

CITY COUNCIL MINUTES

City Council Chambers
January 17, 1989

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

Present on roll call: 6 - McElliott, Mykland, Nielsen, Vialle, Warnick, and Deputy Mayor Hyde. Absent: 3 - Moss, Stenger, and Mayor Sutherland. (Council Member Moss arrived at 5:10 p.m.) (Council Member Stenger arrived at 6:52 p.m.)

The Flag Salute was led by Council Member Warnick.

CONSENT AGENDA

Approval of the minutes of the open public discussion on the proposed settlement with the Puyallup Tribe of Indians and the regular meeting of January 10, 1989.

RESOLUTIONS:

Resolution No. 30299

Authorizing the submission of a grant application to the Department of Housing and Urban Development in the amount of \$182,000.00 for the continuation of Tacoma's Rental Rehabilitation Program.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner Agenda for Tuesday, January 17, 1989.
- b. Minutes of the meeting of the Hilltop Area Task Force, December 12, 1988.
- c. Minutes of the meetings of the Human Rights Commission, September 15, 1988 and October 20, 1988.
- d. Minutes of the meeting of the Natural Systems Citizens Advisory Committee, November 10, 1988.
- e. Minutes of the meeting of the Tacoma Beautification Committee, October 21, 1988.
- f. Minutes of the meeting of the Board of Administration of the Tacoma Employees' Retirement System, November 30, 1988.
- g. Minutes of the meeting of the Tacoma-Pierce County Board of Health, December 7, 1988.
- h. Minutes of the special meeting of the Tacoma-Pierce County Board of Health, December 19, 1988.
- i. Minutes of the meeting of The Municipal Authority, December 15, 1988.
- j. Volunteer Services Division, 3rd Quarter Summary Report, 1988.
- k. Total Work Report of the Tacoma-Pierce County Humane Society & S.P.C.A., November 1988.

- 1. Tacoma Employees' Retirement System report of purchases and sales of investments, November 1988.

Council Member Nielsen moved that the Consent Agenda, including Resolution No. 30299, be approved. Seconded by Council Member Warnick. 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

FINAL READING OF ORDINANCES:

Council Member Moss arrived at 5:10 p.m.

Ordinance No. 24144

Amending Chapter 13.06 of the Official Code to reclassify the property located at the west side of Sprague Street approximately 140 feet north of South 64th Street from a "R-2" One-Family Dwelling District to a "C-2" Commercial District to construct a retail commercial center. (David V. Sheean & Associates, Inc.; File No. 120.1248)

Roll call vote was taken, resulting as follows:

Ayes: 7 - McElliott, Moss, Mykland, Nielsen, Vialle, Warnick, and Deputy Mayor Hyde.

Nays: 0.

Absent: 2 - Stenger and Mayor Sutherland.

The Ordinance was declared passed.

Ordinance No. 24274

Accepting \$5,000.00 from the Simpson Fund; 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 performances of "The Foreigner" by the Tacoma Actor's Guild.

Roll call vote was taken, resulting as follows:

Ayes: 7 - McElliott, Moss, Mykland, Nielsen, Vialle, Warnick, and Deputy Mayor Hyde.

Nays: 0.

Absent: 2 - Stenger and Mayor Sutherland.

The Ordinance was declared passed.

Substitute Ordinance No. 24275

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

Roll call vote was taken, resulting as follows:

Ayes: 7 - McElliott, Moss, Mykland, Nielsen, Vialle, Warnick, and Deputy Mayor Hyde.

Nays: 0.

Absent: 2 - Stenger and Mayor Sutherland.

The Substitute Ordinance was declared passed.

Ordinance No. 24278

Amending Section 11.28 of the Official Code relative to on-street parking restrictions to improve safety, circulation, capacity and traffic flow on various streets in Tacoma.

Roll call vote was taken, resulting as follows:

Ayes: 7 - McElliott, Moss, Mykland, Nielsen, Vialle, Warnick, and Deputy Mayor Hyde.

Nays: 0.

Absent: 2 - Stenger and Mayor Sutherland.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 24279

Amending Chapter 13.06 of the Official Code to reclassify the property located at the northwest corner of South 19th and Mullen Streets from a "R-2" One-Family Dwelling District to a "C-2" Commercial District for the construction of a proposed three-story 9,800 square foot office building. (John S. Mocerì; File No. 120.1259)

Council Member Vialle stated that she would like to propose the addition of a condition on the rezone that prior to construction, Mr. Mocerri would come back with a new site plan if the ingress and egress is not on South 19th Street.

After discussion with staff, Council determined that a new condition could be added, if necessary, at final reading of the Ordinance.

Council Member Warnick moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Moss.

Robert Backstein, City Attorney, stated that Council could accept testimony on final reading of this Ordinance with the addition of any new condition.

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

The Ordinance was set over for final reading to a date to be determined with the provision that testimony could be accepted on any new issue before Council on this Ordinance.

Ordinance No. 24280

Amending Chapter 12.06 of the Official Code to revise rates for Street Lighting and Traffic Signal Service and Private Off-Street Lighting Service effective March 1, 1989.

Council Member Mykland moved to set Ordinance No. 24280 over to a date to be determined and subsequent to a Council study session on this item. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

Deputy Mayor Hyde stated that the Council would like to see the information regarding the impact currently and the future impact that implementing this Ordinance would have for the City.

Ordinance No. 24280 was set over to a date to be determined subsequent to a Council study session.

Ordinance No. 24281

Amending Title 8 of the Official Code by adding a new chapter 8.72 relative to telephone harassment.

The Ordinance was set over for final reading next week.

Ordinance No. 24282

Amending Section 11.14.070 of the Official Code relative to failure to respond to notices of traffic infractions.

The Ordinance was set over for final reading next week.

Ordinance No. 24283

Amending Section 11.18.060 of the Official Code to add a new subsection relative to the transfer of ownership and license registration within forty-five days after the delivery of the vehicle.

The Ordinance was set over for final reading next week.

Ordinance No. 24284

Amending the Pay and Compensation Plan to implement 1988 and 1989 rates of pay in accordance with a collective bargaining agreement with United Transportation Union.

The Ordinance was set over for final reading next week.

Ordinance No. 24285

Amending Chapter 2.05 of the Official Code relating to the sign code and permits for the erection of billboards.

The Ordinance was set over for final reading next week.

Ordinance No. 24286

Amending Chapter 2.09 of the Official Code relating to permit fees for billboards; and declaring an emergency making necessary the passage of this ordinance.

The Ordinance was set over for final reading next week.

Ordinance No. 24287

Amending Sections 1.18.040 and 1.19.010 of the Official Code relating to compensation for the Mayor and Council members.

Deputy Mayor Hyde moved to continue Ordinance No. 24287 to the meeting of January 24, 1989. Seconded by Council Member Moss. Voice vote was taken and carried. The motion was declared adopted.

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

Council Member Nielsen moved to suspend the rules to consider 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 5:32 p.m.)

This is the date set for hearing the appeal of Block Brothers, Inc., relative to the decision of the Hearings Examiner to approve a special use permit to allow the construction of an 80-foot high communications tower within the Harbor Ridge Development. (Department of Public Utilities; File No. 121.1121)

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Rod Kerslake, Hearing Examiner, gave a presentation regarding his decision.

Deputy Mayor Hyde reviewed the procedure for appeals before the City Council.

William Lynn, representing Block Brothers, Inc., presented the reasons for the appeal. Mr. Lynn then turned the presentation over to Mr. Walt Wojcik, Regional Manager of Block Brothers. Mr. Wojcik gave additional reasons for the appeal.

Mark Bubenik, Assistant City Attorney, Public Utilities Department, spoke in support of the Hearing Examiner's decision. Mr. Bubenik then called on Mr. Byron Bergman, who spoke regarding the proposed tower structure and answered technical questions.

Rebuttal comments were given by Mr. William Lynn and Mr. Mark Bubenik.

Council Member Nielsen moved to concur in the Findings, Conclusions, and Recommendations of the Hearing Examiner and deny the appeal. Seconded by Council Member Moss. Voice vote was taken and carried. The motion was declared adopted.

The appeal was denied.

RESOLUTIONS:

Purchase Resolution No. 30300

Awarding contracts to:

1. Lone Star Northwest, on their bid of \$90,341.47 for the annual supply of concrete products - Specification No. G-110-88;
2. U.S. Oil and Refining, on their bid of \$166,624.09 for the annual supply of asphalt material - Washington State Contract No. 135-87;
3. Oropel and Company, Inc., on their bid of \$22,607.30 for the storm sewer extension at South 40th Street from Cedar Street to Lawrence Street - Specification No. G-274-88;
4. Roach, Inc., in the amount of \$20,244.34 and Western Peterbilt, Inc., in the amount of \$28,545.50 for leased tractor and leased trailer combination;
5. S&W Construction, Inc., in the amount of \$8,488.64 to increase their contract for storm sewer repair on Dock Street at the Totem Marina - Informal Bid No. 007274;
6. Hovermarine International, in the amount of \$13,733.46 to increase their contract for marine and ship equipment - Open Purchase Order No. 23182;
7. City of Bonney Lake, in the amount of \$13,600.00 for the sale of surplus police patrol vehicles;
8. Rejecting all bids submitted for the uninterruptible power supply - Specification No. G-114-88; and
9. Rejecting all bids submitted for one (1) passenger mini van/wagon - Specification No. G-096-88.

Council Member Stenger arrived at 6:52 p.m.

Council Member Nielsen moved that the Purchase Resolution be adopted, including waiving the formal bidding procedures on Purchase Item Nos. 4 and 5. Seconded by Council Member Warnick.

Council Member Warnick moved to continue Purchase Item No. 1 to the regular Council meeting of January 24, 1989. Seconded by Council Member Moss.

Council Member Moss requested that Council be provided with any correspondence between the City and the Holroyd Company.

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

Purchase Item No. 1 was continued to the Council meeting of January 24, 1989.

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

Resolution No. 30301

Authorizing the sale of surplus property near the North End Reservoir to the Paul Family Partnership in the amount of \$2,960.00 to increase the greenbelt area surrounding their apartment complex.

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

Resolution No. 30302

Authorizing the execution of a collective bargaining agreement with United Transportation Union effective July 1, 1988 through December 31, 1990.

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

Resolution No. 30303

Authorizing the execution of an agreement with Land Recovery, Inc., for the disposal of a portion of Tacoma's solid waste at the Hidden Valley Landfill to protect and extend the useful life of the Tacoma Landfill.

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

Resolution No. 30304

Authorizing the issuance of a Quit Claim Deed to Pierce County for a portion of South 96th Street to clear title in order for Pierce County to obtain funding for a future street-paving project.

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

UNFINISHED BUSINESS:

Deputy Mayor Hyde moved to continue the January 24, 1989, appeal of Pac-Tech Engineering (George Schilling, File No. 120.1256) to the meeting of February 14, 1989, at approximately 5:30 p.m. Seconded by Council Member Warnick. Voice vote was taken and carried. The motion was declared adopted.

The appeal will be considered at the regular City Council meeting of February 14, 1989.

Deputy Mayor Hyde moved to excuse Mayor Sutherland from the Council meeting of January 17, 1989. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

Deputy Mayor Hyde stated that the joint Tacoma City Council/Port of Tacoma Commission meeting that was scheduled for January 24, 1989, would be continued to a date yet to be determined. He stated that the anticipated date for conducting that joint meeting would be sometime within a one-month period.

REPORTS BY CITY MANAGER:

Erling O. Mork, City Manager, stated that staff had requested an Executive Session to discuss real estate matters, the session not to exceed 10 minutes.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Deputy Mayor Hyde moved to recess to Executive Session to discuss real estate matters, the session not to exceed 10 minutes. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

Council recessed to Executive Session at 7:10 p.m.

At 7:20 p.m., Deputy Mayor Hyde reentered the Council Chambers and stated that the Executive Session would extend for an additional 15 minutes.

Council reconvened at 7:35 p.m.

On proper motion, the meeting was adjourned at 7:38 p.m.



JACK HYDE, DEPUTY MAYOR

ATTEST: 

GENELLE BIRK, CITY CLERK

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