

CITY COUNCIL MINUTES

City Council Chambers  
January 3, 1989

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

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

Mayor Sutherland called on members of Cub Scout Pack #24 to post the colors and lead the flag salute. He stated that Cub Scout Pack #24 was celebrating its 50th birthday.

Cub Scout Pack #24 posted the colors and led the flag salute.

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Mayor Sutherland stated that the Council had received a letter from the chair of the Port Commissioners indicating that the Port Commission would be unable to meet with the Council at tonight's meeting. Mayor Sutherland stated that the joint meeting with the Port Commissioners had been rescheduled to the regular City Council meeting of January 24, 1989.

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C O N S E N T   A G E N D A

Approval of the minutes of the regular meeting of December 13, 1988 and December 20, 1988.

RESOLUTIONS:

Resolution No. 30283

Approving the final plat for Commencement View Estates to subdivide a 20-acre parcel of land located at 63rd Avenue Northeast and 16th Street Northeast into 32 single-family dwelling sites. (Park Ryker Commencement View Estates; File No. 125.289)

Resolution No. 30284

Setting Tuesday, February 7, 1989 at approximately 5:30 p.m. as the date for a public hearing relative to amendments to the Zoning Code regarding allowable height of structures.

Resolution No. 30285

Setting Tuesday, February 14, 1989 at approximately 5:30 p.m. as the date for a public hearing relative to the "Central Plan."

Resolution No. 30286

Authorizing the submittal of a grant application to the Federal Aviation Administration (FAA) and the Washington State Department of Transportation, Division of Aeronautics, for the design and construction of the taxiway and apron-edge lighting system at the Tacoma Narrows Airport and for the acquisition of property as part of the "Tacoma Narrows Airport Master Plan" to be used for the expansion of commercial development.

APPEALS:

- a. Sperry Ocean Dock, Limited, appealing the conditions imposed by the Hearings Examiner in the issuance of a Shoreline Management Substantial Development Permit No. 141.399A for the construction of a proposed berthing facility at 611 Schuster Parkway. (Sperry Ocean Dock, Limited; File No. 141.399A)

Setting Tuesday, January 10, 1989 at approximately 5:30 p.m. as the date for hearing by the City Council.

- b. Stadium Way Homeowner's Association, appealing the decision of the Hearings Examiner relative to Shoreline Management Substantial Development Permit No. 141.399A for the construction of a proposed berthing facility at 611 Schuster Parkway. (Sperry Ocean Dock, Limited; File No. 141.399A)

Setting Tuesday, January 10, 1989 at approximately 5:30 p.m. as the date set for hearing by the City Council.

- c. Mr. Russell V. Eaton, appealing the denial for a For-Hire Vehicle License by the Tax and License Department.

Setting Monday, January 9, 1989, at 4:00 p.m. as the date for hearing by the Hearings Examiner.

ASSESSMENT ROLLS:

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

L.I.D. No. 8468 for the placement of permanent pavement and storm drainage in North Defiance Street from North 45th Street to North 46th Street.

L.I.D. No. 3897 for the construction of a sanitary sewer in South Madison Street from South 74th Street south 855 feet, more or less.

2

L.I.D. No. 3899 for the construction of a sanitary sewer in South Mason Avenue from South 60th Street north 250 feet more or less.

Setting Monday, February 27, 1989 at 5:00 p.m. as the date for hearing by the Hearings Examiner.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Minutes of the meeting of the Civil Service Board, November 21, 1988 and December 5, 1988.
- b. Minutes of the meeting of the Landmarks Preservation Commission December 14, 1988.
- c. Minutes of the meeting of the Public Utility Board, November 23, 1988.
- d. Minutes of the meeting of the Tacoma Arts Commission, November 14, 1988.
- e. Minutes of the meeting of the Board of Administration of the Tacoma Employees' Retirement System, October 27, 1988.
- f. Minutes of the meeting of the Tacoma Planning Commission, December 5, 1988.
- g. Tacoma Employees' Retirement System report of purchases and sales of investments, October 1988.
- h. Order Denying Motions for Reconsideration, Cascade Timber Company; Findings of Fact Conclusions of Law and Order, Cascade Timber Company.

Council Member Nielsen moved that the Consent Agenda, including Resolution Nos. 30283, 30284, 30285, and 30286, be approved. Seconded by Council Member Moss.

Council Member Stenger stated that the minutes of December 13, 1988 needed to be corrected on pages 4, 5, and 6. He stated that some figures were transposed and that the minutes as corrected could be approved.

Voice vote was taken and carried. The Consent Agenda, as amended, was declared approved.

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R E G U L A R   A G E N D A

COMMUNICATIONS:

Hearings Examiner recommending denial of the request of Delmon E. Blankenship for the vacation of North 13th Street from Fir Street east to the alley. (Delmon E. Blankenship; File No. 124.880)

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

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FINAL READING OF ORDINANCES:

Ordinance No. 24267

Amending Chapter 13.06 of the Official Code and Ordinance No. 23230 to correct the property description for the property located at the north side of 27th Street West at the intersection of Elwood drive, extended north, and include it in the "R-2-PRD Planned Residential Development District. (R. Lowell Magoon; File No. 120.1087)

Roll call vote was taken, resulting as follows:

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

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 24268

Authorizing the execution of an agreement with the Port of Tacoma in the amount of \$1,650.00; and depositing in and appropriating said sum from the Miscellaneous Grants Summary Fund to provide enhanced child care resource and referral services to Port of Tacoma employees.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 24271

Providing for the formation of L.I.D. No. 5686 for the installation of water mains and fire hydrants in 53rd Street West from Orchard Street to approximately 1,000 feet west.

Speaking to the Council was:

Bruce Nicholson

5404 - 53rd Street West

Roll call vote was taken, resulting as follows:

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

Nays: 4 - Hyde, McElliott, Mykland and Vialle.

The Ordinance was declared passed.

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FIRST READING OF ORDINANCES:

Ordinance No. 24269

Authorizing the execution of an agreement settling land titles and other disputes with the Puyallup Indian Tribe and other governments and parties, and further authorizing participation by the City of Tacoma in the amount of \$6,133,000.00 in land, improvements, and cash.

Speaking to the Council were:

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|---------------------------------|--|
| Linda Bowman                    | Eastside Improvement Group                   |
| Clyde Hupp, Secretary-Treasurer | Central Labor Council                        |
| Marion Weed                     | Northeast Tacoma Community Club              |
| Bill Keilman                    | Northshore Community Association             |
| Mathew Sutich                   | Tacoma area resident                         |
| Carl Anderson                   | Commencement Bay Tideland Owners Association |
| Bill Factory                    | Eastside Improvement Group                   |

Council Member Mykland moved to delay second reading of Ordinance 24269 until such time as the Council can meet with the Northeast Tacoma and Eastside Community groups.

Mayor Sutherland stated that the ordinance should be set over to a specific date.

After discussion, the motion was restated to set Ordinance No. 24269 over for final reading to January 31, 1989.

Speaking on the motion was:

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|--------------|----------------------------|
| Linda Bowman | Eastside Improvement Group |
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Roll call vote was taken on the motion resulting as follows:

Ayes: 3 - Mykland, Nielsen, and Vialle.

Nayes: 6 - Hyde, McElliott, Moss, Stenger, Warnick, and Mayor Sutherland.

The motion was declared failed.

Mayor Sutherland instructed staff to prepare and give proper notice for an open public discussion on the proposed Indian Settlement Agreement and technical documents. He stated that the open public discussion would take

place next Monday, January 9, 1989, at 7:00 p.m. in the Tacoma City Council Chambers. He gave instruction as to what was to be in the notice and also directed the City Clerk to provide notification in the newspaper.

Council Member Vialle stated that since a meeting was to be held she would now change her vote from an aye to a nay.

Council Member Nielsen also stated that he was changing his vote from an aye to a nay.

Mayor Sutherland stated that the vote was now one aye and eight nays on the previous motion.

The Ordinance was set over for final reading next week.

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

PUBLIC HEARINGS AND APPEALS: (Began at 6:50 p.m.)

This is the date set for hearing the appeal of Albert R. Williams and John Jarstad relative to the reclassification of the property located on the northeast corner of South 19th and Mullen Streets from a "R-2" Single-Family Dwelling District to a "C-2" Commercial District. (John Mocerì; File No. 120.1259)

Council Member Vialle stated that she had had a previous conversation with Mr. Jarstad regarding this matter before it was appealed to the Council. She stated that this would not have any affect on her vote.

Mayor Sutherland verified that Mr. Williams, Mr. Jarstad, and Mr. Mocerì were present for the appeal.

Mayor Sutherland then reviewed the procedures for appeals before the Council.

Rod Kerslake, Hearing Examiner, gave a presentation regarding his decision and reviewed the documents and report.

John Jarstad, 4812 South 18t Street, give the reasons for the appeal.

Following Mr. Jarstad's expressed concerns regarding the legal description, Council Member Warnick requested of staff as to whether the legal description was correct for property in question.

Rod Kerslake stated that if there was an error in the legal description, it would be corrected before any final action was taken on this property.

Mayor Sutherland asked Robert Backstein, City Attorney, whether four letters received from property owners in the area could be admitted as part of the appeal.

Bob Backstein deferred the question to the Hearing Examiner. Hearing Examiner, Rod Kerlake, stated that he had reviewed the letters. He felt there was no new information in the letters and they could be admitted.

Mayor Sutherland distributed copies of these letters to the Council Members.

John S. Mocerri, 4218 South Steele Street, spoke in support of the Hearing Examiner's decision.

Council Member Warnick moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner and deny the appeal.

Roll call vote was taken resulting as follows:

Ayes: 4 - Moss, Nielsen, Warnick and Mayor Sutherland.

Nayes: 4 - McElliott, Mykland, Stenger and Vialle.

Absent: 1 - Hyde.

The motion was declared failed.

Council Member Vialle moved to overrule the Hearing Examiner and uphold the appeal. Seconded by Council Member Mykland.

Council Member Nielsen inquired of the City Attorney as to whether, in the event of a tie vote, the Hearing Examiner would prevail. Robert Backstein, City Attorney, stated that in the event of a tie, the Hearing Examiner's recommendation would prevail and the appeal would not carry.

Roll call vote was taken resulting as follows:

Ayes: 4 - McElliott, Mykland, Stenger and Vialle.

Nayes: 4 - Moss, Nielsen, Warnick and Mayor Sutherland.

Absent: 1 - Hyde.

The motion fails.

Mayor Sutherland declared that the Hearing Examiner's recommendation and decision prevails.

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Ordinance No. 24272

Authorizing the execution of a grant award agreement with the Washington State Interagency Committee for Outdoor Recreation in the amount of \$150,000.00; depositing said sum in the Miscellaneous Grant Summary Fund; transferring \$150,000.00 from the Open Space Fund to the Miscellaneous Grant Summary Fund for designing and constructing a transient moorage facility at the Old Town Dock on Ruston Way; and declaring an emergency making necessary the passage of this ordinance.

The Ordinance was set over for final reading next week.

Ordinance No. 24273

Authorizing the execution of a grant award agreement with the Washington State Energy Office in the amount of \$10,000.00; depositing said sum in the Tacoma Union Station Renovation Fund; transferring \$5,000.00 from the General Fund to the Union Station Renovation Fund; and appropriating \$15,000.00 from the Tacoma Union Station Renovation Fund for assisting in the financing of the development of a master plan for the proposed district heating and cooling system for the Tacoma Union Station facility.

The Ordinance was set over for final reading next week.

Ordinance No. 24275

Amending Chapter 1.28 of the Official Code to reflect the duties and responsibilities of the Tacoma Arts Commission.

Council Members Stenger, Vialle and Mykland expressed concerns regarding certain sections of the Ordinance and requested a response from staff prior to next week.

Council Member Vialle moved to continue Ordinance No. 24275 to the meeting of January 10, 1989. Seconded by Deputy Mayor Hyde. Voice vote was taken and carried. The motion was declared adopted.

The Ordinance will be considered at the regular City Council meeting of January 10, 1989.

Ordinance No. 24276

Accepting a \$4,000.00 contribution from Pierce County; depositing said sum in the Miscellaneous Grant Summary Fund; and appropriating \$4,000.00 from the Miscellaneous Grant Summary Fund to operate the Tacoma/Pierce County Child Care Resource and Referral System.

The Ordinance was set over for final reading next week.

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RESOLUTIONS:

Substitute Resolution No. 30253 (Continued from the meeting of December 6, 1988.) (It is the intent of the Council to continue this item to the meeting of January 24, 1989.)

Expressing the intent of the City, in cooperation with the Port of Tacoma, to designate the East-West Corridor as the prime vehicular transportation arterial across the Port of Tacoma harbor industrial area and to request that federal funding for the Blair Bridge be transferred to East-West Corridor development.

Council Member Nielsen moved to continue Substitute Resolution No. 30253 to the meeting of January 24, 1989. Seconded by Council Member Moss. Voice vote was taken and carried. The motion was declared adopted.

The Substitute Resolution will be considered at the regular City Council meeting of January 24, 1989.

Resolution No. 30276 (Continued from the meeting of December 20, 1988.)

Approving the travel authorization and expense reimbursement policy for the officers and employees of the City of Tacoma.

Substitute Resolution No. 30276

Approving the travel authorization and expense reimbursement policy for the officers and employees of the City of Tacoma.

Mayor Sutherland moved to continue Resolution No. 30276 and Substitute Resolution No. 30276 to the meeting of January 31, 1989. Seconded by Council Member Vialle. Voice vote was taken and carried. The motion was declared adopted.

The Resolution and Substitute Resolution will be considered at the regular City Council meeting of January 31, 1989.

Resolution No. 30282 (Continued from the meeting of December 20, 1988.)

Expressing the intent of the City Council to adopt an Ordinance authorizing the execution of an agreement settling land titles and other disputes with the Puyallup Indian Tribe and other governments and parties; and further providing for participation by the City of Tacoma in the amount of \$6,133,000.00 in land, improvement, and cash.

Mayor Sutherland moved to remove Resolution No. 30282 from the agenda. Seconded by Council Member Mykland. Voice vote was taken and carried. The motion was declared adopted.

The Resolution was removed from the agenda.

Purchase Resolution No. 30287

Awarding contracts to:

1. Western Clinic, in the amount of \$9,500.00 to extend and increase their contract for medical health examinations - Informal Bid No. 7101;
2. RGR AMMO, in the amount of \$1,569.57 to increase their contract for reloaded ammunition - Specification No. G-123-87;
3. Cedar Ridge Construction, Inc. on their bid of \$2,420,696.01 for a public receiving facility - Specification No. G-270-88;
4. Randles Sand and Gravel, in the amount of \$46,246.20 to increase contract to furnish, haul and stockpile aggregates - Specification No. G-004-88;
5. Robblee's Safe and Lock, Inc., in the amount of \$2,100.00 to increase their contract for miscellaneous hardware supplies for lock maintenance and repair parts - Open Purchase Order No. 23041;
6. Standard Parts Corporation, in the amount of \$4,500.00 to increase their contract for vehicular equipment, engine maintenance and engine repairs - Open Purchase Order No. 23204;
7. Washington Belt and Drive Systems, in the amount of \$16,062.20 for an emergency contract for resource recovery conveyor maintenance; and
8. Rejecting all bids submitted for the access road to the Narrows Drive pump station - Specification No. G-262-88.

Council Member Nielsen moved that the Purchase Resolution be adopted, including waiving the formal bidding procedures on Purchase Item Nos. 1, 5, and 7. Seconded by Council Member Moss.

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

Resolution No. 30288

Authorizing the execution of an agreement with the Sverdrup Corporation in the amount of \$44,674.00 to design the railroad-highway grade-crossing signals on Taylor Way, near the East-West Road and near Lincoln Avenue.

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

Resolution No. 30289

Authorizing the execution of an agreement with Merritt + Pardini/TRA in the amount of \$20,000.00 to provide project information and design considerations to assist Don Miles & Associates in development of the Tacoma Union Station area-wide Master Plan.

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

Resolution No. 30290

Authorizing the execution of an agreement with Merritt + Pardini/TRA in the amount of \$20,000.00 to provide technical consultant services for the preparation of museum exhibition renderings of proposed exhibit space within the proposed Washington State Historical Museum to be located at the Tacoma Union Station facility.

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

Resolution No. 30291

Authorizing the execution of Amendment No. 1 to the Architectural Engineering Services Agreement with Merritt + Pardini/TRA to reduce the scope of service for the Tacoma Union Station Building by \$104,709.87.

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

Resolution No. 30292

Authorizing the execution of an agreement with David A. Akana in the amount of \$20,500.00 to assist the City in the operation of the Hearings Examiner system through December 31, 1989.

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

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UNFINISHED BUSINESS:

Motion that the \$300,000 which had been authorized for the Metropolitan Park District as a contingency, awaiting the opinion from bond counsel on the legality of using interest earnings on the bond project dollars, for new capital outlay presently in the Park District's General Fund budget, now be released and allowed to be a part of the Park District's General Fund budget, based upon the opinion received this week from bond counsel for the Park District. (Moved by Council Member Warnick, seconded by Deputy Mayor Hyde and continued from the meeting of December 20, 1989.)

Council Member Nielsen moved that \$247,000 of the \$300,000 which had been authorized for the Metropolitan Parks District in its contingency awaiting the opinion from Bond Counsel on the legality of using interest earnings on the bond project dollars for new capital outlay presently in the General Fund budget now be released and allowed to be part of the Park District's general fund budget based upon the opinion received this week from Bond Counsel for the Park District. Seconded by Council Member Stenger. Voice vote was taken and carried. The motion was declared adopted.

Council Member McElliott requested that the Hearing Examiner and staff check on the status of the Bratrud property.

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REPORTS BY CITY MANAGER:

James Walton, Deputy City Manager, stated staff had requested an executive session to discuss labor negotiations and personnel.

He then introduced Lt. Jim Hairston of the Tacoma Police Department who would be serving as the City Manager's special intern for the next three months.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Council Member Vialle requested that the Planning Department write to Washington State requesting that the City be notified regarding the status of the surplus property for SR-16.

Council Member Vialle also requested a report on the T.R.A.S.H. program and a status report on the request for proposal for consultant for Steam Plant No. 2.

Deputy Mayor Hyde stated that he had requested a billboard ordinance amendment from the Legal Department and requested that that be brought before the Council at next Tuesday's meeting.

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Mayor Sutherland moved to recess to Executive Session to discuss labor negotiations and personnel matters, the session not to exceed 15 minutes. Seconded by Deputy Mayor Hyde. Voice vote was taken and carried. The motion was declared adopted.

Council recessed to Executive Session at 8:40 p.m. and reconvened at 8:55 p.m.

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On proper motion, the meeting was adjourned at 9:00 p.m.

ATTEST

  
GENELLE BIRK, CITY CLERK

  
DOUG SUTHERLAND, MAYOR

WPC 7209.G