

CITY COUNCIL MINUTES

City Council Chambers
September 29, 1987

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

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

The Flag Salute was led by Council Member McElliott.

CONSENT AGENDA

Approval of the minutes of the regular meeting of September 22, 1987.

RESOLUTIONS:

Resolution No. 29764

Setting Tuesday, November 3, 1987 at 10:30 a.m. as the date for a public hearing by the Hearings Examiner on the request to vacate the south half of North 34th Street west of Puget Sound Avenue. (M. Ali and Juanita C. Kandl; File No. 124.858)

Resolution No. 29765

Approving the final plat for Hokold's 11th Addition for eight residential buildings located at South 84th and Alaska Streets. (Oscar Hokold; File No. 125.283)

Resolution No. 29766

Approving the final plat for Harborwood Addition for eight residential building lots located at Browns Point Boulevard and 56th Street N.E. (Harborwood Addition; File No. 125.285)

Resolution No. 29767

Authorizing the submittal of a grant application to the Department of Ecology for funds for the preparation of a Facility Plan for Salmon Beach for disposal of wastewater.

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APPEALS:

Woodworth & Co., Inc., (File No. T-03911) appealing Audit Assessment Notice No. AD 5538 by the Department of Tax and License.

Setting Thursday, December 10, 1987 at 9:00 a.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, September 29, 1987.
- b. Minutes of the meeting of the Human Rights Commission, August 20, 1987.
- c. Minutes of the meeting of the Tacoma Beautification Committee, July 15, 1987.
- d. Minutes of the meeting of the Tacoma Public Library Board of Trustees, August 19, 1987.
- e. Minutes of the special meeting of the Tacoma Public Library Board of Trustees, September 2, 1987.
- f. Minutes of the meeting of the Appointments Committee, September 21, 1987.
- g. Minutes of the meeting of the Urban Policy Committee, September 17, 1987.
- h. Citizens petition supporting the construction of a Tacoma/Pierce County Aquatics Center in conjunction with the 1990 Goodwill Games.

Council Member Nielsen moved that the Consent Agenda, including Resolution Nos. 29764, 29765, 29766, and 29767, be approved. Seconded by Council Member Warrnick. 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

COMMUNICATIONS:

- a. Hearings Examiner submitting Shoreline Management Substantial Development Permit No. 141.416 to allow construction of a first- and second-story addition to an existing over-water, single-family residence located on the westerly side of Hilton Road, about 550 feet southerly of 6th Avenue extended (1618 Hilton Road). (Thomas J. Felnagle; File No. 141.416)

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

Roll call vote was taken, resulting as follows:

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

Nays: 0.

The motion was declared adopted.

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- b. Hearings Examiner submitting Shoreline Management Substantial Development Permit No. 141.413 to allow construction of a storm water drainage and treatment system in an area of an existing intertidal shoreline indentation and construction of 12,500 square feet of intertidal zone fish habitat area along the easterly side of Blair Waterway approximately 1,000 feet southeast of East 11th Street and Alexander Avenue. (1220 Alexander Avenue). (Continental Lime, Inc.; File No. 141.413)

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

Nays: 0.

The motion was declared adopted.

- c. Hearings Examiner submitting Shoreline Management Substantial Development Permit No. 141.410 to allow development of a public waterfront park and S.C.U.B.A. area located in the vicinity of Sixth Avenue extended and the Burlington Northern Railroad right-of-way. (City of Tacoma/Planning Department; File No. 141.410)

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

Roll call vote was taken, resulting as follows:

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

Nays: 0.

The motion was declared adopted.

- d. Hearings Examiner recommending approval of the Modification of Concomitant Zoning Agreement regarding the request to retain the existing "C-2" Commercial zoning and remove existing conditions restricting the use of the site on the property located at the southwest corner of North 26th and Pearl Streets. (City of Tacoma, Department of Public Utilities; File No. 120.1140A)

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

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- e. Hearings Examiner recommending approval of the request for revisions to the Concomitant Zoning Agreement relative to the reclassification for Harbor Ridge Estates, a 368 lot subdivision located off 51st Street N.E. in the vicinity of Browns Point Boulevard and Silver Bow Road to an "R-1PRD" Planned Residential District. (Block Brothers, Inc., File No. 120.934A)

Deputy Mayor Rasmussen moved to suspend the rules to consider Ordinance No. 23946 and Resolution No. 29770 concurrently with communication Item E. Seconded by Council Member Harnick. Voice vote was taken and carried. The motion was declared adopted.

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.

Ordinance No. 23946

Vacating portions of Dash Point Water Works Road, Silver Bow Road, Circle Drive and High Point Drive in Northeast Tacoma to include the areas in the proposed plat of Harbor Ridge Estates. (Block Brothers Industries, (USA) Inc.; File No. 124.823)

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

Resolution No. 29770

Approving the preliminary plat for Harbor Ridge Estates, a 368-lot subdivision located off 51st Street N.E. in the vicinity of Brown's Point Boulevard and Silver Bow Road. (Block Brothers, Inc.; File No. 125.282A)

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

- f. Hearings Examiner submitting an Order of Dismissal Without Prejudice relative to the appeal of of R. W. Rhine, Inc. Audit-Assessment Notice AD 5526. (R. W. Rhine, Inc.; File No. T-17713)

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

Mayor Sutherland proclaimed the week of October 19-27, 1987, to be Women's Awareness Week and the month of October as Women's Equality Month and presented the proclamation to Judy Fortler and members of the Human Rights Commission and the Washington Women's Employment and Education Association.

Mayor Sutherland moved to suspend the rules to consider public hearings and appeals. Seconded by Council Member Harnick. Voice vote was taken and carried. The motion was declared adopted.

PUBLIC HEARINGS AND APPEALS: (began at 5:39 p.m.)

- a. This is the date set for hearing the appeal of Dr. Michael L. and Joan L. Milasich regarding the decision of the Hearings Examiner relative to the request for a front yard variance to allow portions of a residence located at 1402 Brookside Terrace to come within eight to nine feet of the property line. (David and Ann Olsen; File No. 130.2809)

Mayor Sutherland stated that the addresses concerned with this appeal, 1402 and 1411 Brookside Terrace, were in the neighborhood of his residence which is 1424 Sunset Drive. He knows of the location and has spoken to Mr. Olsen as a neighbor. He felt that this association in no way would impair his ability to review the facts and come to a fair decision on the matter.

David Akana, Hearings Examiner, made a presentation regarding the appeal.

Michael Milasich gave the reasons for his appeal. He then called on Mr. Glenn Harris, of 1418 Brookside Terrace, who spoke regarding the appeal.

Mr. Arvid Anderson, attorney representing David and Ann Olsen, spoke in support of the Hearings Examiner's decision.

Council Member Nielsen moved to concur in the Findings, Conclusions, and Recommendations of the Hearings Examiner and denied the appeal. Voice vote was taken and carried. The motion was declared adopted.

The appeal was denied.

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- b. This is the date set for hearing the appeal of the Department of Tax and License regarding the decision of the Hearings Examiner relative to the appeal of Sears, Roebuck & Company, Audit Assessment Notice No. AD 5199.

Rod Kerslake, Hearings Examiner, gave a presentation regarding his decision on this matter.

Council Member Moss noted that the Hearings Examiner's conclusion seemed to be to remand this matter to Superior Court. He stated that there seemed to be no other alternative.

Rod Kerslake, Hearings Examiner, clarified that his decision arrived at a formula that conforms with the terms of the appropriate ordinance and then the matter should be remanded to the Tax and License Director, to determine the appropriate tax based on that appropriate formula. He then stated that the City Attorney has a motion asking that the Council not decide the matter but to defer the matter to Superior Court.

Council Member Moss requested that the City Attorney review the motion for the Council.

Mayor Sutherland called on Robert Backstein, City Attorney, who stated that Mrs. Patricia Bosmans of the City Attorney's Office would speak to the Council regarding the City Attorney's motion.

Mr. John Piper, attorney representing Sears Roebuck & Co., expressed his concerns regarding the intended motion of the City Attorney.

Robert Backstein, City Attorney, reviewed the options of the Council regarding this appeal.

Mr. John Piper, attorney representing Sears Roebuck & Co., requested that the Council hear the appeal and make a decision on the matter.

Mrs. Patricia Bosmans, Assistant City Attorney, spoke regarding the City Attorney's recommendation to defer this matter to Superior Court.

Mr. John Piper, attorney representing Sears Roebuck & Co., spoke regarding the procedural issue before the Council and recommended a decision regarding this matter.

Mrs. Patricia Bosmans spoke to the Council regarding Mr. Piper's comments.

Mayor Sutherland reviewed the options on this matter with Robert Backstein, City Attorney.

Deputy Mayor Rasmussen moved that this appeal be deferred to Superior Court for decision on the merits of the issue. Seconded by Council Member Moss.

John Piper requested clarification of the motion that no decision was being taken either for or against this issue.

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Robert Backstein, City Attorney, stated that the Council was not making a decision and that it would be decided on the merits in Superior Court.

Mayor Sutherland clarified with Deputy Mayor Rasmussen and Council Member Moss that this was the intent of their motion.

Deputy Mayor Rasmussen and Council Member Moss indicated that this was their intent.

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

The matter was deferred to Superior Court.

FINAL READING OF ORDINANCES:

Ordinance No. 23940

Appropriating \$50,000.00 from the Capital Improvement Fund to provide funds for the pre-construction phase of an aquatic center to be used by the 1990 Goodwill Games and for future competitive and recreational activities, and declaring an emergency and making necessary the passage of this ordinance.

Deputy Mayor Rasmussen stated that when this Ordinance had first reading, his architectural firm was under consideration for the design contract for the facility. He stated that his firm has since withdrawn from consideration of the matter. He felt that he no longer had any conflict of interest regarding this matter.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Hyde, Moss, Nielsen, Rasmussen, Stenger, Warnick, and Mayor Sutherland.

Nays: 2 - McElliott and Mykland.

The Ordinance was declared passed.

Ordinance No. 23941

Appropriating \$54,399.00 from the Federal Shared Revenue Fund to the General Fund to pay wages and salaries for Fire Department personnel in the Fire Suppression Division.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Hyde, McElliott, Moss, Mykland, Nielsen, Stenger, Warnick, and Deputy Mayor Rasmussen.

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Nays: 0.

Absent: 1 - Mayor Sutherland.

The Ordinance was declared passed.

Ordinance No. 23942

Providing for the formation of L.I.D. No. 7708 for the conversion of overhead primary electrical utilities to underground on Whitman Street N.E., from Poe Street N.E. to Soundview Drive, N.E., in the Dash Point area.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Hyde, McElliott, Moss, Nielsen, Stenger, Harnick, and Deputy Mayor Rasmussen.

Nays: 0.

Absent: 2 - Mykland and Mayor Sutherland.

The Ordinance was declared passed.

Ordinance No. 23943

Approving and confirming the Assessment Roll for L.I.D. No. 1013 for installation of fire hydrants in area bounded by Jackson Avenue, Sixth Avenue, South 12th Street and Mountain View Avenue.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Hyde, McElliott, Moss, Mykland, Nielsen, Stenger, Harnick, and Deputy Mayor Rasmussen.

Nays: 0.

Absent: 2 - Mykland and Mayor Sutherland.

The Ordinance was declared passed.

Ordinance No. 23944

Approving and confirming the Assessment Roll for L.I.D. No. 5671 for installation of water mains and fire hydrants in 162nd Street East from 62nd Avenue East to approximately 650 feet west.

Roll call vote was taken, resulting as follows:

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

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Nays: 0.

Absent: 3 - Mykland, Warrnick, and Mayor Sutherland.

The Ordinance was declared passed.

Ordinance No. 23945

Providing for the formation of L.I.D. No. 8468 for the placement of permanent pavement on North Defiance Street from North 45th Street to North 46th Street.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 3 - Mykland, Warrnick, and Mayor Sutherland.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 23947

Vacating the alley between "J" and "K" Streets from South 16th Street to South 17th Street to improve the existing hospital parking lots to provide additional stalls. (St. Joseph Hospital; File No. 124.848)

Deputy Mayor Rasmussen moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Warrnick. 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. 23948

Vacating South 60th Street from Sprague Avenue to the I-5 Freeway to combine with abutting properties for a private accessway and landscaping. (First Line Real Estate, Inc.; File No. 124.844)

Deputy Mayor Rasmussen moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Hyde. 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.

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Ordinance No. 23949

Vacating East "E" Street and East "F" Street from East 25th Street south to the alley to "clear title" to rights-of-way previously vacated in 1907 conditioned that they revert to the City when no longer needed for railway purposes. (L. Keith Stone; File No. 124.846)

Deputy Mayor Rasmussen moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Hyde. 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.

RESOLUTIONS:

Purchase Resolution No. 29768

Awarding contracts to:

1. Northwest Emergency Equipment on their bid of \$60,441.00 for one rescue unit - Specification No. G-074-87;
2. Long Services Corporation on their bid of \$45,265.22 for asbestos abatement at seven Fire Department facilities - Specification No. G-260-87;
3. U.S. West Cellular, Inc., to increase their contract by \$3,000.00 for Cellular Telephone Air Time Usage - Single Source;
4. Konica Royal Business Machines, Inc., to increase their contract by \$9,700.00 for supplies and maintenance for Royal copiers - Single Source;
5. Tucci and Sons, Inc., in the amount of \$25,000.00 for sanitary sewer repair in the alley between East 25th and 26th Streets and East "L" Street - Emergency Contract;
6. Sunchasers, Inc., in the amount of \$20,442.33 for the inspection and investigation of "T" Street gulch storm line - Single Source;
7. American Protective Services, Inc. to increase their contract by \$14,486.25 for security patrol at the sanitary landfill;
8. Rainier Welding, Inc., to increase their contract by \$8,356.66 for Tacoma Dome seat bracket replacement - Specification No. G-206-87;
9. Northwest Signal Supply, Inc., in the amount of \$41,772.50 for Solid State traffic actuated signal controllers - Specification No. G-077-86;
10. Sahlberg Equipment on their bid of \$98,782.45 for one four wheel street sweeper - Specification No. G-069-87;
11. Seapac Ford Tractor on their bid of \$54,439.00 for one integral backhoe-loader - Specification No. G-070-87;
12. Western Peterbilt, Inc., on their bid of \$143,092.56 for two tandem axle cab and chassis for drop off box - Specification No. G-079-87;
13. Cascade Container Fabrication Company on their bid of \$89,702.80 for four tilt frame container hoists - Specification No. G-080-87;
14. Western Peterbilt, Inc., on their bid of \$221,488.49 for two tandem axle cab and chassis for fork trucks and two front load refuse bodies - Specification No. G-081-87;

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15. Pacific Coast Truck Center on their bid of \$113,612.58 for two single axle cab and chassis for drop off box - Specification No. G-082-87;
16. Heat Plus on their bid of \$11,853.20 for two waste oil burning heaters and three ceiling fans - Specification No. G-083-87;
17. Platt Electric Supply in the amount of \$20,000.00 to extend the contract for lamps and bulbs - Washington State Contract No. 171-84; and
18. Rejecting all bids submitted for the Jefferson Avenue Park Project - Specification No. G-250-87.

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

Deputy Mayor Rasmussen moved to waive the formal bidding procedures on Purchase Item Nos. 3, 4, 5, 6, and 7. 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. 29769

Authorizing the execution of a real estate contract with Martin and Vivian Ottesen for the purchase of the Fircrest Substation for \$25,000.00.

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. 29771

Authorizing the City Treasurer to segregate L.I.D. No. 5619 Assessment No. 14 into four separate parcels.

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

Resolution No. 29772

Authorizing the execution of a lease agreement with Burlington Northern Railroad Company for the operation of a two-way Radio Repeater Facility for use by the City of Tacoma Fire and Police Departments; and authorizing the expenditure of \$100.00 from the Radio Communication Revolving Fund for the initial annual rental payment for the lease.

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

Resolution No. 29773

Authorizing the execution of a contract with Ronald S. Robinson for assistance in completing tasks included in the Pretreatment Program, Surface Water Quality Study and operator training.

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

Resolution No. 29774

Authorizing the execution of an agreement with Disciplined Investment Advisors and Hilshire Associates for equity investment management services and pension consulting services from October 1, 1987 through September 30, 1988.

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

Resolution No. 29775

Authorizing the execution of an agreement with Merritt & Pardini/TRA in the amount of \$70,000.00 for the provision of architectural services relative to the Tacoma Union Station site.

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

REPORTS BY CITY MANAGER:

Erling O. Mork, City Manager, introduced Mr. Virgil Hulsey, who would be serving as the City Manager's special intern for the next three months.

Erling O. Mork, City Manager, stated that staff has requested an executive session for purposes of discussing personnel matters and litigation.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Council Member Hyde stated that both he and Council Member Stenger felt that the transient moorage for boats in Tacoma had significant problems, as evidenced by boat moorage difficulties during the Wilkes Flotilla.

Council Member Hyde stated that he and Council Member Stenger both had concerns regarding pollution in City Waterway. He requested a status report on inspection of the City Waterway area.

Mayor Sutherland moved that the American City Corporation Central Business District Plan and Program be referred to the Planning Commission for its review and possible recommendation for adoption as part of the City's Land Use Management Plan; and further that the Planning Commission is also requested to solicit reviews of the document by interested organizations and

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agencies and to consider responses from such reviews when formulating its recommendation. Seconded by Council Member Warrick. Voice vote was taken and carried. The motion was declared adopted.

Mayor Sutherland moved to recess to Executive Session to discuss personnel matters and litigation; the session not to exceed 30 minutes. Seconded by Council Member McElliott. Voice vote was taken and carried. The motion was declared adopted.

Council recessed to Executive Session at 7:28 p.m. and reconvened at 7:58 p.m.

On proper motion, the meeting was adjourned at 8:00 p.m.


DOUG SUTHERLAND, MAYOR

ATTEST:


GENELLE BIRK, CITY CLERK

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