

CITY COUNCIL MINUTES

City Council Chambers
March 7, 1989

The meeting was called to order at 5:10 p.m.

Present on roll call: 8 - Hyde, McElliott, Mykland, Nielsen, Stenger, Vialle, Warnick, and Mayor Sutherland. Absent: 1 - Moss. (Council Member Moss arrived at 5:25 p.m.)

The Flag Salute was led by Mayor Sutherland.

Mayor Sutherland read a letter from Terry B. Owen and Mike Corliss (Investco Financial Corporation) into the record. The letter was a request to delay the City Council's discussion and action regarding the Comprehensive Plan on the 16 acres adjacent to DeLong Park near South 12th and Cheyenne Streets. The letter requested the delay to allow time for discussion and negotiation for the possible purchase of this property by the City of Tacoma and/or the Metropolitan Park District.

Mayor Sutherland moved to hold the decision regarding this matter over to the meeting of April 4, 1989. Seconded by Council Member Vialle. Voice vote was taken and carried. The motion was declared adopted.

C O N S E N T A G E N D A

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearing Examiner Agenda for Tuesday, March 7, 1989.
- b. Minutes of the meeting of the Appointments Committee, February 27, 1989.
- c. Minutes of the meeting of the Human Rights Commission, January 19, 1989.
- d. Minutes of the meeting of the Public Utility Board, February 8, 1989.
- e. Minutes of the meeting of the Tacoma Beautification Committee, January 16, 1989.
- f. Minutes of the meeting of the Tacoma Planning Commission, February 6, 1989.
- g. Minutes of the meetings of the Urban Policy Committee February 8, 1989, February 9, 1989, and February 16, 1989.

Mayor Sutherland moved to suspend the rules to amend the Consent Agenda by adding the following appeals:

- A. Harbor Lights Restaurant appealing the decision of the Hearing Examiner relative to a request by George L. Berry on behalf of C & I Company for a shoreline management substantial development permit to allow the construction of a restaurant and off-street parking at the northwest corner of Ruston Way and North Junett Streets.

Setting Tuesday, March 21, 1989 at 5:30 p.m. as the date for hearing by the City Council.

- B. Michael A. Ebert appealing the decision of the Hearing Examiner relative to a request by George L. Berry on behalf of C & I Company for a shoreline management substantial development permit to allow the construction of a restaurant and off-street parking at the northwest corner of Ruston Way and North Junett Streets.

Setting Tuesday, March 21, 1989 at 5:30 p.m. as the date for hearing by the City Council.

- C. Harold Allen Company appealing Audit-assessment Notice No. AD 5725 by the Department of Tax and License.

Setting Tuesday, March 21, 1989 at 1:30 p.m. as the date for hearing by the Hearing Examiner.

Council Member Vialle moved that the Consent Agenda be approved, as amended. Seconded by Council Member Nielsen. Voice vote was taken and carried. The Consent Agenda, as amended, was declared approved.

R E G U L A R A G E N D A

ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS:

Resolution No. 30357

Appointing members to various committees, boards, and commissions.

Mayor Sutherland moved that the Resolution be adopted. Seconded by Deputy Mayor Hyde.

Mayor Sutherland read the names of the appointed members of the committees. He then read the names and qualifications of the Environmental Commission members and stated that Phillip J. Carpenter was appointed for one year to serve as the Chair of the Environmental Commission.

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

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Resolution No. 30358

Appointing members to the Capital Projects Advisory Committee.

Council Member Moss arrived at 5:25 p.m.

Mayor Sutherland moved to suspend the rules to consider Attachment "A" to Resolution No. 30358. Seconded by Council Member Vialle. Voice vote was taken and carried. The motion was declared adopted.

Mayor Sutherland read the list of names appointed to the Capital Projects Advisory Committee. He also stated that Peter S. Rasmussen would serve as Chairman, Pro Tem.

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

FINAL READING OF ORDINANCES:

Ordinance No. 24305 (Continued from the meeting of February 28, 1989.)

Appropriating \$241,000.00 from the Visitor and Convention Promotions Fund; authorizing an agreement with the Tacoma-Pierce County Chamber of Commerce for the purpose of tourism and convention promotion in the City of Tacoma; 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, Stenger, Vialle, Warnick, and Mayor Sutherland.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 24306

Amending the Pay and Compensation Plan to implement 1988 through 1990 rates of pay in accordance with a collective bargaining agreement with the Brotherhood of Locomotive Engineers, for the Belt Line Railway Division effective July 1, 1988 through December 31, 1990.

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. 24307

Amending Chapter 12.08 of the Official Code to implement new sanitary sewer rates effective April 1, 1989.

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. 24308

Approving and confirming the Assessment Roll for L.I.D. No. 8433 for the construction of an arterial street from Browns Point Boulevard at 51st Street N.E. to Hoyt Road at 340th Street S.W. in King County and Silver Bow Road from 51st Street N.E. to Browns Point Boulevard.

Mayor Sutherland noted that two appeals were filed regarding this matter. Mayor Sutherland reviewed the details of the process with the parties involved. He stated that the appeals would be considered first then the Ordinance.

Mayor Sutherland called on Mr. Dale Carlisle and Mr. Patrick Comfort, attorneys appealing the L.I.D.

Mayor Sutherland reviewed the rules for appeals before the City Council and stated that if agreeable to the attorneys, the Council would allow ten minutes for discussion on the appeals and then allow five minutes rebuttal on each.

The attorneys agreed to this procedure.

PUBLIC HEARINGS AND APPEALS: (Began at 5:21 p.m.)

- a. This is the date set for hearing the appeal of North Shore Golf Associates, Inc., of the decision of the Hearing Examiner relative to approval of the final assessment roll for L.I.D. No. 8433.

Rod Kerslake, Hearing Examiner, spoke regarding his decision relative to the proposed L.I.D. No. 8433.

Patrick Comfort, attorney representing North Shore Golf Associates, presented the reasons for the appeal.

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Don Hogaboam, Assistant City Attorney, spoke in support of the Hearing Examiner's decision regarding L.I.D. 8433.

Dale Carlisle, attorney representing Block Brothers Industries, WSLA Development Corporation, and Tacoma Land Company, spoke in support of the Hearing Examiner's decision regarding the North Shore Golf Associates' matter.

Mr. Comfort provided rebuttal to Mr. Hogaboam's and Mr. Carlisle's comments.

Mr. Hogaboam provided rebuttal to Mr. Comfort's comments.

Council Member Stenger moved to concur in the Findings, Conclusions and Recommendations of the Hearing Examiner and deny the appeal. Seconded by Council Member Vialle. Voice vote was taken and carried, with Council Members Mykland and Nielsen voting nay. The motion was declared adopted.

The appeal was denied.

- b. This is the date set for hearing the appeal of Block Brothers Industries, WSLA Development Corp., and Tacoma Land Company of the decision of the Hearing Examiner relative to approval of the final assessment roll for L.I.D. No. 8433.

Rod Kerslake, Hearing Examiner, spoke to the Council regarding L.I.D. 8433 and his decision in this matter.

Dale Carlisle, attorney representing Blocks Brothers Industries, WSLA Development Corporation, and Tacoma Land Company, gave the reasons for the appeal.

Don Hogaboam, Assistant City Attorney, spoke in support of the Hearing Examiner's decision.

Hugh D. Spitzer, attorney from the firm of Foster, Pepper & Shefelman (Bond Counsel) spoke in support of the Hearing Examiner's decision.

Council Member Nielsen requested information from the Public Works Department regarding the alleged excessive costs.

Ben Thompson, Department of Public Works, reviewed the excessive cost allegations brought forth and presented by Mr. Carlisle.

Mr. Carlisle provided rebuttal comments to Mr. Thompson's and Mr. Hogaboam's comments.

Mayor Sutherland spoke regarding the inclusion in L.I.D. No. 8433 of additional segments of property.

Mr. Carlisle discussed this matter with the Council and then turned the discussion over to Mr. Sheldon Blue, Regional Manager of WSLA Development Corporation.

Mr. Hogaboam deferred to Mr. Ben Thompson for rebuttal of Mr. Blue's comments. Ben Thompson provided rebuttal comments.

Ben Thompson read the recommendations of the Public Works Department into the record. Mr. Hugh Spitzer provided further comments.

Tom Bradley, L.I.D. Division of the Public Works Department, spoke regarding the formation of the L.I.D.

Mr. Carlisle spoke in rebuttal to the comments of Tom Bradley.

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

The appeal was denied.

William Barker, City Attorney, stated that Council could now consider Ordinance No. 24308.

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.

Mayor Sutherland requested that the City Attorney investigate to see what would be necessary to defer payment by the North Shore Golf Associates until that major road is completed accessing the golf course itself. He also requested to know when the road was completed whether the total benefit would be derived by the golf course. He requested to have staff research and see if any precedent is available to see if this could be done.

Mayor Sutherland also asked the City Attorney's office to look at what determination would be necessary and to confer with the Hearing Examiner to determine whether or not there would be an ability to go back to the Hearing Examiner process to determine whether any benefit would accrue beyond the assigned L.I.D. boundaries as a result of the December 9, 1985 hearing. He wished to determine if it would be able to bring the rest of the properties into the L.I.D. as requested by Mr. Blue as an add-on to that L.I.D. assessment.

Mayor Sutherland moved to continue with public hearings and appeals Item C. Seconded by Council Member Nielsen. Voice vote was taken and carried. The motion was declared adopted.

Mayor Sutherland stated that the Council would take a short recess.

Council recessed at 8:37 p.m. and reconvened at 8:45 p.m.

PUBLIC HEARINGS AND APPEALS: (Began at 8:45 p.m.)

- c. This is the date set for a public hearing regarding proposed amendments to Chapter 1.29 of the Official Code to add familial status, sexual orientation, political ideology and source of income as protected classes.

Mayor Sutherland stated that there would be a three-minute limitation on discussion at this hearing by the public. He also stated that the public should refrain from applauding or acting demonstratively to any comments made tonight at the hearing.

Rebecca Summers, Chair of the Human Rights Commission, spoke regarding the proposed change.

Al Correll, Human Rights Department Director, also spoke regarding the proposed change.

Speaking to the Council were:

John Wallace	Tacoma-Pierce County Board of Realtors
Sal Majee	ACLU
Ellen Fleming	Marriage and Family Counselor
Joan Mileau	Local Citizen
Gloria Olson	Local Citizen
James Schlatter	Local Citizen
Cathy Coucoules	Lesbian
Margaret Ward	Lesbian
Jan Secor	National Organization of Women
Patrick Vermerall	Pierce County AIDS Foundation
Sheila (refused to give last name)	Transexual
Peter Stocker	Local Citizen
Randall E. Alwang	Local Teacher
Bill Swiggert	Homosexual
Don Arseno	President, Apartment Owners Association
Amelle Allison	Local Citizen
Marla Jensen	Property Manager
Steve Smith	Local Citizen
Marie Paxton	Lesbian and Radical Feminist
Tom Whalen	Christian
Bob Osterich	Property Manager
Ed Goldberg	Tacoma Sounds Magazine
Evelyn Zimmerman	Local Citizen
Richard Niles	Financial Planner
Debbie Klein	Local Citizen

The Reverend Roy Ernest Consiglio	Former Member Human Rights Commission
Mary Dickenson	Lesbian
Lisa Schurr	Lesbian
Larry Marlap	Retired Navy Personnel
David Milicord	Local Citizen
Mathew Suttich	Tacoma Citizen
The Reverend Milton Andrews	Pastor, Hillside Community Church
John Beruit	Local Citizen
Judy Fortier	Women's Rights Coordinator

There being no further testimony, Mayor Sutherland declared the public hearing closed at 11:05 p.m.

Mayor Sutherland stated that Council would accept written testimony on this matter until March 31, 1989.

FIRST READING OF ORDINANCES:

Ordinance No. 24287 (Continued from the meeting of February 28, 1989.)

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

Substitute Ordinance No. 24287 (Continued from the meeting of February 28, 1989.)

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

Mayor Sutherland moved to continue Ordinance No. 24287 and Substitute Ordinance No. 24287 to the meeting of March 28, 1989. Seconded by Deputy Mayor Hyde. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 24287 and Substitute Ordinance No. 24287 will be considered at the regular City Council meeting of March 28, 1989.

Ordinance No. 24309

Amending Chapter 13.06 of the Official Code to reclassify the property located at the northeast corner of North 30th and Pearl Streets from a "C-1" Commercial District to a "C-2" Commercial District to allow the development of a drive-in restaurant. (Pearl Street Associates; File No. 120.1246)

Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Deputy Mayor Hyde. 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.

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Ordinance No. 24311

Accepting \$5,000.00 from the Everett Opera Guild; depositing \$5,000.00 in the Miscellaneous Grants Summary Fund; transferring \$5,000.000 from the General Fund to the Miscellaneous Grants Summary Fund; and appropriating \$10,000.00 from the Miscellaneous Grants Summary Fund for the production of "Showboat" by the Tacoma Opera.

The Ordinance was set over for final reading on March 21, 1989.

RESOLUTIONS:

Purchase Resolution No. 30359

Awarding contracts to:

1. Equipment Unlimited, in the amount of \$17,360.00 for an emergency contract for eight (8) aero T-4 tarps - Purchase Order No. E-30241; and
2. R.W. Huff Construction Company, Inc., on their bid of \$748,727.06 for the Sewer Transmission Maintenance Building - Specification No. G-220-89.

Council Member Mykland moved that the Purchase Resolution be adopted, including waiving the formal bidding procedures on Item No. 1. Seconded by Council Member Nielsen.

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

Resolution No. 30360

Annulling the grant agreement with the Environmental Protection Agency for the construction of secondary treatment facilities at the Tacoma North End Wastewater Treatment Plant.

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

Resolution No. 30361

Designating the Tacoma Union Station Restoration/Rehabilitation Project as a Major Independent Construction Project and creating a temporary Project Civil Engineer I position to provide technical assistance.

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.

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Resolution No. 30362

Authorizing the execution of an amendment to the agreement with Plan-Tech Inc., in the amount of \$57,746.00 to assist in the implementation of the Union Station and State Historic Museum Project.

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

Resolution No. 30363

Authorizing the execution of a three year lease agreement with Louise Nordi for the property located at 1110 South 12th Street for the Hilltop Crime Management Team (CMT) headquarters.

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

Resolution No. 30364

Creating an Urban Waterfront Committee to advise the Planning Commission on waterfront planning and development.

Council Member Moss moved that the Resolution be adopted. Seconded by Deputy Mayor Hyde.

Roll call vote was taken, resulting as follows:

Ayes: 6 - Hyde, Moss, Nielsen, Stenger, Warnick, and Mayor Sutherland.

Nays: 3 - McElliott, Mykland, and Vialle.

The Resolution was declared adopted.

UNFINISHED BUSINESS:

Council discussed and made a motion relative to the reconsideration of the Central Plan prior to the Consent Agenda.

REPORTS BY CITY MANAGER:

Erling O. Mork, City Manager, stated that staff requested an Executive Session to discuss personnel and real estate matters.

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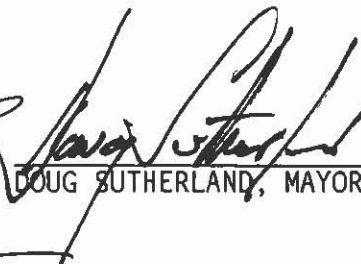
COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Council Member Warnick recognized the University of Puget Sound Swim Teams for their participation in the National Association of Intercollegiate Athletics (NAIA). He stated that the UPS women's swimming team was the national champion in the NAIA and that the men's swimming team took second place.

Council Member Mykland requested information from staff regarding the contracting with the National Guardian Services Corporation for fire protection alarm system for Police Garage No. 1 and for Public Works Equipment Rental Shop No. 2. He requested to know why the City was doing this, since the Fire Department would provide free service for these facilities.

Mayor Sutherland moved to recess to Executive Session to discuss personnel and real estate matters, the session not to exceed ten minutes. Seconded by Council Member Nielsen. Council recessed to executive session at 11:15 p.m. and reconvened at 11:19 p.m.

On proper motion, the meeting was adjourned at 11:20 p.m.

ATTEST:  
GENELLE BIRK, CITY CLERK DOUG SUTHERLAND, MAYOR

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