

CITY COUNCIL MINUTES

City Council Chambers
July 25, 1989

The meeting was called to order at 5:09 p.m.

Present on roll call: 7 - McElliott, Mykland, Nielsen, Stenger, Vialle, Warnick, and Mayor Sutherland. Absent: 2 - Hyde and Moss. (Council Member Moss arrived at 5:35 p.m.)

The Flag Salute was led by Council Member Mykland.

CONSENT AGENDA

Approval of the minutes of the regular meetings of July 11, and 18, 1989.

RESOLUTIONS:

Resolution No. 30519

Setting Tuesday, August 1, 1989, at 5:30 p.m. as the date for a public hearing by the City Council on changing the name of City Waterway to Thea Foss Waterway.

Resolution No. 30520

Setting Tuesday, September 19, 1989, at 1:30 p.m. as the date for a public hearing by the Hearing Examiner on the request to vacate North Woodlawn Street between North 35th and North 37th Streets. (Destiny Ventures Corp.; File No. 124.890).

Resolution No. 30521

Setting Tuesday, August 29, 1989, at 5:30 p.m. as the date for a public hearing by the City Council on draft amendments to Chapter 13.06 of the Official Code regarding exemptions from view sensitive overlay zoning districts.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearing Examiner Agenda for Tuesday, July 25, 1989.
- b. Minutes of the meeting of the Tacoma Planning Commission, July 3, 1989.

- c. Minutes of the meeting of the Tacoma Employees' Retirement System, May 25, 1989.
- d. Citizens' petitions regarding smoke and noxious odors from the Earnest L. Grice Demolition Landfill. (62nd Avenue and 25th Street N.E.)
- e. Citizens' petitions regarding zoning ordinance revisions related to licensed child care facilities in residential neighborhoods.
- f. Certification of the Washington State Department of Transportation for State Highway Routes within the limits of incorporated cities and towns, July 1, 1989.
- g. 1988 Comprehensive Annual Financial Report, City of Tacoma.
- h. Six Year Comprehensive Street Program, 1990 - 1995, Public Works Department.

Council Member Nielsen moved that the Consent Agenda, including Resolution Nos. 30519, 30520, and 30521, be approved. Seconded by Council Member Vialle. 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:

Hearing Examiner recommending denial of the request for a special use permit to allow the operation of a group care home with ten residents on the north side of North Cushman Avenue between North 5th and North 6th Streets (515 North Cushman Avenue). (Puget Sound Social Services; File No. 121.1122A).

Council Member Nielsen moved to concur in the recommendations of the Hearing Examiner. Seconded by Council Member Mykland. Voice vote was taken and carried, with Council Member Stenger abstaining. The motion was declared adopted.

FINAL READING OF ORDINANCES:

Ordinance No. 24396

Transferring \$63,581.00 from the General Fund to the City Street Fund; appropriating said sum from the City Street Fund for snow removal costs in February and March, 1989; and declaring an emergency making necessary the passage of this ordinance.

Roll call vote was taken, resulting as follows:

Ayes: 7 - McElliott, Mykland, Nielsen, Stenger, Vialle, Warnick and Mayor Sutherland.

Nays: 0.

Absent: 2 - Hyde and Moss.

The Ordinance was declared passed.

Ordinance No. 24397

Authorizing the execution of a grant award contract with the Department of Housing and Urban Development in the amount of \$33,150.00; and depositing in and appropriating said sum from the Miscellaneous Grants Summary Fund to increase the capability of administering housing programs.

Roll call vote was taken, resulting as follows:

Ayes: 7 - McElliott, Mykland, Nielsen, Stenger, Vialle, Warnick and Mayor Sutherland.

Nays: 0.

Absent: 2 - Hyde and Moss.

The Ordinance was declared passed.

Ordinance No. 24398

Appropriating \$39,000.00 from the Visitor and Convention Promotion Fund; and authorizing the execution of an agreement with Pannel Kerr Forster in the amount of \$39,000.00 to conduct a downtown hotel convention facilities feasibility study.

Roll call vote was taken, resulting as follows:

Ayes: 5 - Nielsen, Stenger, Vialle, Warnick and Mayor Sutherland.

Nays: 2 - McElliott and Mykland.

Absent: 2 - Hyde and Moss.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 24399

Amending Chapter 13.06 of the Official Code to reclassify the property located on the west side of East "D" Street between East 32nd Street and East Wright Avenue from an "R-4-L" Low Density Multiple-Family Dwelling District to an "R-4-T" Residential Commercial Transitional District to construct a 44,600 square foot office building on the site. (Hansen, Hansen, and Johnson; File No. 120.1265)

Council Member McElliott stated that due to discussion and participation in this matter and on the matter regarding Ordinance No. 24400, she would be abstaining on Ordinance Nos. 24399 and 24400.

Council Member McElliott then left the Council Chambers.

Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner. Seconded by Council Member Vialle. Voice vote was taken and carried, with Council Member McElliott abstaining. The motion was declared adopted.

Final reading of the Ordinance was set over to a date to be determined.

Ordinance No. 24400

Vacating East 32nd Street from East "D" Street between the freeway and East "D" Street to combine the abutting properties to provide a site for a proposed office building. (Ralph H. Kerr; File No. 124.882)

Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner. Seconded by Council Member Mykland. Voice vote was taken and carried, with Council Member McElliott abstaining. The motion was declared adopted.

Final reading of the Ordinance was set over to a date to be determined.

Ordinance No. 24401

Amending the City of Tacoma Affirmative Action/Minority and Women's Business Enterprise Equal Opportunity Regulations.

Council Member Moss arrived at 5:35 p.m.

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Council Member Vialle requested that this ordinance be set over for a period of one week since certain members of the community had not been fully informed of this ordinance being on the Council Agenda. She stated this would allow time for a notice to be given to all community members affected by this ordinance.

Mayor Sutherland suggested that Council have first reading on the Ordinance tonight and allow testimony on second reading of the Ordinance next week.

Council Member Vialle stated that that would be acceptable to her.

The Ordinance was set over for final reading next week.

Ordinance No. 24402

Amending Section 1.30.600 of the Official Code of the City of Tacoma to delete reference to age 65 in deferred retirement.

The Ordinance was set over for final reading next week.

Ordinance No. 24403

Authorizing entry of a consent decree with the U.S. District Court consenting to remedial action at the Tacoma Landfill Superfund site; appropriating \$511,158.26 from the Refuse Operating Fund to pay the U.S. Environmental Protection Agency; appropriating \$83,610.65 from the Refuse Operating Fund to pay the Washington State Department of Ecology for investigation and oversight costs.

Speaking to the Council was:

Gordon Dunn

Overlook Rim Project

The Ordinance was set over for final reading next week.

PUBLIC HEARINGS AND APPEALS: (Begin at 6:01 p.m.)

This is the date set for a public hearing on the proposed 12 year lease of a parcel of property adjacent to the Water Division distribution facility on South 35th Street, east of Union Avenue to Nalley's Fine Foods.

Mayor Sutherland stated that the resolution and public hearing were scheduled from the preceding week due to a need for public hearing on this matter.

Mike Dwyer, Public Utilities Department, gave a presentation regarding the proposed lease.

Mayor Sutherland called for public testimony.

There being no testimony, Mayor Sutherland declared the public hearing closed at 6:05 p.m.

RESOLUTIONS:

Resolution No. 30516 (Continued from the meeting of July 18, 1989.)

Approving the 12 year lease of surplus property adjacent to the Water Division's distribution facility on South 35th Street, east of Union Avenue to Nalley's Fine Foods.

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

Purchase Resolution No. 30522

Awarding contracts to:

1. Perkins Coie in the amount of \$20,000.00 for General Government's costs for Minority/Women Business Enterprise (M/WBE) Utilization Study (continued from the meeting of July 18, 1989);
2. Bruning Division of AM International in the amount of \$6,173.82 to increase the contract for the supply of blueprint paper;
3. Don Small & Sons, Inc. in the amount of \$2,848.31 to increase the contract for heating fuel - Washington State Contract No. 25-87;
4. E.J. Rody and Sons, Inc. in the amount of \$164,630.48 for an emergency contract for construction of a sanitary sewer in the vicinity of North 19th and Oakes Streets;
5. Pease & Sons Construction, Inc. on their bid of \$3,609,144.00 for wastewater pumping and conveyance facilities - Improvement No. DC1903 - Schedule A - Specification No. G-222-89;
6. Robison Construction, Inc. on their bid of \$1,335,398.91 for wastewater pumping and conveyance facilities - Improvement No. DC1903 - Schedule B - Specification No. G-222-89; and
7. Sea-Western, Inc. on their bid of \$39,430.13 for self-contained breathing apparatus - Specification No. G-055-89.

Council Member Nielsen moved that the Purchase Resolution be adopted, including waiving formal bidding procedures on Item Nos. 1 and 4. Seconded by Council Member Vialle.

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

Resolution No. 30523

Ordering the removal or destruction of offending conditions at 2315 Ruston Way within 20 days and authorizing the City to abate said conditions in the event that the property owner fails to comply.

Mayor Sutherland moved to suspend the rules to consider Substitute Resolution No. 30523. Seconded by Council Member Mykland. Voice vote was taken and carried. The motion was declared adopted.

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

Resolution No. 30524

Authorizing the execution of an agreement in the amount of \$29,000.00 with Reed/Reinvald for architectural and engineering consultant services for the renovation of the Point Defiance Senior Center.

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

Resolution No. 30525

Establishing the official City Policy on Place Names and Name Changes.

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

Council Member Stenger moved to delete the word "deceased" on page 2 of the draft policy under paragraph 3 of the "criteria." Seconded by Council Member Vialle. Voice vote was taken and carried. The motion was declared adopted.

Speaking to the Council was:

Mozella Pooley

8041 East Sherwood

Voice vote was taken. The Resolution was declared adopted.

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COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Council Member Mykland stated that last Friday he went on a ride-along with the Tacoma Police Department. He complimented Greg Hopkins, the officer he rode with, and recommended that all Council Members participate in a Police Department ride-along.

Council Member Nielsen moved to excuse Deputy Mayor Hyde from the meeting of July 25, 1989. Seconded by Council Member Vialle. Voice vote was taken and carried. The motion was declared adopted.

Mayor Sutherland stated that there was a public hearing set on tonight's agenda for August 29th regarding the exemptions from view sensitive overlay zoning districts. He stated that one of the items that was in the original ordinance was not in the substitute ordinance that was passed by Council some time back. He stated that this public hearing will begin to correct that oversight. Mayor Sutherland then called upon George Hoivik of the Planning Department.

George Hoivik, Planning Department Director, stated that there were six single-family houses that exceeded the height of the view ordinance. He discussed the process and stated that there would need to be an amendment to the view moratorium in order to accommodate these particular family residences.

Council Member Vialle asked if all of these houses were in the Harborview Ridge Plat.

George Hoivik stated that he would check this out and report back to the Council.

Mayor Sutherland stated he was asking the Planning Department to bring an ordinance to begin to amend the view moratorium for discussion next week.

Council Member Moss moved to reconsider Purchase Resolution No. 30522. Seconded by Council Member Warnick. Voice vote was taken and carried. The motion was declared adopted.

Purchase Resolution No. 30522 (Purchase Item No. 6) was reconsidered.

Raul O'Baya, owner of Semia Construction spoke to the Council regarding Purchase Item No. 6. He protested the award of Purchase Item No. 6 to Robison Construction, Inc.

Mayor Sutherland called on Mike Smith of the Legal Department for comment on this matter.

Mike Smith, Assistant City Attorney, spoke regarding the problem regarding Semia's bid.

Bob Sparling, Public Works Department, responded to inquiries regarding meetings held prior to the bid. Discussion followed regarding bid bonds, performance bonds and sureties.

Discussion then centered around the waiving of the bid defect on Purchase Item No. 6.

Raul O'Baya provided comments regarding the waiver of bid defect and made statements regarding his bid.

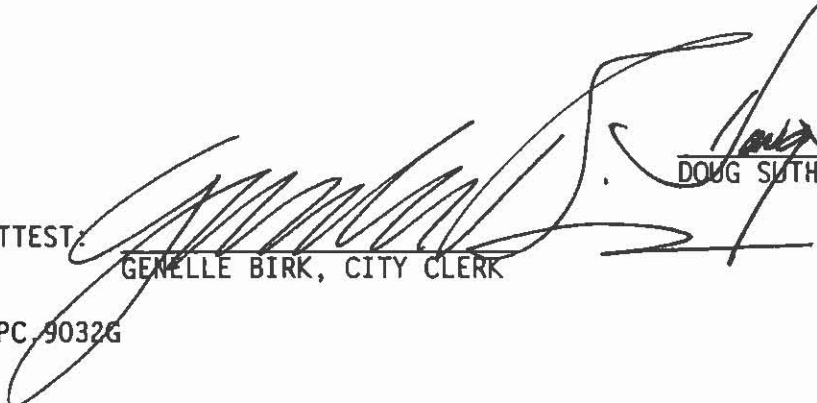
Council Member Mykland moved to reaffirm the Council's decision on Purchase Item No. 6. Seconded by Council Member Nielsen. Voice vote was taken and carried, with Council Member Moss voting nay. The motion was declared adopted.

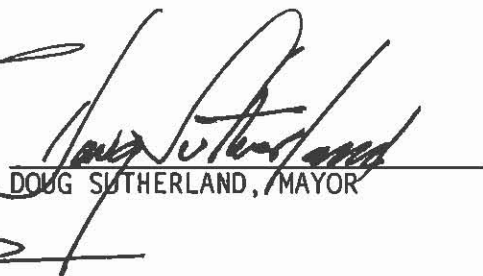
Mayor Sutherland moved that employees of the City of Tacoma be authorized to wear such comfortable clothing as they deem appropriate and in good taste during the month of August 1989. Seconded by Council Member Mykland. Voice vote was taken and carried. The motion was declared adopted.

Council Member Vialle stated that there would be a meeting this week of the Retirement Board at which an early retirement proposal window of opportunity would be presented. She requested that the Council be kept informed of this concept and proposal.

Mayor Sutherland stated that this would be coming back before the Council for future discussion, if presented to the Retirement Board.

On proper motion, the meeting was adjourned at 7:05 p.m.

ATTEST:  _____
 GENELLE BIRK, CITY CLERK

 _____
 DOUG SUTHERLAND, MAYOR

WPC 9032G