

CITY COUNCIL MINUTES

City Council Chambers
April 12, 1983

The meeting was called to order at 5:11 p.m.

Present on roll call: 8 - Hawkins, Hyde, Kirby, Ladenburg, Nielsen, Rasmussen, Strege, and Mayor Sutherland.

Absent: 1 - Bichsel

The Flag Salute was led by Councilman Rasmussen.

CONSENT AGENDA

Approval of the minutes of the regular meeting of April 5, 1983.

RESOLUTIONS:

Resolution No. 27815

Setting Tuesday, June 7, 1983 at 10:30 a.m. as the date for hearing by the Hearings Examiner the request to vacate a portion of Steele Street south from North 31st Street 120 feet. (Thomas J. Beritich and Gary D. Baumgardner, File No. 124.736)

Resolution No. 27816

Setting Tuesday, June 7, 1983 at 10:30 a.m. as the date for hearing by the Hearings Examiner the request to rename South 40th Street from Steele Street to Ferry Street, and realigned Ferry Street from South 40th south to South 56th Street, as Tacoma Mall Boulevard. (Tacoma Mall Corporation)

APPEALS:

- a. Donald L. Wilson appealing the approval of a Special Use Permit by the Hearings Examiner of certain requests to utilize an existing apartment unit for an ambulance service, as requested by Shepard Ambulance Service.

Setting Tuesday, April 26, 1983 at 6:00 p.m. as the date for hearing.

- b. Pick's Cove Marina appealing Audit-Assessment No. T-38112 by the Department of Tax & License.

Setting Thursday, May 26, 1983 at 9:30 a.m. as the date for hearing by the Hearings Examiner.

- c. Trans-National Leasing, Inc. appealing Audit Assessment No. T-46205 by the Department of Tax & License.

Setting Thursday, May 26, 1983 at 11:00 a.m. as the date for hearing by the Hearings Examiner.

ASSESSMENT ROLLS:

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

L.I.D. 2565 for two-inch asphalt surface treatment on South Proctor Street from South 30th to 31st Streets; South Gregory Street from Monroe to Gunnison Street; South 50th Street from Trafton to State Street; South 52nd Street from State to Ferry Street; and on South Gregory Street from Tyler to Monroe Street.

L.I.D. 2566 for two-inch asphalt surface treatment on East "E" Street from East 46th to 48th Streets; East "B" Street from East 43rd to 45th Streets; South 52nd Street from Pacific Avenue to Bell Street; South 52nd Street from Thompson to Yakima Avenue; South 52nd Street from South "I" Street to Thompson Avenue; South 62nd Street from South "K" to "M" Streets; and on South 53rd Street from Alaska to Asotin Street.

Fixing Monday, May 9, 1983 at 5:00 p.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, April 12, 1983.
- b. Minutes of the meeting of the Tacoma-Pierce County Board of Health, March 3, 1983.
- c. Minutes of the meetings of the Municipal Authority, September 16, November 18, and December 16, 1982.
- d. Minutes of the meeting of the Tacoma Planning Commission, March 7, 1983.
- e. Tacoma Employes' Retirement System report of purchases and sales of investments, February 1983.

Deputy Mayor Nielsen moved that the Consent Agenda, including Resolution Nos. 27815 and 27816, be approved. Seconded by Councilman Rasmussen.. 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 recommending approval of the request of Larry R. Bauml, D. C. to delay certain improvements relative to the construction of a professional office building to be located at the southwest corner of South 37th Street and Pacific Avenue.

Mayor Sutherland moved to concur in the recommendations of the Hearings Examiner. Seconded by Deputy Mayor Nielsen. Voice vote was taken and carried.

Mayor Sutherland proclaimed the week of April 10 - 16, 1983, to be Boys and Girls Clubs Week and presented the proclamation to Mr. Jim Hatch, Mr. Steve Yergeau, and Ms. Coronda Huddleston.

FINAL READING OF ORDINANCES:

Ordinance No. 22901

Amending Section 1 of Ordinance No. 22863 and Chapter 13.06 of the Official Code to revise the legal description relative to the reclassification of the property located on the north side of South 50th Street (extended) between South Ferry Street and the Interstate 5 freeway. (Northwest Plaza Associates - Chuck E. Cheese's)

Roll call vote was taken, resulting as follows:

Ayes: 8 - Hawkins, Hyde, Kirby, Ladenburg, Nielsen, Rasmussen, Strege, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Bichsel

The Ordinance was declared passed.

Ordinance No. 22896

Providing for the formation of L.I.D. 5642 for the construction of water mains and fire hydrants in 118th Street East from 120th Avenue East to 122nd Avenue East, and in 120th Avenue East from 118th Street East to approximately 270 feet north.



Roll call vote was taken, resulting as follows:

Ayes: 7 - Hyde, Kirby, Ladenburg, Nielsen, Rasmussen, Strege, and Mayor Sutherland

Nays: 1 - Hawkins

Absent: 1 - Bichsel

Ordinance No. 22902

Approving and confirming the assessment roll for L.I.D. 5630 for the construction of water mains and fire hydrants in South Steele Street from South 39th to South 43rd Streets; in South 40th Street from Steele Street to Ferry Street; and in other nearby streets.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Hawkins, Hyde, Kirby, Ladenburg, Nielsen, Rasmussen, Strege, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Bichsel

The Ordinance was declared passed.

Mayor Sutherland proclaimed the week of April 17 - 24, 1983, to be Tacoma Dome Sports and Convention Center Opening Week, and presented the proclamation to Mr. Fred Pritchard.

FIRST READING OF ORDINANCES:

Ordinance No. 22903

Vacating South "J" Street north of South 4th Street. (Consolidated Hospitals, File No. 124.729)

Councilman Rasmussen abstained from consideration of Ordinance No. 22903 and left the Council chambers.

Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Councilman Hyde. Voice vote was taken and carried.

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

Ordinance No. 22904

Naming the Tacoma Dome's south access roadway, immediately north of East Wiley Street between East "D" and East "F" Streets, Brotman Way.

Speaking on the Ordinance was: Mr. Greg Pratt of the Tacoma Athletic Commission.

The Ordinance was set over for final reading next week.

Ordinance No. 22905

Amending certain sections of the Official Code relative to the duties and responsibilities of the Hearings Examiner and the time frames established for Hearings Examiner's decisions.

The Ordinance was set over for final reading next week.

Ordinance No. 22906

Repealing and reenacting Chapter 1.29 of the Official Code relative to administrative procedures of the Tacoma Human Rights Commission.

The Ordinance was set over for final reading next week.

RESOLUTIONS:

Purchase Resolution No. 27817

Awarding contracts to:

1. Texscan/MSI on their bid of \$6,187.72 for a graphics generator system - Specification No. G-040-83; and
2. Woodworth & Company, Inc. on their bid of \$63,257.04 for crushing, hauling, and stockpiling aggregates - Specification No. G-027-83, and

Deputy Mayor Nielsen moved to adopt the Purchase Resolution, including the revised "Exhibit A." Seconded by Councilman Rasmussen.

Mayor Sutherland stated that the revised exhibit included Purchase Item No. 3 awarding a contract to Allied Paper Company on their bid of \$21,682.89 for annual supply of janitorial paper and fixtures - Specification No. G-057-83.

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

Resolution No. 27818

Authorizing the execution of an agreement of \$27,000.00 with Tsang Merritt for architectural and engineering services relative to the remodeling of the Police Wing of the County-City Building.

Councilman Rasmussen moved that the Resolution be adopted. Seconded by Councilman Hyde. Voice vote was taken and carried. The Resolution was declared adopted.

Resolution No. 27819

Authorizing the execution of an agreement of \$12,480.00 with the Asian American Alliance to provide outreach services to the Asian and Indochinese populations.

Deputy Mayor Nielsen moved that the Resolution be adopted. Seconded by Councilman Rasmussen. Voice vote was taken and carried. The Resolution was declared adopted.

Resolution No. 27820

Authorizing the execution of a conditional real estate contract with Robert H. Johnson Realty for the sale of surplus L. I. Guaranty Fund property located near South 21st and "J" Streets.

Councilman Hyde moved that the Resolution be adopted. Seconded by Councilman Rasmussen. Voice vote was taken and carried. The Resolution was declared adopted.

Resolution No. 27821

Authorizing the execution of a release of a drainage easement for the property located near 68th Avenue N.E. and 19th Street N.E.

Councilman Strege moved that the Resolution be adopted. Seconded by Councilman Hyde. Voice vote was taken and carried. The Resolution was declared adopted.

Resolution No. 27822

Authorizing the release of storm sewer easements on the property located near South 35th and Pine Streets.

Councilman Strege moved that the Resolution be adopted. Seconded by Councilman Hyde. Voice vote was taken and carried. The Resolution was declared adopted.

Resolution No. 27823

Authorizing the execution of change orders with Eberharter and Gaunt, Inc. relative to the remodeling of the Pantages Theatre.

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

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Resolution No. 27824

Authorizing the execution of a personal services agreement with Ronald S. Robinson relative to the development and implementation of an Industrial Wastewater Pretreatment Program.

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

Resolution No. 27825

Expressing the intent of the City Council to hold a joint City Council/Public Utility Board public hearing on the issue of making termination payments for Washington Public Power Supply System Nuclear Power Plants Nos. 4 and 5.

Mayor Sutherland moved to consider Resolution 27825 subsequent to the Executive Session when this matter would be discussed. Seconded by Councilman Rasmussen. Voice vote was taken and carried. The motion was declared adopted.

PUBLIC HEARINGS AND APPEALS:

This is the date set for hearing the appeal of Bruce Brown, Jr., regarding the denial by the Hearings Examiner of his request for reconsideration and of his application for the reclassification of the southeast corner of South 48th and Oakes Streets from an "R-2" to a "C-2" District.

Hearings Examiner, Robert Backstein, made a presentation regarding the appeal.

As Bruce Brown had not appeared, Mayor Sutherland moved to consider the appeal subsequent to Executive Session. Seconded by Councilman Ladenburg. Voice vote was taken and carried. The motion was declared adopted.

Mayor Sutherland moved to recess until the arrival of Mr. Malanca, at which time the Council would go into Executive Session for purposes of discussing litigation. Seconded by Councilman Rasmussen. Voice vote was taken and carried. The motion was declared adopted. Council recessed at 5:56 p.m., went into Executive Session at 6:03 p.m., and reconvened at 6:55 p.m.

Mayor Sutherland announced that the Council would consider the appeal.

Deputy Mayor Nielsen announced that he is the owner of property in this area and would be abstaining from consideration of this matter, and left the Council chambers.

Mr. Bruce Brown, Jr., discussed the reason for his appeal.

Mr. Gerald Van Noy, 7232 South Montgomery, representing the neighbors in the area, discussed why the neighborhood was opposed to Mr. Brown's request.

Councilman Kirby moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner and deny the appeal. Seconded by Councilman Hawkins. Voice vote was taken and carried. The motion was declared adopted.

The appeal was declared denied.

Resolution No. 27825

Expressing the intent of the City Council to hold a joint City Council/Public Utility Board public hearing on the issue of making termination payments for Washington Public Power Supply System Nuclear Power Plants Nos. 4 and 5.

Councilman Ladenburg moved to consider Substitute Resolution No. 27825. Seconded by Councilman Hawkins. Voice vote was taken and carried. The motion was declared adopted.

Substitute Resolution No. 27825 was read into the record:

"BY REQUEST OF LADENBURG

WHEREAS there has been much controversy regarding termination payments on Washington Public Power Supply System Nuclear Power Plants Nos. 4 and 5, and

WHEREAS the Public Utilities Light Division has reserved sufficient funds for the first payments of such debt from its 1983 budget, and

WHEREAS it is advisable that citizens be allowed to discuss the issue of termination payments before actual payment is made; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the Council of the City of Tacoma does hereby express its intent to decide said issue in a public meeting where citizens will be allowed to express their opinions on the issue of WPPSS payments."

Mayor Sutherland indicated that discussion on whether to make any payment to WPPSS would most likely be held at the regular City Council meeting on April 19, 1983.

Councilman Ladenburg indicated that because of discussions in the Executive Session the Council anticipates changes in the next few days, due to resolution of court matters regarding WPPSS payments. A meaningful discussion of this matter would not be possible until next week.

Speaking on the Resolution:

Jane Anderson Media Person, Tacoma Light Brigade

Roll call vote was taken on the Substitute Resolution, resulting as follows:

Ayes: 8 - Hawkins, Hyde, Kirby, Ladenburg, Nielsen, Rasmussen, Strege, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Bichsel

The Substitute Resolution was declared adopted.

COMMENTS AND COMMITTEE REPORTS BY MEMBERS OF THE CITY COUNCIL:

Councilman Hyde stated he had provided Mayor Sutherland and the Council with a copy of a memo regarding the development of the Utility Policy Plan. Councilman Hyde suggested that the City Council develop, in cooperation with the Utility Board, a Utility Policy Plan governing development of utilities similar to the Land Use Management Plan. Councilman Hyde requested that this be discussed at a Saturday session.

Councilman Strege commented on the policy that City funds not be used on subsidized, out-of-City Water projects. Clarification from the Water Division was requested on this matter.

Mayor Sutherland stated that there would be a public hearing on April 14, 1983, at 9:30 a.m. in the Council chambers, conducted by the Puget Sound Air Pollution Control Agency. The subject will be the difficulties of non-attainment of air pollution requirements in the City of Tacoma.

On proper motion, the meeting adjourned at 7:25 p.m.


DOUG SUTHERLAND, MAYOR

ATTEST:


GENELLE BIRK, CITY CLERK