

## CITY COUNCIL MINUTES

City Council Chambers  
March 10, 1987

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

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

The Flag Salute was led by Council Member Hyde.

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### CONSENT AGENDA

Approval of the minutes of the regular meeting of March 3, 1987.

#### RESOLUTIONS:

##### Resolution No. 29522

Setting Tuesday, March 17, 1987 at 6:00 p.m. as the date for public hearing by the City Council to consider the proposal of Moorhead Machinery and Boiler Company for the design, construction, and start-up for Steam Plant No. 2.

##### Resolution No. 29523

Setting Tuesday, May 12, 1987 at 1:30 p.m. as the date for hearing by the Hearings Examiner the request to vacate the alley between South 48th and South 49th Streets from Mason Avenue to Stevens Street. (Fircrest Homes Company; File No. 124.836)

##### Resolution No. 29524

Setting Tuesday, April 14, 1987 at 6:00 p.m. as the date for public hearing by the City Council to consider amendments to Chapter 13.10 of the Land Use Regulatory Code relating to shoreline regulations.

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APPEALS:

Financial Pacific Leasing, Inc., (File No. T-49141) appealing the decision of the Hearings Examiner relative to Audit Assessment Notice No. AD 5428 by the Department of Tax and License.

Setting Tuesday, March 31, 1987 at 6:00 p.m. as the date for hearing by the City Council.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner Agenda for Tuesday, March 10, 1987.
- b. Minutes of the meeting of the Citizen Appreciation and Participation Program Steering Committee, January 22, 1987.
- c. Minutes of the meeting of the Landmarks Preservation Commission, February 25, 1987.
- d. Minutes of the meetings of the Policy Review Committee, January 12, 1987 and January 26, 1987.
- e. Minutes of the meeting of the Public Utility Board, February 11, 1987.
- f. Minutes of the meeting of the Tacoma Employees' Retirement System Board of Administration, January 29, 1987.
- g. Minutes of the meeting of the Tacoma Employees' Retirement System Investment Committee, January 29, 1987.
- h. Minutes of the special meeting of the Tacoma-Pierce County Board of Health, February 18, 1987.
- i. Minutes of the meeting of the Tacoma Planning Commission, February 18, 1987.
- j. Minutes of the special meeting of the Tacoma Planning Commission, February 23, 1987.
- k. Minutes of the meeting of the Tacoma Public Library Board of Trustees, January 21, 1987.
- l. Minutes of the meetings of the Urban Policy Committee, February 25, 1987 and February 26, 1987.
- m. Tacoma Employees' Retirement System - report of purchases and sales of investments, January 1987.
- n. Volunteer Services Fourth Quarter Report/1986 Annual Report.
- o. Annual Financial Reports for the Belt Line Division, Data Processing Division, Fleet Services Fund, and Self-Insurance Claim Fund, 1986.

Council Member Nielsen moved that the Consent Agenda, including Resolution Nos. 29522, 29523 and 29524, be approved. Seconded by Council Member Mykland. Voice vote was taken and carried. The Consent Agenda was declared approved.

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REGULAR AGENDA

ANNOUNCEMENTS, PRESENTATIONS, AND APPOINTMENTS:

Resolution No. 29525

Appointing members to various committees, boards, and commissions.

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

FINAL READING OF ORDINANCES:

Ordinance No. 23796

Appropriating \$310,000.00 from the Law Enforcement Support Agency Fund for a LESA computer upgrade, 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, Rasmussen, Stenger, Warrnick, and Mayor Sutherland.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 23797

Approving and confirming the assessment roll for L.I.D. No. 3887 for sanitary sewer construction in an easement from South 38th Street approximately 480 feet east of South Tyler Street on the north side of South 38th Street.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 23798

Providing for the formation of L.I.D. No. 8465 for the placement of permanent pavement on 53rd Avenue N.E. from 27th Street N.E. to 29th Street N.E.

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Roll call vote was taken, resulting as follows:

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

Nays: 0.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 23799

Amending Chapter 13.06 of the Official Code to reclassify the property located at the south side of South 28th Street between Orchard and Huson Streets from an "R-2" One-Family Dwelling District to a "C-1" Commercial District for construction of four retail commercial/office buildings. (Roger Norbom; File No. 120.1193)

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.

Ordinance No. 23800

Vacating South 28th Street between Orchard and Huson Streets and Huson Street from South 28th Street to Center Street for driveways and parking areas in a commercial development. (Lewis E. Norbom; File No. 124.827)

Mayor Sutherland 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. 23802

Authorizing the acceptance of a donation of \$5,000.00 from Pacific First Federal Savings Bank; 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 to support a free public performance by the Tacoma Symphony.

The Ordinance was set over for final reading next week.

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RESOLUTIONS:

Resolution No. 29490 (Continued from the meeting of February 10, 1987.)

Expressing the intent of the City Council to purchase the property immediately south of the South End Neighborhood Center to provide for additional off-street parking.

Council Member Mykland moved to continue Resolution No. 29490 to the meeting of March 14, 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 March 14, 1987.

Purchase Resolution No. 29526

Awarding contracts to:

1. Utilities Service Company, Inc., on their bid of \$14,028.94 for the repair of the pump at the Cleveland Way Pump Station - Work Order No. AB8301;
2. Lige & William Dickson Company on their bid of \$15,760.56 for sanitary sewer replacement in Monroe Street between 6th Avenue and North 7th Street - Specification No. G-209-87;
3. AmTest, Inc., Lauck's Testing Laboratories, Inc., Meyerhaeuser Technology Center, Analytical Laboratories, Wadsworth/Alert Laboratories, Inc., and Environmental Laboratories, Inc., for outside laboratory services; and
4. Jarvie Paint Sales on their bid of \$10,123.61 for paint and related items - Specification No. G-094-86.

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

Mayor Sutherland moved to waive the formal bidding procedures on Purchase Item No. 3. Seconded by Deputy Mayor Rasmussen. 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. 29527

Authorizing the execution of a lease agreement with William Baughn for property located at 3323 South Sawyer 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.

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Resolution No. 29528

Authorizing the execution of a letter-agreement with Kennedy/Jenks/Chilton Consulting Engineers to provide temporary professional engineering assistance to the Department of Public Works Sewer Utility Division.

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

Resolution No. 29529

Reducing the membership of the Urban Policy Committee, confirming its existence until December 31, 1988, and expanding the functions of said committee.

Council Member Mykland moved to suspend the rules to consider Substitute Resolution No. 29529. Seconded by Council Member Moss.

Mayor Sutherland moved that the substitute Resolution be adopted. Seconded by Council Member Mykland.

Speaking to the Council was

Gary Brackett

Chair, Urban Policy Committee

Voice vote was taken and carried on the substitute Resolution with Council Member McElliott voting nay.

The Substitute Resolution was declared adopted.

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Mayor Sutherland moved to recess to Executive Session to discuss real estate, the session not to exceed 15 minutes. Seconded by Council Member Harnick. Voice vote was taken and carried. The motion was declared adopted.

Council recessed to Executive Session at 5:42 p.m.

Mayor Sutherland re-entered the Council Chambers and stated that the Executive Session would continue for an additional 10 minutes.

Council reconvened at 6:08 p.m.

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PUBLIC HEARINGS AND APPEALS: (Began at 6:10 p.m.)

This is the date set for hearing the appeal of Joseph P. Carlson, Julius A. Headen, and Robert V. Stafford of the decision of the Hearings Examiner concerning the requests by Peoples Church for site plan approval and an

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off-street parking requirement waiver for a proposed retirement home to be located at the northeast corner of East 68th Street and East "Q" Street. (Peoples Church; File Nos. 127.267 and 122.388)

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

Rod Kerslake, Hearings Examiner, made a presentation to the Council regarding the appeal and issues involved.

Joseph P. Carlson, representing the neighborhood, stated to the Council that he had originally requested that he be allowed to have a reconsideration on this matter before the Hearings Examiner and not an appeal before the City Council.

Discussion followed relative to Mr. Carlson's letter, and the Council's options concerning this matter.

Council discussed with the Hearings Examiner the length of time required to have a reconsideration before the Hearings Examiner as opposed to an appeal before the Council.

Rod Kerslake stated that it would take a number of weeks to set up a reconsideration hearing before the Hearings Examiner.

Mayor Sutherland questioned Ralph Simmons, Associate Pastor of the Peoples Church, if this delay would cause any problems for the Peoples Church.

Ralph Simmons stated that this would be a problem in their proposed building schedule.

Council Member Hyde moved to remand the issue back to the Hearings Examiner for reconsideration. Seconded by Council Member Mykland.

Joseph Carlson stated that he had testimony that should be admitted to the Hearings Examiner that was not previously heard by the Hearings Examiner. Discussion followed relative to the issue of allowing new testimony before the Hearings Examiner.

Council Member Hyde withdrew his original motion in order to make a new motion.

Council Member Hyde moved to remand the issue back to the Hearings Examiner with instructions to Mr. Carlson to submit a letter with the new evidence to the Hearings Examiner to have him consider certain points no later than March 13, 1987, and to also submit this letter to the Peoples Church staff, and further, a rebuttal letter from the Peoples Church is to be sent to the Hearings Examiner by March 20, 1987 for consideration.

Steve Thomas, developer for Peoples Church, spoke regarding the building construction problems.

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Discussion followed relative to the time frames for a new hearing as opposed to a reconsideration request.

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

Ayes: 4 - Hyde, McElliott, Mykland and Nielsen

Nays: 5 - Moss, Rasmussen, Stenger, Warnick and Mayor Sutherland

The motion was declared failed.

Mayor Sutherland stated that the appeal would proceed at this time.

Joseph P. Carlson stated the reasons for the appeal.

Ralph Simmons 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 Nielsen.

Roll call vote was taken, resulting as follows:

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

Nays: 1 - McElliott.

The motion was declared adopted. The appeal was denied.

Mayor Sutherland requested that staff follow-up and report back to the Council on certain alleged violations of land use matters that were presented at the public hearing relative to Peoples Church.

Mayor Sutherland thanked the parties involved in this appeal for their participation.

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On proper motion, the meeting was adjourned at 7:10 p.m.

ATTEST:

  
GENELLE BIRK, CITY CLERK

  
DOUG SUTHERLAND, MAYOR

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