

CITY COUNCIL MINUTES

City Council Chambers
August 28, 1984.

The meeting was called to order at 5:03 p.m.

Present on roll call: 7 - Bichsel, Hyde, Rasmussen, Stenger, Strego, Warnick, and Mayor Sutherland. Absent: 2 - Kirby and Ladenburg. (Councilman Kirby arrived at 5:09 p.m.)

The Flag Salute was led by Mayor Sutherland.

CONSENT AGENDA

Approval of the minutes of the regular meeting of August 14, 1984.

RESOLUTIONS:

Resolution No. 28454

Authorizing the execution of a Concomitant Agreement with Oscar Hokold, relative to an "R-4-LPRD" Planned Residential Development District located on the southwest corner of Hosmer Street and South 92nd Street extended west.

Resolution No. 28455

Authorizing the execution of a Concomitant Agreement with Quadrangle Associates relative to an "R-4-L" Planned Residential Development District located on the southeast corner of Swan Creek Drive and East 56th Street.

Resolution No. 28456

Authorizing the execution of a Concomitant Agreement with Fred Meyer Real Estate Properties, Ltd., an Oregon limited partnership, relative to a "C-P-C" Planned Community Shopping Center District located on the southwest corner of South 72nd and Pacific Avenue.

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Resolution No. 28457

Setting Monday, September 24, 1984 at 5:00 p.m. as the date for hearing by the Hearings Examiner, L.I.D. 3871 for the construction of sanitary sewers in Brown's Point Boulevard from Brown's Point Boulevard and Norpoint Way north 250 feet to a private road, then east on a private road 205 feet, more or less.

APPEALS:

Coski Pacific Forge and Tool Company, Inc., appealing Audit Assessment Notice No. AD 5234 by the Department of Tax & License.

Setting Thursday, September 13, 1984, at 10:00 a.m., as the date for hearing by the Hearings Examiner.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner Agenda for Tuesday, August 28, 1984.
- b. Minutes of the meeting of the Appointments Committee, August 20, 1984.
- c. Minutes of the meeting of the Civil Service Board, August 6, 1984.
- d. Minutes of the meeting of the Human Rights Commission, July 19, 1984.
- e. Minutes of the meeting of the Public Utility Board, July 25, 1984.
- f. Minutes of the meeting of the Tacoma Public Library Board of Trustees, June 19 and July 5, 1984.
- g. Department of Public Utilities Budget Analysis, Second Quarter, 1984.
- h. Tacoma Employees' Retirement System Comprehensive Annual Report, Fiscal Year 1983.
- i. Tacoma-Pierce County Humane Society Work Reports, May and June, 1984.

Council Member Rasmussen moved that the Consent Agenda, including Resolution Nos. 28454, 28455, 28456, and 28457 be approved. Seconded by Council Member Stenger. 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

COMMUNICATIONS:

Hearings Examiner submitting Shoreline Management Substantial Development Permit No. 141.338 of the Port of Tacoma to allow the creation of a salmon enhancement area at Slip 1 in Blair Waterway approximately 300 feet northwesterly of East 11th Street.

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Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Bichsel. Roll call vote was taken, resulting as follows: Ayes: 7 - Bichsel, Hyde, Rasmussen, Stenger, Strege, Warnick, and Mayor Sutherland. Nays: 0. Absent: 2 - Kirby and Ladenburg. The motion was declared adopted.

Mayor Sutherland proclaimed the week of August 26 through September 1, 1984, to be "Respiratory Therapy Week," and presented the proclamation to Mr. Steve Wehrman.

Councilman Kirby arrived at 5:09 p.m.

FINAL READING OF ORDINANCES:

Ordinance No. 23017

Vacating a portion of Steele Street south from North 31st Street a distance of 120 feet. (Thomas J. Beritich and Gary D. Baumgardner; File No. 124.736)

Mayor Sutherland moved to approve the revision to Ordinance No. 23017. Seconded by Council Member Kirby. Voice vote was taken and carried. The motion was declared adopted.

Roll call vote was taken on the revised Ordinance, resulting as follows:

Ayes: 8 - Bichsel, Hyde, Kirby, Rasmussen, Stenger, Strege, Warnick, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Ladenburg.

The Ordinance was declared passed.

Ordinance No. 23236

Accepting grants totaling \$3,567.00 from Weyerhaeuser Company Foundation; transferring \$2,000.00 from the General Fund to the Miscellaneous Grants Summary Fund; and appropriating \$5,567.00, or so much thereof as may be necessary, from the Miscellaneous Grants Summary Fund to carry out various civic arts programs in the City.

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Roll call vote was taken, resulting as follows:

Ayes: 8 - Bichsel, Hyde, Kirby, Rasmussen, Stenger, Strege, Warnick, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Ladenburg.

The Ordinance was declared passed.

Ordinance No. 23237

Depositing \$3,000,000.00 in the UDAG Grant Trust Account of the Miscellaneous Trust Summary Fund and \$10,000.00 in the Community Development Grants Summary Fund; appropriating \$3,000,000.00 from the Miscellaneous Trust Summary Fund and \$10,000.00 from the Community Development Grants Summary Fund for costs relative to the UDAG loan agreement for the Tacoma Financial Center.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Bichsel, Hyde, Kirby, Stenger, Strege, Warnick, and Mayor Sutherland.

Nays: 0.

Abstaining: 1 - Rasmussen.

Absent: 1 - Ladenburg.

The Ordinance was declared passed.

Ordinance No. 23238

Amending Chapter 2.02 of the Official Code to establish criteria for fencing around swimming pools.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Bichsel, Hyde, Kirby, Rasmussen, Stenger, Strege, Warnick, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Ladenburg.

The Ordinance was declared passed.

Ordinance No. 23239

Amending Chapter 8.105 of the Official Code relative to public safety and morals and domestic violence.

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Mayor Sutherland moved to suspend the rules to consider Substitute Ordinance No. 23239. Seconded by Council Member Hyde. Voice vote was taken and carried. The motion was declared adopted.

Roll call vote was taken on Substitute Ordinance No. 23239, resulting as follows:

Ayes: 8 - Bichsel, Hyde, Kirby, Rasmussen, Stenger, Strege, Warnick, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Ladenburg.

The Substitute Ordinance was declared passed.

Ordinance No. 23240

Amending Chapter 12.08 of the Official Code relative to sewage disposal and drainage to implement an Industrial Wastewater Pretreatment Program.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Bichsel, Hyde, Kirby, Rasmussen, Stenger, Strege, Warnick, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Ladenburg.

The Ordinance was declared passed.

Ordinance No. 23241

Providing for the formation of L.I.D. 5658 for the construction of an eight-inch water main and water service connections in Adams Street from South 48th to South 50th Streets.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Bichsel, Hyde, Kirby, Rasmussen, Stenger, Strege, Warnick, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Ladenburg.

The Ordinance was declared passed.

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Ordinance No. 23242

Providing for the formation of L.I.D. 8408 for the provision of permanent paving and related improvements on South 48th Street from South Washington to South Adams Streets, and South Adams Street from South 48th to South 50th Streets.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Bichsel, Hyde, Kirby, Rasmussen, Stenger, Strega, Warnick, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Ladenburg.

The Ordinance was declared passed.

Ordinance No. 23243

Approving and confirming the assessment and assessment roll for L.I.D. 8371 for the placement of permanent pavement on North 25th Street from North Mason Avenue to North Stevens Street, North Mason Avenue from North 36th Street to North 37th Street, and North 10th Street from North Proctor Street to North Madison Street.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Bichsel, Hyde, Kirby, Rasmussen, Stenger, Strega, Warnick, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Ladenburg.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 23244

Amending Chapter 13.06 of the Official Code to reclassify the northwest corner of East 72nd and "K" Streets from an "R-2" One-Family Dwelling District to an "R-2-T" Residential-Commercial Transitional District and an "R-3-PRD" Planned Residential Development District. (Dave Lindsay; File No. 120.1069)

Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Bichsel. Voice vote was taken and carried. The motion was declared adopted.

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Final reading of the Ordinance was set over to a date to be determined.

Ordinance No. 23245

Vacating portions of Cedar and Pine Streets south of Center Street in the vicinity of the City's Asphalt Plant. (West Coast Door; File No. 124.766)

Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Hyde. 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. 23246

Vacating the south one foot of the alley adjacent to 1807 North Stevens Street. (Victor L. Lyon; File No. 124.765)

Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Bichsel. 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. 23247

Vacating a portion of South Washington Street from Center Street, north 155 feet, more or less. (John D. Ehrhart; File No. 124.763)

Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Hyde. 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. 23248

Vacating a portion of East 30th Street easterly from East "M" Street 175 feet. (Will and Helen Ellwanger; File No. 124.764)

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

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Ordinance No. 23249

Appropriating \$3,460.00, or so much thereof as may be necessary, to purchase additional library materials utilizing funds received through a grant award agreement with the Washington State Library Commission.

The Ordinance was set over for final reading on September 11, 1984.

Ordinance No. 23250

Amending Section 13.04.310 of the Official Code to allow access to Center Street in the vicinity of Bantz Boulevard.

Speaking on the Ordinance was:

John Bozich representing Stuart Wattles.

Council Member Bichsel moved to remove Ordinance No. 23250 from the agenda. Seconded by Council Member Stenger. Roll call vote was taken, resulting as follows: Ayes: 4 - Bichsel, Hyde, Rasmussen, and Stenger. Nays: 4 - Kirby, Strege, Warnick, and Mayor Sutherland. Absent: 1 - Ladenburg. The motion was declared failed.

The Ordinance was set over for final reading on September 11, 1984.

Ordinance No. 23251

Transferring \$10,000.00 from the Contingency Fund to the General Fund, appropriating said sum, or so much thereof as may be necessary, from the General Fund to assist in supporting the Pacific Northwest Trade Conference being held October 1 and 2, 1984, in Tacoma, and authorizing entering into related agreements with the Export Assistance Center of Washington, Inc., and the Pacific Basin Economic Council relative to the conference.

Mayor Sutherland moved to remove Ordinance No. 23251 from the agenda. Seconded by Council Member Bichsel. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 23251 was removed from the agenda.

Mayor Sutherland moved to suspend the rules to consider Resolution No. 28465. Seconded by Council Member Bichsel. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 28465

Authorizing an agreement with the Export Assistance Center of Washington, Inc. and the Pacific Basin Economic Council to assist with preparations for the Pacific Northwest Trade Conference being held in Tacoma on October 1 and 2, 1984.

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

PUBLIC HEARINGS AND APPEALS: (Began at 6:08 p.m.)

- a. This is the date set for a public hearing on proposed amendments to certain sections of Chapter 13 and Chapter 9.22 of the Official Code relative to the development of environmental regulations directed toward streamlining environmental review procedures and the establishment of related fees.

Mr. Lee, of the Planning Department, made a presentation regarding this matter.

Deputy Mayor Strege called for public testimony on this item. There being no public testimony, the hearing was declared closed at 6:17 p.m.

- b. This is the date set for hearing the appeal of John Fisher, Ladona Welch and Christine Rosseto regarding the decision of the Hearings Examiner to approve the requests of Ellie C. and Leo C. Sim for a special use permit to allow a boarding home for the aged to operate within an "R-2" One-Family Dwelling District at the property located on the easterly side of Sixth Avenue, approximately 100 feet north of Lewis Road.

Deputy Mayor Strege announced that he lives in the vicinity of this property and would abstain from discussions on this matter. He then left the Council Chambers.

Council Member Hyde presided over the hearing.

Mr. Kram, Hearings Examiner Pro Tem, discussed his Findings, Conclusions, and Recommendations in this matter. Mr. Handmacher, representing the appellants, spoke on the reasons for the appeal. Mr. Golob, representing the applicants, spoke regarding their request.

Council Member Bichsel moved to concur with the Findings, Conclusions and Recommendations of the Hearings Examiner and deny the appeal. Seconded by Council Member Warnick. Roll call vote was taken, resulting as follows: Ayes: 3 - Bichsel, Rasmussen, and Warnick. Nays: 3 - Hyde, Kirby, and Stenger. Abstaining: 1 - Strege. Absent: 2 - Ladenburg and Sutherland.

The motion was declared failed.

Council Member Kirby moved to overrule the Hearings Examiner and uphold the appeal. Seconded by Council Member Stenger. Roll call vote was taken, resulting as follows: Ayes: 3 - Hyde, Kirby, and Stenger. Nays: 3 - Bichsel, Rasmussen, and Warnick. Abstaining: 1 - Strege. Absent: 2 - Ladenburg and Sutherland.

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The motion was declared failed.

Council Member Kirby moved to continue the appeal for two weeks. Seconded by Council Member Stenger. Roll call vote was taken, resulting as follows: Ayes: 3 - Hyde, Kirby, and Stenger. Nays: 3 - Bichsel, Rasmussen, and Warnick. Abstaining: 1 - Strege. Absent: 2 - Ladenburg and Sutherland.

The motion was declared failed.

It was announced that, there being no majority vote of the City Council on any motion, the decision of the Examiner in this matter stands.

Council Member Kirby announced that he changed his vote to be on the prevailing side for purposes of reconsideration at the next Council meeting.

RESOLUTIONS:

Purchase Resolution No. 28458

Awarding contracts to:

1. M. A. Segale, Inc., on their bid of \$128,645.00 for two-inch asphalt surface treatment on various south and northeast Tacoma streets, L.I.D. Nos. LD2590 and LD2592 - Specification No. G-088-84;
2. M. A. Segale, Inc., on their bid of \$77,260.00 for two-inch asphalt surface treatment on various eastside streets, L.I.D. No. LD2587 - Specification No. G-088-84;
3. Tucci & Sons, Inc., on their bid of \$184,255.15 for permanent asphalt pavement on various city streets, L.I.D. Nos. LD8385 and LD8386 - Specification No. G-107-84;
4. Jones Concrete Company, on their bid of \$16,595.00 for sidewalk removal and replacement in various locations, Work Order No. SA0467 - Specification No. G-081-84; and
5. Transport Equipment Company, on their bid of \$15,574.40 for one Heil Formula lift arm.

Council Member Rasmussen moved that the Purchase Resolution, including the waiver of formal bidding procedures for Purchase Item No. 5, be adopted. Seconded by Council Member Warnick. Voice vote was taken and carried. The Purchase Resolution was declared adopted.

Resolution No. 28459

Authorizing the lease of a parcel of property, known as the Milwaukee Way Yard, to the Port of Tacoma, and further authorizing the execution of a Memorandum of Understanding with the Port of Tacoma regarding merged rail operations.

Council Member 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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Resolution No. 28460

Authorizing submission of project prospectuses to the Washington State Urban Arterial Board, and further authorizing the execution of project agreements for the improvement of Portland Avenue from East 64th to East 72nd Streets.

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

Resolution No. 28461

Authorizing the execution of an amendatory loan agreement with the Cornerstone Development Company.

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

Resolution No. 28462

Authorizing the execution of an agreement with Graves and Associates, not to exceed \$15,350.00, for the development of a marketing plan for energy efficient homes built to Model Conservation Standards.

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

COMMENTS AND COMMITTEE REPORTS BY MEMBERS OF THE CITY COUNCIL:

Council Member Hyde requested information regarding storm drainage and any current and future pollution problems that may be associated with the storm drains in the city.

Council Member Rasmussen moved to excuse Council Member Ladenburg from tonight's meeting. Seconded by Council Member Bichsel. Voice vote was taken and carried. The motion was declared adopted.

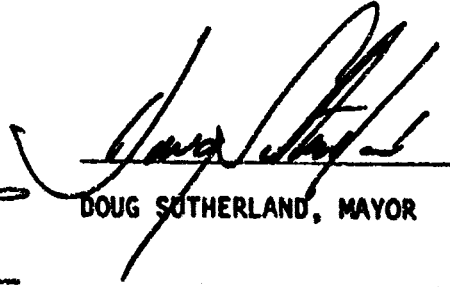
CITIZEN'S REQUEST TO BE HEARD:

Mozella Pooley requesting to speak on parking around the Tacoma Municipal Building and traffic in the City of Tacoma.

Ms. Pooley spoke regarding this matter.

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On proper motion, the meeting adjourned at 7:40 p.m.



DOUG SUTHERLAND, MAYOR

ATTEST:



GENELLE BIRK, CITY CLERK

WPC.8840G

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