member McElliott voting in opposition.

Resolution No. 31885

Approving the execution of the Interlocal Cable Television and Communication Services Cooperative Agreement for the administration of cable television franchises and creating the Rainier Cable Commission.

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

Resolution No. 31886

Authorizing the execution of Amendment No. 68 to the Neighborhood Preservation Program agreement with the Municipal Authority and Amendment No. 1 to the loan agreement with Colonial Court Limited Partnership for the Colonial Court project.

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

UNFINISHED BUSINESS:

None.

REPORTS BY CITY MANAGER:

Mr. Ray E. Corpuz, Jr., City Manager, requested an Executive Session, not to exceed 30 minutes, to discuss real estate acquisition and potential litigation.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:


Deputy Mayor Mykland moved to excuse the absence of Mayor Vialle. Seconded by Council Member Miller. Voice vote was taken and the motion carried.

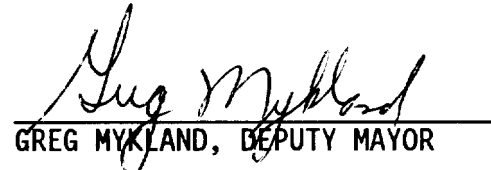
Council Member Miller moved to recess to Executive Session to discuss real estate acquisition and potential litigation, the session not to exceed 30 minutes. Seconded by Council Member Silas. Voice vote was taken and carried. The motion was declared adopted.

Council recessed to Executive Session at 7:40 p.m. and reconvened at 8:05 p.m.

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

ATTEST:


GENELLE BIRK, CITY CLERK


GREG MYKLAND, DEPUTY MAYOR

OS.8023G.