

CITY COUNCIL MINUTES

City Council Chambers
May 3, 1988

The meeting was called to order at 5:07 p.m.

Present on roll call: 7 - Hyde, McElliott, Mykland, Stenger, Vialle, Harnick, and Mayor Sutherland. Absent: 2 - Moss and Nielsen. (Council Member Moss arrived at 5:20 p.m.)

The Flag Salute was led by Mayor Sutherland.

CONSENT AGENDA

Approval of the minutes of the regular meeting of April 26, 1988.

RESOLUTIONS:

Resolution No. 30003

Setting Tuesday, June 21, 1988 at 10:30 a.m. as the date for hearing by the Hearings Examiner the request to vacate a portion of Waterview Street, northwesterly of Dale Street. (Department of Public Works; File No. 124.872)

Resolution No. 30007

Setting Tuesday, June 7, 1988 at approximately 5:30 p.m. as the date for a public hearing by the City Council to consider adoption of amendments to Chapter 13.06 of the Official Code regarding regulation of hazardous waste.

Resolution No. 30021

Setting Tuesday, May 10, 1988 at approximately 5:30 p.m. as the date for a public hearing by the City Council to consider an amendment to the 1987-1988 Community Development Block Grant Statement of Objectives and Use of Funds to provide an interim loan to Pioneer Business Forms, Inc., to retain jobs.

ASSESSMENT ROLLS:

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

L.I.D. No. 8439 for cement concrete pavement widening together with street lights on concrete standards and traffic signalization of the south side of South 19th Street from South Sprague Avenue west 1,050 feet, more or less.

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Setting Monday, June 13, 1988 at 5:00 p.m. as the date set for hearing by the Hearings Examiner.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner Agenda for Tuesday, May 3, 1988.
- b. Minutes of the meeting of the Appointments Committee April 18, 1988.
- c. Minutes of the meeting of the Citizens Transportation Advisory Committee, April 21, 1988.
- d. Minutes of the meeting of the Human Rights Commission, March 17, 1988.
- e. Minutes of the meeting of the Urban Policy Committee, March 24, 1988.

Council Member Mykland moved that the Consent Agenda, including Resolution Nos. 30003, 30007, and 30021, be approved. Seconded by Council Member Warnick.

Mayor Sutherland moved to remove Resolution No. 30003 from the Agenda. Seconded by Council Member Mykland. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 30003 was removed from the Agenda.

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

REGULAR AGENDA

ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS:

Resolution No. 30008

Appointing members to various committees, boards and commissions.

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.

COMMUNICATIONS:

- a. Hearings Examiner submitting an Order of Dismissal Without Prejudice relative to the appeal of TALMO, Inc. on Tax File T-27887.

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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- b. Hearings Examiner recommending approval of modifications to a previously-approved site plan for property located on the southwest corner of South 48th Street and Tacoma Mall Boulevard changing the use of the building to one-third banking facility and two-thirds office space instead of the furniture store originally approved. (Trammell Crow Company; File No. 120.1224A)

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

Mayor Sutherland proclaimed the week of May 1-5, 1988, to be "Respect for Law Week," and presented the proclamation to Mr. Keith MacFie, representing the West Tacoma Optimists Club.

Council Member Moss arrived at 5:20 p.m.

FINAL READING OF ORDINANCES:

Ordinance No. 24082

Authorizing the execution of a grant award contract with the Department of Housing and Urban Development in the amount of \$7,000.00; and depositing in and appropriating said sum from the Miscellaneous Grants Summary Fund to implement projects in the Emergency Shelter Grant Program.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Hyde, McElliott, Moss, Mykland, Stenger, Vialle, Warrick, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Nielsen.

The Ordinance was declared passed.

Ordinance No. 24085

Appropriating \$65,000.00 from the Bicentennial Pavilion Repair and Maintenance Fund for meeting a portion of the expenditures of retaining a consultant to design the Bicentennial Pavilion renovation; authorizing the execution of an agreement with Loschky, Marquardt and Nesholm for consulting services; and declaring an emergency making necessary the passage of this ordinance.

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Roll call vote was taken, resulting as follows:

Ayes: 8 - Hyde, McElliott, Moss, Mykland, Stenger, Vialle,
Harnick, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Nielsen.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 24086

Amending Section 6.88.040 of the Official Code to reassign the Visitor and Convention Promotion Sub-Fund from the Miscellaneous Trust Summary Fund to the Miscellaneous Special Revenue Fund and to redesignate the Vacated Street Right-of-Way Property Fund, a sub-fund of the Miscellaneous Trust Summary Fund, as the Open Space Fund.

The Ordinance was set over for final reading next week.

Ordinance No. 24087

Amending Section 1.24.570 of the Official Code entitled "Non-competitive position" to allow the Civil Service Board to suspend competition on recommendation of the Personnel Director for implementing classification reallocations to a higher class as a result of the Ewing Classification Study.

The Ordinance was set over for final reading next week.

Ordinance No. 24088

Appropriating \$4,665.00 from the Performing Arts Center Operating Fund for paying the cost of carpeting for the sixth floor Jones Building Administrative Offices, and declaring an emergency making necessary the passage of this ordinance.

The Ordinance was set over for final reading next week.

Ordinance No. 24089

Accepting the donation of the Freedom Shrine exhibit from the Pierce County Veterans Advisory Council for display in the Tacoma Dome Convention Center.

The Ordinance was set over for final reading next week.

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Ordinance No. 24090

Appropriating \$2,300,000.00 from the Self-Insurance Fund to meet anticipated obligations due to recent claims and litigation settlements that have exceeded estimations reported in January, 1988, and declaring an emergency making necessary the passage of this ordinance.

The Ordinance was set over for final reading next week.

Ordinance No. 24091

Appropriating \$50,000.00 from the Capital Improvements Fund to pay for the design and architectural services in support of the Goodwill Games Pool, and declaring an emergency making necessary the passage of this ordinance.

Mayor Sutherland moved to remove Ordinance No. 24091 from the agenda. Seconded by Council Member Harnick. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 24091 was removed from the agenda.

RESOLUTIONS:

Resolution No. 30002 (Continued from the meeting of April 26, 1988.)

Authorizing the execution of an agreement with Ergometrics and Applied Personnel Research, Inc., in the amount of \$20,600.00 to develop and validate a Firefighter recruit physical ability assessment.

Council Member Vialle moved that the Resolution be adopted. Seconded by Council Member Harnick.

Council Member Vialle moved to suspend the rules to consider Substitute Resolution No. 30002. Seconded by Council Member Harnick. Voice vote was taken and carried. The motion was declared adopted.

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

Resolution No. 30006 (Continued from the meeting of April 26, 1988.)

Authorizing the execution of a conditional lease agreement with Investco Financial Corporation for the lease of the steam plant property on City Waterway.

Council Member Harnick 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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Mayor Sutherland moved that the Council consider Public Hearings and Appeals. Seconded by Deputy Mayor Hyde. Voice vote was taken and carried. The motion was declared adopted.

PUBLIC HEARINGS AND APPEALS: (Began at 5:34 p.m.)

This is the date set for hearing the appeal of Cliff Duvall and Hillsdale Lumber and Manufacturing Company on the denial of his request for reclassification of the property located on the northwest corner of East 60th Street and McKinley Avenue from a "R-2" One-Family Dwelling District and a "C-2" Commercial District to a "M-2" Heavy Industrial District to allow a lumber manufacturing business and storage yard.

Mayor Sutherland stated that Kenneth Kessler, attorney representing Cliff Duvall and Hillsdale Lumber and Manufacturing Company was present.

Mayor Sutherland inquired of the audience if anyone representing the neighborhood was in attendance.

Mr. Frank Lipera, 5720 McKinley Avenue, stated that he was representing the neighborhood.

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

Rod Kerslake, Hearings Examiner, stated that there was a typo in his Finding No. 2 and that the word "illegal use" should read "legal use." He then gave a presentation regarding his Findings, Conclusions and Recommendations.

Mayor Sutherland noted that the appellant's letter was not clear on the reasons that the Hearings Examiner was in error. He then questioned Mr. Kerslake regarding this procedure.

Mayor Sutherland had Mr. Kessler clarify the reasons the Hearings Examiner was in error.

Mayor Sutherland stated that this was an appropriate appeal.

Kenneth Kessler, attorney representing Cliff Duvall and Hillsdale Lumber Company, gave the reasons for the appeal.

Frank Lipera spoke in support of the Hearings Examiner's decision.

After discussion, Mayor Sutherland inquired of Robert Backstein, City Attorney, regarding the options for restrictions on the rezoning request for this property. Mr. Backstein and Mr. Kerslake gave responses regarding possible options.

Council Member Stenger moved that the matter be referred back to the Hearings Examiner for review as to possible restrictions on the zoning of this property. Seconded by Council Member Vialle.

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Rod Kerslake, Hearings Examiner, stated that the Council was in fact overruling the Hearings Examiner and that the City Attorney would have to draft Findings and Conclusions for the Council's concurrence.

Council Member Stenger withdrew his previous motion.

Council Member Stenger moved to overrule the Hearings Examiner and sustain the appeal and to instruct the City Attorney to prepare the appropriate documentation relative to the concurrence of the Council on this matter. Seconded by Council Member Warrick. Voice vote was taken and carried. The motion was declared adopted.

The appeal was upheld.

Robert Backstein, City Attorney, stated that Findings and Conclusions with conditions would come back for Council concurrence at a subsequent Council meeting.

Purchase Resolution No. 30009

Awarding contracts to:

1. Lawrence Ross in the amount of \$18,000.00 for the payment of attorney fees relative to the Michael D. Rubek vs. City of Tacoma case;
2. Best Parking Lot Cleaning on their bid of \$11,901.12 for Tacoma Dome parking lot sweeping services - Specification No. G-021-88;
3. L.N. Curtis and Sons in the amount of 11,863.98 for twenty-five (25) federal top lights - Emergency Contract;
4. Halico Manufacturing Company in the amount of \$10,377.60 and Western Peterbilt Inc., in the amount of \$21,620.00 for rental of a transport truck and rental of a transport trailer - Emergency Contract;
5. Square Deal Concrete Construction Company on their bid of \$27,352.69 for sidewalk removal and replacement at various location - Specification No. G-226-88; and
6. Rodarte Construction, Inc., on their bid of \$24,581.94 for sanitary sewer replacement at Fawcett Avenue at South 9th Street and sanitary sewer lateral at 721 South 38th Street to Park Avenue - Specification No. G-214-88.

Mayor Sutherland moved that the Purchase Resolution be adopted, waiving the formal bidding procedures on Purchase Item No. 3. Seconded by Council Member Warrick.

Speaking to the Council was:

Louise Batchelor

5123 North 45th Street

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

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Resolution No. 30010

Authorizing the transfer of Public Utilities property on City Waterway to General Government for lease to Investco Financial Corporation after the demolition and removal of Steam Plant 1.

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

Resolution No. 30011

Authorizing the execution of a real estate contract with Darrel L. Cannon Construction in the amount of \$50,000.00 for the sale and conveyance of the Hylebos Substation site.

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

Resolution No. 30012

Authorizing the execution of a real estate contract with Clarence R. Engell in the amount of \$12,570.00 for the sale and the conveyance of the Fern Hill Substation site.

Deputy Mayor 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. 30018

Adopting the 1988 specifications for Road, Bridge, and Municipal Construction, as prepared by the Washington State Department of Transportation, the Washington State Chapter of the American Public Works Association, and the Public Works Department of the City of Tacoma.

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

Resolution No. 30013

Authorizing the execution of a real estate contract with Maurice W. Anderson in the amount of \$13,300.00 for the sale and the conveyance of the Loveland Station No. 12 site.

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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. 30014

Authorizing the release of three power line easements on the property located in the vicinity of South 45th and Washington Streets.

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

Resolution No. 30015

Approving and adopting the Comprehensive Plan for the Water Division dated July 1987.

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

Resolution No. 30016

Authorizing the execution of an agreement with Contemporary Services Inc., to provide qualified peer group security personnel to enhance the crowd management program at the Tacoma Dome.

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

Resolution No. 30017

Authorizing an amendment to the interlocal agreement with Pierce County, Port of Tacoma, City of Fife, and the City of Puyallup to provide funding for negotiating efforts with the Puyallup Indian Tribe and extend the agreement through July 31, 1988.

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

Resolution No. 30018 was considered subsequent to Resolution No. 30012.

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Resolution No. 30019

Authorizing the execution of a renewal agreement with the Tacoma News Tribune for advertising for 1988-1989.

Deputy Mayor 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. 30020

Authorizing the execution of an agreement with United Neighborhoods of Tacoma in the amount of \$5,285.00 to send representatives of UNOT to represent the City of Tacoma at the Thirteenth Annual Neighborhoods USA Conference to held in Roanoke, Virginia, May 24-28.

Deputy Mayor 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. 30022

Authorizing the execution of an amendment to the agreement with Ticketmasters Northwest to provide for special ticketing arrangements for small arena configuration events at the Tacoma Dome.

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

Resolution No. 30023

Authorizing the execution of an interlocal agreement with Pierce County and Metropolitan Park District to fund and construct a world-class competitive and recreational pool facility and further authorizing the execution of an agreement with the Seattle Organizing Committee for the 1990 Goodwill Games to provide for the construction of such pool facilities.

Mayor Sutherland moved to remove Resolution No. 30023 from the agenda. Seconded by Council Member Moss. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 30023 was removed from the agenda.

UNFINISHED BUSINESS:

Robert Backstein, City Attorney, presented a claim for settlement to the Council.

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Mayor Sutherland moved that the claim of Donald and Pamela Sunderland, for damage caused by a broken water main, be settled in the amount of \$6,979.95. Seconded by Deputy Mayor Hyde. Voice vote was taken and carried. The motion was declared adopted.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL:

Council Member Vialle stated that she had attended meetings called by the Economic Development Board to look at the possibility of the City of Tacoma participating in the selection process as the southern terminus of the Alaska Ferry System. She stated she received a copy of the request for proposal from the Department of Transportation and Public Facilities (the Marine Highway System) from the state of Alaska. Council Member Vialle requested that staff work with the Economic Development Board to determine the feasibility of the City participating in this endeavor and report back to the Council by next week.

Council Member Harnick stated that last year the City made commitments to property owners along Stadium Way regarding loss of properties due to the condition of the Sperry Dock. It was indicated at that time that the owner would begin some upgrading, but apparently has made no improvements. He requested that staff inquire into the status of this project and make a recommendation on steps to remedy the condition.

Deputy Mayor Hyde requested that staff also look into the condition of Carr's Landing on Ruston Way. He felt that similar followup was needed in this area.

On proper motion, the meeting was adjourned at 7:00 p.m.

ATTEST.


GENELLE BIRK, CITY CLERK


DOUG SUTHERLAND, MAYOR

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