

CITY COUNCIL MINUTES

City Council Chambers
May 19, 1987

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

Present on roll call: 5 - Hyde, McElliott, Moss, Rasmussen and Mayor Sutherland.

Absent: 4 - Mykland, Nielsen, Stenger and Harnick.

Council Member Stenger arrived at 5:07 p.m.

The Flag Salute was led by Council Member Moss.

CONSENT AGENDA

Approval of the minutes of the regular meeting of May 12, 1987.

RESOLUTIONS:

Resolution No. 29595

Setting Tuesday, June 2, 1987 at 6:00 p.m. as the date for public hearing by the City Council to consider the Six-Year Comprehensive Street Program for the years 1988 through 1993 and the Amended 1987 Street Program.

Resolution No. 29596

Setting Monday, June 8, 1987 at 5:00 p.m. as the date for hearing by the Hearings Examiner on L.I.D. No. 5681 for water main construction in Madison Street from South 74th Street to approximately 900 feet south.

Resolution No. 29597

Setting Tuesday, June 30, 1987 at 6:00 p.m. as the date for public hearing by the City Council to consider proposed amendments to Chapter 13 of the Official Code relative to land use permit fees.

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ASSESSMENT ROLLS:

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

L.I.D. No. 2600 for the placement of two-inch asphalt surface treatment in South Verde Street from Sixth Avenue to South 7th Street, North 48th Street from North Mullen Street to North Ferdinand Street, and North Tyler Street from North 22nd Street to North 24th Street.

L.I.D. No. 2601 for the placement of two-inch asphalt surface treatment in South 60th Street from South Alder Street to South Lawrence Street, South 70th Street from South Park Avenue to South Yakima Avenue, East "L" Street from East 54th Street to East 56th Street, alley between North Baltimore Street and North Bennett Street from North 14th Street to North 18th Street, and East 37th Street from East "B" Street east 280 feet, more or less.

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

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner Agenda for Tuesday, May 19, 1987.
- b. Minutes of the meeting of the Citizens Transportation Advisory Committee, May 7, 1987.
- c. Minutes of the meeting of the Policy Review Committee, May 4, 1987.
- d. Minutes of the meeting of the Board of Administration of the Tacoma Employees' Retirement System, March 26, 1987.
- e. Minutes of the public hearing of the Tacoma Planning Commission, April 20, 1987.
- f. Draft Capital Improvement Program, 1987-1992.

Deputy Mayor Rasmussen moved that the Consent Agenda, including Resolution Nos. 29595, 29596, and 29597, be approved. Seconded by Council Member Hyde. Voice vote was taken and carried. The Consent Agenda was declared approved.

Council Member Stenger arrived at 5:07 p.m.

R E G U L A R A G E N D A

COMMUNICATIONS:

- a. Hearings Examiner recommending approval of site plan modification for the property located at the west side of Arizona Avenue northeasterly of the intersection of Arizona Avenue and Montana Avenue to allow for the deletion of property from the approved site plan. (H. C. Harned; File No. 120.1184A)

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

- b. Hearings Examiner recommending approval of modifications to a previously-approved preliminary plat known as North Shore Country Club Estates, Division 4, to eliminate 34th Court N.E. between 34th Avenue Northeast and Nassau Avenue Northeast and to provide a 15 foot wide pedestrian access. (Western Savings and Loan Association Development Corporation/North Shore Country Club Estates, Division 4; File No. 125.274)

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

FINAL READING OF ORDINANCES:

Ordinance No. 23744

Amending Chapter 13.06 of the Official Code to reclassify the property located in the vicinity of Montana Avenue and Arizona Avenue from an "R-4" Multiple-Family Dwelling District and an "R-4-T" Multiple-Family Residential-Commercial Transitional District to a "C-2" Commercial District to develop an eight-plex cinema on the subject site. (H. C. Harned; File No. 120.1184)

Roll call vote was taken, resulting as follows:

Ayes: 6 - Hyde, McElliott, Moss, Rasmussen, Stenger, and Mayor Sutherland.

Nays: 0.

Absent: 3- Mykland, Nielsen and Warnick.

The Ordinance was declared passed.

Ordinance No. 23851

Providing for the issuance and sale of \$3,925,000.00 of limited tax general obligation bonds to acquire parking facilities in the downtown area and to make improvements to certain of those such facilities.

Mayor Sutherland moved to continue Ordinance No. 23851 to the meeting of June 2, 1987. Seconded by Council Member Hyde. Voice vote was taken and carried. The motion was declared adopted.

The Ordinance will be considered at the regular City Council meeting of June 2, 1987.

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Ordinance No. 23854

Vacating South 4th Street between "K" and "L" Streets, the alley between "K" and "L" Streets from South 4th to South 5th Streets, and certain subsurface rights for the construction of an out-patient services building, office space, and a parking structure. (Multicare Medical Center; File No. 124.834)

Roll call vote was taken, resulting as follows:

Ayes: 6 - Hyde, McElliott, Moss, Rasmussen, Stenger, and Mayor Sutherland.

Nays: 0.

Absent: 3- Mykland, Nielsen and Warnick.

The Ordinance was declared passed.

Ordinance No. 23855

Appropriating \$50,000.00 from the Federal Shared Revenue Fund to the Tacoma-Pierce County Health Pooling Fund and appropriating \$50,000.00 from said fund to permit the Tacoma-Pierce County Health Department to meet increasing demands for services in the A.I.D.S. Program, and declaring an emergency making necessary the passage of this ordinance.

Roll call vote was taken, resulting as follows:

Ayes: 6 - Hyde, McElliott, Moss, Rasmussen, Stenger, and Mayor Sutherland.

Nays: 0.

Absent: 3- Mykland, Nielsen and Warnick.

The Ordinance was declared passed.

Ordinance No. 23857

Authorizing the execution of a grant award contract with the Washington State Energy Office in the amount of \$2,850.00 and depositing and appropriating said sum from the Miscellaneous Grants Summary Fund to provide additional consulting services regarding a Solar Resource Analysis and Economic Feasibility Study of Tacoma.

Roll call vote was taken, resulting as follows:

Ayes: 6 - Hyde, McElliott, Moss, Rasmussen, Stenger, and Mayor Sutherland.

Nays: 0.

Absent: 3- Mykland, Nielsen and Warnick.

The Ordinance was declared passed.

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Ordinance No. 23858

Amending Section 1.06.247 of the Official Code relative to purchasing procedures and rejection of bids.

Roll call vote was taken, resulting as follows:

Ayes: 6 - Hyde, McElliott, Moss, Rasmussen, Stenger, and Mayor Sutherland.

Nays: 0.

Absent: 3- Mykland, Nielsen and Warrnick.

The Ordinance was declared passed.

Ordinance No. 23859

Amending Section 8.12.010 of the Official Code relating to public safety and morals and shoplifting to bring the code into compliance with State law.

Roll call vote was taken, resulting as follows:

Ayes: 6 - Hyde, McElliott, Moss, Rasmussen, Stenger, and Mayor Sutherland.

Nays: 0.

Absent: 3- Mykland, Nielsen and Warrnick.

The Ordinance was declared passed.

Ordinance No. 23860

Amending Chapter 8.12 of the Official Code relative to the prohibition of littering and penalties to bring the code into compliance with State law.

Roll call vote was taken, resulting as follows:

Ayes: 6 - Hyde, McElliott, Moss, Rasmussen, Stenger, and Mayor Sutherland.

Nays: 0.

Absent: 3- Mykland, Nielsen and Warrnick.

The Ordinance was declared passed.

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FIRST READING OF ORDINANCES:

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.

The Ordinance was set over for final reading next week.

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.

The Ordinance was set over for final reading next week.

Ordinance No. 23863

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

The Ordinance was set over for final reading next week.

Ordinance No. 23864

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

The Ordinance was set over for final reading next week.

Mayor Sutherland proclaimed the week of May 17 - 23, 1987, to be "Rape Awareness Week," and presented the proclamation to Ms. Helene Chabot.

RESOLUTIONS:

Purchase Resolution No. 29598

Awarding contracts to:

1. Unicorn c/o Carma Sales, Inc., on their bid of \$11,858.00 for ballast-socket assemblies - Single Source; and

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2. Rejecting all bids submitted for painting and undercoating of fire engine, manufacturing new pump panels, replacing compartment door, fabricating and installing side compartments - Specification No. G-014-87.

Mayor Sutherland moved that the Purchase Resolution be adopted. Seconded by Council Member Hyde.

Deputy Mayor Rasmussen moved to waive the formal bidding procedures on Purchase Item No. 1. Seconded by Council Member Hyde. Voice vote was taken and carried. The motion was declared adopted.

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

Resolution No. 29599

Authorizing the execution of an agreement with Pierce Transit to share in the construction costs of restroom facilities in the vicinity of 13th Street and Commerce Street.

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

Resolution No. 29600

Authorizing the execution of Assignment of Easements 4127 and 4128 to the Lakeview Light and Power Company.

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

Resolution No. 29601

Authorizing the execution of release of easement E-9714 to clear title to the property located at 4410-64th Avenue West.

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

Resolution No. 29602

Authorizing the conveyance of the north four feet abutting Croft Substation to the Department of Public Works for the construction of a sidewalk.

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

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Resolution No. 29603

Authorizing the execution of a Memorandum of Understanding in the amount of \$7,500.00 with the Department of Utilities Light Division for a technical energy audit of a selected City building as part of the Bonneville Power Administration's Commercial Incentive Pilot Program (CIPP).

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

Resolution No. 29604

Authorizing the execution of an agreement with Pierce County to provide sewerage service to the Dash Point area.

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

Resolution No. 29605

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.

Mayor Sutherland moved to continue Resolution No. 29605 to the meeting of May 26, 1987. Seconded by Council Member Hyde. Voice vote was taken and carried. The motion was declared adopted.

The Resolution will be considered at the regular City Council meeting of May 26, 1987.

Resolution No. 29606

Authorizing a temporary loan in the amount of \$1,350,000.00 from the General Fund to the Tacoma Dome Operating Fund.

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

PUBLIC HEARINGS AND APPEALS: (Began at 5:27 p.m.)

This is the date set for hearing the appeal of Fish Boat Owners & Associates regarding the decision of the Hearings Examiner relative to the filling of Slip 2, partial filling of Slip 5, and construction of pier structure and related support buildings on Blair Waterway northeasterly of the Port of Tacoma Road and the northwesterly end of Port of Tacoma Road adjacent to Commencement Bay. (File No. 141.404)

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Mayor Sutherland identified that both parties to the appeal were present and stated that although it was not yet 6:00 p.m., since both parties were present the appeal would proceed.

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

Rodney M. Kerslake, Hearings Examiner, stated that it was his understanding that the appellant wished to withdraw the appeal subject to certain conditions. He stated that he would withhold any report or comments at this time.

Jerry Taylor, Board of Directors, Fish Boat Owners & Associates, read a letter into the record regarding the Port's shoreline matter and their withdrawal of the appeal relative to those conditions. Mr. Taylor requested that the letter be made a permanent part of the record.

Mayor Sutherland stated that he saw no problem having it entered as a part of the record.

Mayor Sutherland moved to allow the appeal to be withdrawn and make the record submitted by Fish Boat Owners & Associates a part of the file. Seconded by Deputy Mayor Rasmussen. Voice vote was taken and carried. The motion was declared adopted.

The appeal was withdrawn.

REPORTS BY CITY MANAGER:

Erling O. Mork, City Manager, stated that staff has requested an Executive Session to discuss litigation.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Mayor Sutherland moved, pursuant to the recommendation of the City Attorney, that the City Council accept the settlement proposal made in a letter of April 6, 1987, to the City by Ben J. Gantt, attorney for Proctor and Gamble Distributing Company, relative to the dispute between that company and the City over a tax assessment (AD 5443). By virtue of such settlement, a partial refund, as proposed in the above-cited letter, will be made to Proctor and Gamble. Seconded by Deputy Mayor Rasmussen. Voice vote was taken and carried. The motion was declared adopted.

Deputy Mayor Rasmussen moved to excuse Council Members Mykland, Nielsen and Warrick from the City Council meeting of May 19, 1987. Seconded by Council Member Hyde. Voice vote was taken and carried. The motion was declared adopted.

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Mayor Sutherland moved to recess to Executive Session to discuss litigation, the session not to exceed twenty (20) minutes. Seconded by Council Member Hyde. Voice vote was taken and carried. The motion was declared adopted.

Council recessed to Executive Session at 5:46 p.m. and reconvened at 6:04 p.m.

On proper motion, the meeting was adjourned at 6:05 p.m.



DOUG SUTHERLAND, MAYOR

ATTEST:



GENELLE BIRK, CITY CLERK

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