

CITY COUNCIL MINUTES

City Council Chambers
October 27, 1987

The meeting was called to order at 5:05 p.m.

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

The Flag Salute was led by Council Member Nielsen.

CONSENT AGENDA

Approval of the minutes of the regular meeting of October 20, 1987.

PETITIONS:

Richard R. Stromberg requesting the reclassification of the property located at 8223 So. "D" Street from a "R-2" to a "R-3" District.

For referral to the Hearings Examiner

RESOLUTIONS

Resolution No. 29779

Setting Tuesday, December 8, 1987 at 9:30 a.m. as the date for hearing by the Hearings Examiner the request to vacate the south two feet of South 13th Street abutting 1303 South Cushman Avenue. (Prudential Bank, FSB; File No. 124.859)

Resolution No. 29808

Setting Tuesday, December 8, 1987 at 1:30 p.m. as the date for hearing by the Hearings Examiner the request to vacate a portion of the alley north of Center Street between Sawyer Street and Cushman Avenue. (Plaza Hall; File No. 124.857)

Resolution No. 29809

Setting Tuesday, December 1, 1987 at approximately 5:30 p.m. as the date for a public hearing by the City Council on proposed amendments to Chapter 13.06 of the Official Code relative to commercial sign and parking regulations.

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Resolution No. 29810

Setting Monday, November 16, 1987 at 5:00 p.m., Tuesday, November 17, 1987 at 5:30 p.m., and Wednesday November 18, 1987 at 5:00 p.m. as the dates for the budget hearings by the City Council to consider the annual budget of the City of Tacoma for 1988.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner Agenda for Tuesday, October 27, 1987.
- b. Minutes of the meetings of the Civil Service Board, September 14, 1987 and October 5, 1987.
- c. Minutes of the meeting of the Landmarks Preservation Commission, October 14, 1987.
- d. Minutes of the meeting of the Public Utility Board, September 23, 1987.
- e. Economic Status Report, January through August 1987.
- f. Monthly Report of Tacoma Police Department, September 1987.

Deputy Mayor Rasmussen moved that the Consent Agenda, including Resolution Nos. 29779, 29808, 29809, and 29810, be approved. Seconded by Council Member Moss. Voice vote was taken and carried. The Consent Agenda was declared approved.

Mr. Bill Nishimura, Director of Region 10 for the Department of Housing and Urban Development, presented a certificate to Mayor Sutherland and the City of Tacoma for their superior accomplishment in awarding contracts to minority contractors. Mayor Sutherland recognized Mr. John Peters of the Department of Housing and Urban Development. He also commended Mr. Al Sheppard of the City's Contract Compliance Office for his assistance in complying with these requirements.

REGULAR AGENDA

COMMUNICATIONS:

City Attorney recommending approval of the withdrawal and closure of the request of the Public Works Department to vacate a portion of Winnifred Street lying between South 12th Street and SR-16 (Bantz Boulevard). (City of Tacoma, Department of Public Works; File No. 124.777)

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

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FINAL READING OF ORDINANCES:

Ordinance No. 23961

Amending Chapter 8.12 of the Official Code to create a new section 8.12.014, entitled "Reckless Endangerment" to allow the City to enforce this provision of State Law in Municipal Court.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

The Ordinance was declared passed.

Substitute Ordinance No. 23962

Amending Title 8 of the Official Code to create a new section entitled, "Police Canines" to provide uniform treatment and protection to police canines and their handlers.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 23963

Amending Title 8 of the Official Code relative to police officers authority to arrest persons subject to court orders barring drug offenders and juvenile prostitutes from areas of high drug activity and prostitution.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 23964

Appropriating \$363,026.08 from the Labor Management Health Care Trust Fund, to pay Pierce County Medical Bureau, Inc., for the recovery of underwriting

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losses for the second quarter of 1987, 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, Warrick, and Mayor Sutherland.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 23965

Amending Chapter 8 of the Official Code to create a new section entitled, "Sexual Assault" to allow certain sexual violations to be prosecuted as sexual assault instead of simple assault.

Deputy Mayor Rasmussen moved to continue Ordinance No. 23965 to the meeting of November 3, 1987. Seconded by Council Member Hyde. Voice vote was taken and carried. The motion was declared adopted.

The ordinance will be considered at the regular City Council meeting of November 3, 1987.

Ordinance No. 23966

Amending the Pay and Compensation Plan to implement 1987 rates of pay pursuant to a collective bargaining agreement with IBEW, Local 483, Controller's Division.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 23967

Accepting donations in the amount of \$100.00 from TAPCO Services, Inc., and \$1,650.00 from the Exchange Club of Tacoma; depositing said sums in the Miscellaneous Trust Summary Fund; and appropriating \$1,750.00 from the Miscellaneous Trust Summary Fund to design and install two Talking Motorcycle public address systems.

Roll call vote was taken, resulting as follows:

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

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Nays: 0.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 23958

Amending Chapter 13.06 of the Official Code to reclassify the property located at the north side of South 48th Street between Cedar and Junett Streets (extended) from a "R-3" Two- and Three-Family Dwelling District to a "R-4-L" Low-Density Multiple-Family Dwelling District to allow for the development of apartments. (John Dobler; File No. 120.1214)

Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Moss. 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. 23968

Amending Section 12.08.350 of the Official Code relative to sewage disposal and drainage to update the rate table for "in lieu of assessment" charges.

The Ordinance was set over for final reading next week.

Ordinance No. 23969

Authorizing the execution of a grant award contract with the Department of Housing and Urban Development for \$245,000.00; depositing in and appropriating said sum from the Miscellaneous Trust Summary Fund to continue implementation of the Rental Rehabilitation Program.

The Ordinance was set over for final reading next week.

RESOLUTIONS:

Resolution No. 29639 (Continued from the meeting of September 22, 1987.)

Expressing the intent of the City Council to demolish the Municipal Dock Building and authorizing the proper officers of the City to proceed with steps toward such demolition.

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

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Council Member Mykland moved to suspend the rules to consider Substitute Resolution No. 29639. Seconded by Deputy Mayor Rasmussen.

Council Member Hyde moved to amend Substitute Resolution No. 29639 to add on line 17: "Be it further resolved that the staff is directed to explore and report on the concept of a public marine destination for the Municipal Dock Building/City Waterway area. Such a study is to be accomplished in concert with the efforts of Phase I of the subject Municipal Dock Building Report." Seconded by Deputy Mayor Rasmussen. Voice vote was taken and carried. The motion was declared adopted.

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

Purchase Resolution No. 29811

Awarding contracts to:

1. Dennis Krumwiede Trucking in the amount of \$9,450.00 to increase their contract for hauling and stockpiling aggregates;
2. Ticketmaster Northwest in the amount of \$10,333.40 to increase their contract for ticketing services;
3. Matheus Lumber Company, Inc., on their bid of \$14,020.00 for wood sign posts - Specification No. G-089-87;
4. Abam Engineers, Inc., in the amount of \$8,257.00 to increase their contract for structural engineering consultant services for the Commencement Bay Marine Outfall - Onshore Portion;
5. Intermountain Corrosion Service, Inc. in the amount of \$9,000.00 to increase their contract for corrosion engineering consultant services for the Commencement Bay Marine Outfall - Onshore Portion; and
6. Best Parking Lot Cleaning in the amount of \$9,000.00 to increase their contract for Tacoma Dome Parking Lot Cleaning - Specification No. G-010-87.

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

Mayor Sutherland moved to waive the formal bidding procedures on Purchase Item No. 4. 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. 29812

Authorizing the execution of an agreement with the Washington State Department of Transportation for the development of the park at South 14th and "A" Streets.

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Council Member Hyde moved that the Resolution be adopted. Seconded by Council Member Moss. Voice vote was taken and carried, with Deputy Mayor Rasmussen abstaining. The Resolution was declared adopted.

Resolution No. 29813

Authorizing the execution of an amendment to the agreement with Kennedy/Jenks/Chilton Consulting Engineers for the provision of temporary engineering services to the City's Sewer Utility.

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. 29814

Approving the City's Housing Action Plan for October 1, 1986 through September 30, 1987 and authorizing submission of the plan to the Department of Housing and Urban Development.

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

Resolution No. 29815

Authorizing the execution of Amendment No. 42 to the Neighborhood Preservation Program Agreement with the Municipal Authority.

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. 29816

Authorizing the execution of an agreement with Mandeville and Associates in the amount of \$60,375.00 relative to improvements of the City's landfill gas extraction system through October 31, 1988.

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. 29818

Authorizing the execution of an agreement with Roulac Real Estate Group, in the amount of \$48,500.00 to provide the City with professional services relative to a proposed restructure of the second mortgage loan of the Sheraton Tacoma Hotel.

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

Roll call vote was taken, resulting as follows:

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

Nays: 2 - McElliott and Mykland.

The resolution was declared adopted.

Resolution No. 29819

Authorizing the execution of an agreement with the Tacoma Urban League in the amount of \$55,000.00 to construct a 5,000 square foot addition to the TUL Skills Training Center.

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

PUBLIC HEARINGS AND APPEALS: (Began at 6:03 p.m.)

This is the date set for hearing the appeal of Real Estate Information, Ltd., on the decision of the Hearings Examiner relative to Audit Assessment Notice No. AD 5494 by the Department of Tax and License. (Continued from the meeting of August 25, 1987.)

Mayor Sutherland called on the representative from Real Estate Information, Ltd. Ms. Julie Sundin, President, Real Estate Information, Ltd., identified herself as being the appellant.

Mr. Rod Kerlake, Hearings Examiner, stated that it was his understanding that the City Attorney's Office had a preliminary motion for a consideration by the Council and would withhold comments subsequent to that motion.

Mr. Harding Roe, Assistant City Attorney, requested that this matter be dismissed since it was not filed appropriately according to Section 1.23.140 of the Official Code of the City of Tacoma.

Mayor Sutherland stated that the appeal was timely filed, but no reasons were given as to why the Hearings Examiner's decision was in error, and thus the appeal was not appropriately filed.

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Mayor Sutherland moved to dismiss the appeal of Real Estate Information, Ltd. Seconded by Deputy Mayor Rasmussen. Voice vote was taken and carried, with Council Member Moss voting nay. The motion was declared adopted.

The appeal was dismissed.

REPORTS BY CITY MANAGER:

Mr. Jan Gilbertson, Assistant Personnel Director, stated he had a residence waiver to present to the Council for consideration. Mr. Gilbertson then requested a temporary six-month residency waiver for Mr. Darrel Brookins, Assistant Thermal Plant Supervisor of Operations, Department of Public Utilities.

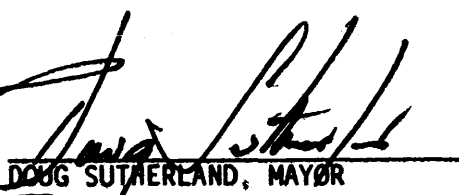
Mayor Sutherland moved to grant the six-month residency waiver for Mr. Darrel Brookins. Seconded by Deputy Mayor Rasmussen. Voice vote was taken and carried. The motion was declared adopted.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Mayor Sutherland stated that he was requested to attend the November, 1987, Japan American Conference of Mayors in Tokyo. He requested permission and approval to travel outside the United States, per Council rules.

Council Member Stenger moved to authorize the Mayor's trip and expenditures to Japan for the conference. Seconded by Deputy Mayor Rasmussen. Voice vote was taken and carried, with Mayor Sutherland abstaining. The motion was declared adopted.

On proper motion, the meeting was adjourned at 6:20 p.m.


DOUG SUTHERLAND, MAYOR

ATTEST: 
GEMELLE BIRK, CITY CLERK

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