

CITY COUNCIL MINUTES

City Council Chambers
March 24, 1981

The meeting was called to order at 5:06 p.m.

Present on roll call: 6 - Bichsel, Hawkins, Kirby, Nielsen, Strege and Mayor Parker. Absent: 3 - Hyde, Rasmussen and Sutherland.

The Flag Salute was led by Mayor Parker.

CONSENT AGENDA

Approval of the minutes of the regular meeting of March 17, 1981.

PETITION:

Ray Ozanich requesting the rezoning of the property located on the east side of Sprague Avenue between South 62nd and South 64th Street extended from an "R-2" to a "C-1" District.

For referral to the Hearings Examiner.

RESOLUTIONS:

Resolution No. 26866

Setting Tuesday, April 28, 1981 at 6:00 p.m., as the date for public hearing on the Blair Waterway Bridge Replacement Alternative Study.

Resolution No. 26874

Setting Monday, April 13, 1981 at 5:00 p.m., as the date for hearing by the Hearings Examiner L.I.D. 2530 for two-inch asphalt surface treatment on various streets in the City.

Resolution No. 26875

Setting Monday, April 13, 1981 at 5:00 p.m., as the date for hearing by the Hearings Examiner L.I.D. 8321 for permanent paving on Beverly Avenue NE from 51st Street NE to 53rd Street NE; Green Hills Avenue NE from 51st Street NE to 150 feet north of 53rd Avenue NE and 53rd Street NE from Frances Avenue NE to Browns Point Blvd.

Resolution No. 26876

Setting Tuesday, April 23, 1981 at 10:30 a.m., as the date for hearing by the Hearings Examiner the request for vacation of a portion of McKinley Avenue north of East 26th Street. (K-M Enterprises)

Resolution No. 26877

Setting Thursday, April 30, 1981 at 9:30 a.m., as the date for hearing by the Hearings Examiner the request for vacation of various streets and alleys within the Hawthorne Area. (City of Tacoma)

Resolution No. 26878

Authorizing submission of an application to the Department of Housing and Urban Development for Section 312 Funds to implement a Neighborhood Commercial Revitalization project on South Tacoma Way between South 52nd and South 56th Streets.

Resolution No. 26879

Authorizing execution of a grant application for an Economic Development Assistance Grant to the Economic Development Administration, Department of Commerce.

ASSESSMENT ROLLS:

The Directors of Public Works and Public Utilities present Assessment Rolls for the following:

L.I.D. No. 2508, two-inch asphalt surface treatment on North Oakes Street from North 29th Street to North 30th Street and North White Street from North 29th Street to North 30th Street.

L.I.D. No. 2510, two-inch asphalt surface treatment on South Cushman Avenue from South 25th Street to South 26th Street.

L.I.D. No. 2595, construction of water mains in Orchard Street from a point approx. 250 feet north to 660 feet south of South 40th Street.

Fixing Monday, April 27, 1981 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's agendas for Tuesday, March 24, and Thursday, March 26, 1981.
- b. Minutes of the Tacoma Human Relations Commission meeting, February 19, 1981.
- c. Minutes of the meeting of the Tacoma Public Library Board of Trustees, February 17, 1981.
- d. Annual Financial Report Self-Insurance Claim Fund of the Department of Public Utilities.

Deputy Mayor Nielsen moved that the Consent Agenda, including Resolution Nos. 26866, 26874, 26875, 26876, 26877, 26878 and 26879, be approved. Seconded by Councilwoman Bichsel.

Mayor Parker moved that Resolution No. 26875 be removed from the Consent Agenda at the request of management. Seconded by Councilwoman Bichsel. Voice vote was taken and carried.

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

REGULAR AGENDA

COMMUNICATIONS:

- a. Hearings Examiner submitting Shoreline Management Substantial Development Permit No. 141, 246 of Continental Grain Company to allow construction of an addition to the existing rail car unloading shed, located on the northerly side of Schuster Parkway, approx. 1,000 feet northwesterly of the 4th Street Bridge (11 Schuster Parkway).

Councilman Hawkins moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Councilwoman Bichsel. Roll call vote was taken, resulting as follows: Ayes: 6 - Bichsel, Hawkins, Kirby, Nielsen, Strege and Mayor Parker. Nays: 0. Absent: 3 - Hyde, Rasmussen and Sutherland.

- b. Hearings Examiner submitting Shoreline Management Substantial Development Permit No. 141, 245 of Peterson Boatbuilding Company, Inc., to retain an existing access ramp, float and platform, located at 223 East "F" Street.

Deputy Mayor Nielsen moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Councilwoman Bichsel. Roll call vote was taken, resulting as follows: Ayes: 6 - Bichsel, Hawkins, Kirby, Nielsen, Strege and Mayor Parker. Nays: 0. Absent: 3 - Hyde, Rasmussen and Sutherland.

- c. Hearings Examiner submitting Shoreline Management Substantial Development Permit No. 141, 247 of the Port of Tacoma to allow piling to be driven and concrete panels installed at Terminal 7, Berth "D", Sitcum Waterway, located on the northeasterly side of Sitcum Waterway, northwest of East 11th Street.

Councilman Hawkins moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Councilwoman Bichsel. Roll call vote was taken, resulting as follows: Ayes: 6 - Bichsel, Hawkins, Kirby, Nielsen, Strege and Mayor Parker. Nays: 0. Absent: 3 - Hyde, Rasmussen and Sutherland.

- d. Hearings Examiner advising he has granted a one-year extension to submit the final plat for WAYNEWOOD IV as requested by Landco of Washington, Inc.

Mayor Parker advised that this is informational only and no action is required.

Councilman Rasmussen arrived at 5:15 p.m.

FINAL READING OF ORDINANCES:

Ordinance No. 22352

Amending Ordinance No. 22266 relative to the annual budget for 1981 and increasing certain appropriations.

Mayor Parker moved to consider Substitute Ordinance No. 22352. Seconded by Deputy Mayor Nielsen. Voice vote was taken and carried.

Roll call vote was taken on Substitute Ordinance No. 22352, resulting as follows:

Ayes: 7 - Bichsel, Hawkins, Kirby, Nielsen, Rasmussen, Strege, and Mayor Parker.

Nays: 0

Absent: 2 - Hyde and Sutherland.

The Ordinance was declared passed.

Ordinance No. 22354

Authorizing the purchase or condemnation of certain property located generally at North 47th and Baltimore Streets for a public park.

Roll call vote was taken, resulting as follows:

Ayes: 6 - Bichsel, Kirby, Nielsen, Rasmussen, Strege and Mayor Parker.

Nays: 0

Absent: 2 - Hyde and Sutherland

Abstaining: 1 - Hawkins.

The Ordinance was declared passed.

Councilman Sutherland arrived at 5:17 p.m.

Ordinance No. 22355

Providing for the improvement of L.I.D. 2529 for sidewalks on South 47th from South Tacoma Way to Oakes Street; South 47th/48th Streets from Oakes to Ferry Streets; South 48th from Alaska to "M" Streets and South Pine from South 47th to South 42nd Streets.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Bichsel, Hawkins, Kirby, Nielsen, Rasmussen, Strege and Mayor Parker.

Nays: 0

Absent: 1 - Hyde.

Abstaining: 1 - Sutherland

The Ordinance was declared passed.

Ordinance No. 22356

Providing for the improvement of L.I.D. 3834 for constructing sanitary sewers in South Cushman from South 81st Street to South 83rd Street.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Bichsel, Hawkins, Kirby, Nielsen, Rasmussen, Strege, Sutherland and Mayor Parker.

Nays: 0

Absent: 1 - Hyde

The Ordinance was declared passed.

Ordinance No. 22357

Providing for the improvement of L.I.D. 8320 for permanent paving on East "R" from East Sherman Avenue south to cul-de-sac and East Division Lane from Grandview Avenue west 330 feet.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Bichsel, Hawkins, Kirby, Nielsen, Rasmussen, Strege, Sutherland and Mayor Parker.

Nays: 0

Absent: 1 - Hyde

The Ordinance was declared passed.

Councilman Hyde arrived at 5:21 p.m.

Ordinance No. 22358

Approving and confirming the assessment roll for L.I.D. 2499 for two-inch asphalt surface treatment on various streets in the City.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Bichsel, Hawkins, Kirby, Nielsen, Rasmussen, Strege, Sutherland and Mayor Parker.

Nays: 0

Abstaining: 1 - Hyde.

The Ordinance was declared passed.

Ordinance No. 22359

Approving and confirming the assessment roll for L.I.D. 5593 for constructing water mains in 56th Street West from Orchard Street West to approx. 1,100 feet west.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Bichsel, Hawkins, Hyde, Kirby, Nielsen, Rasmussen, Strege, Sutherland and Mayor Parker.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 22360

Approving and confirming the assessment roll for L.I.D. 5602 for constructing water mains in East "D" from East 72nd to East 75th Street.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Bichsel, Hawkins, Hyde, Kirby, Nielsen, Rasmussen, Strege, Sutherland and Mayor Parker.

Nays: 0

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 22361

Amending Chapter 2.02 of the Official Code relative to the Building Code and adopting the 1979 Edition of the Uniform Building Code.

Speaking to the Ordinance were the following citizens:

Clarence Wilson, Home Builders Association of Greater Tacoma,
13105 Bingham Avenue,
Bill Lynn, Attorney for Home Builders Association of Greater
Tacoma, 2200 Washington Plaza,
Bill Barrett, past President of Home Builders Association of
Greater Tacoma, 3412 Soundview Drive,
K. Walter Johnson, 10107 South Tacoma Way,
Leroy B. Crest, Crest Builders, Inc., 5516 - 75th West,
Fred Roberson, Roberson Building & Development Co.

Mayor Parker moved to remove this Ordinance from the agenda and to have it scheduled for a Public Hearing. Seconded by Councilman Hyde. Voice vote was taken and carried.

Mayor Parker moved to recess into Executive Session to discuss personnel negotiations. Seconded by Deputy Mayor Nielsen. Voice vote was taken and carried. Council recessed at 6:32 p.m. Council reconvened at 6:50 p.m.

Mayor Parker moved to suspend the rules to consider Resolution No. 26891. Seconded by Councilman Strege. Voice vote was taken and carried.

Resolution No. 26891

Directing the City Attorney to prepare a draft ordinance creating a Code of Ethics for officers and employees of the City.

Mayor Parker moved to amend Page 2, Line 2, by adding the following words after City Attorney, "and confirmed by the City Council. Until such Ordinance is adopted the above procedure will be followed." Seconded by Councilman Kirby. Voice vote was taken and carried.

Councilman Sutherland moved to amend Page 1, Line 26, by removing the word "respective" and inserting the word "immediate." Seconded by Mayor Parker. Voice vote was taken and carried.

Roll call vote was taken on the Resolution, as amended, resulting as follows: Ayes: 7 - Bichsel, Hyde, Kirby, Rasmussen, Strege, Sutherland and Mayor Parker. Nays: 0. Abstaining: 2 - Hawkins and Nielsen.

Resolution No. 26860 (Continued from the meeting of March 17, 1981)

Declaring the intent of the proper officers of the City to establish a Financial Code of Ethics.

Councilman Strege moved that the Resolution be adopted. Seconded by Councilman Kirby.

Councilman Strege move to amend Page 2 by inserting a new No. 4 on Line 11 to read as follows: "Is the proposed ordinance prepared by the City Attorney adequate to prevent and resolve any potential conflicts of interest?" Seconded by Councilman Kirby. Voice vote was taken and carried.

Councilman Hyde moved an amendment to add two members to the committee, one from the Chamber of Commerce and one from a business organization. Seconded by Councilman Rasmussen. Voice vote was taken and the amendment was declared failed.

Roll call vote was taken on the Resolution, as amended, resulting as follows: Ayes: 6 - Bichsel, Hyde, Kirby, Rasmussen, Strege and Mayor Parker. Nays: 1 - Nielsen. Abstaining: 2 - Hawkins and Sutherland. The Resolution, as amended, was declared adopted.

Mayor Parker left the meeting at 7:07 p.m.

PUBLIC HEARING: (7:08 p.m.)

This is the date set for public hearing of proposed amendments to the zoning ordinance to allow administrative appeals to the Hearings Examiner on the environmental determinations made by the responsible City Department Director and to allow appeals of the adequacy of environmental impact statements.

Katie Mills of the Planning Department explained the background and reasons for this request.

After questions by council members, Deputy Mayor Nielsen called for public testimony.

Speaking on the public hearing were:

Gus Carlson, representing Tacoma United Neighborhoods,
8802 South Ainsworth,
Arthur Brown, 2101 East 44th

No one else appeared to speak and Deputy Mayor Nielsen declared the hearing closed and asked that this Ordinance not be brought before the Council for at least a four week period.

FIRST READING OF ORDINANCES:

Ordinance No. 22362

Vacating South 9th between Pearl Street and the westerly line of the SR-16 Freeway right-of-way. (Comprehensive Mental Health Center)

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

The Ordinance was set over for final reading to a date to be determined.

Ordinance No. 22363

Vacating a portion of the alley south of East 40th Street between East "J" and "K" Streets. (David A. Konsmo)

Councilman Hawkins moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Councilwoman Bichsel. Voice vote was taken and carried.

The Ordinance was set over for final reading to a date to be determined.

Ordinance No. 22364

Amending Chapter 13.06 of the Official Code to reclassify the area in the vicinity of Norpoint Way NE to the south and west, 49th/51st Street NE extended on the north and 45th Avenue NE extended on the east from an "R-2" to an "R-2-PRD" District. (NuWest, Inc.)

Councilman Hawkins moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Councilwoman Bichsel. Voice vote was taken and carried.

The Ordinance was set over for final reading to a date to be determined.

Ordinance No. 22365

Authorizing a one-time payment to certain members of the Tacoma Employees' Retirement System whose retirement was effective prior to January 1, 1976.

The Ordinance was set over for final reading next week.

Ordinance No. 22366

Appropriating \$150,900.00, or so much thereof as may be necessary, from the Equipment Rental Capital Outlay Fund, Account "B", to purchase three items of equipment for maintaining the street lighting system by the Public Works Traffic Signal Division, and declaring an emergency making necessary the passage of this ordinance and its taking effect immediately upon publication.

The Ordinance was set over for final reading next week.

RESOLUTIONS:

Resolution No. 26860 (Continued from the meeting of March 17, 1981)

Declaring the intent of the proper officers of the City to establish a Financial Code of Ethics.

This Resolution was considered earlier in the meeting under a First Reading of Ordinances.

Purchase Resolution No. 26880

Awarding contracts to:

1. Cavanaugh Lumber Company on its bid of \$11,493.71 for Wood Sign Posts-Spec. No. G-11-81;
2. Blake, Moffitt and Towne on its bid of \$3,974.10 and Zellerbach Paper Company on its bid of \$2,070.18 for Food Serving Materials-Spec. No. G-13-81;
3. Sahlberg Equipment, Inc. on its bid of \$119,966.20 for Two Mobil Self-Propelled Street Sweepers-Spec. No. G-22-81;
4. Paul Anderson, Doris M. Kilgore and Mr. and Mrs. Will Ellwanger on their bids on the sale of four houses located in the Hawthorne Site;
5. S. Joe Stanek on his bid of \$45,200.00 for the sale of two four-plexes located in the Hawthorne Site;
6. Carl Haglund on his bid of \$74,206 for the sale of three four-plexes located in the Hawthorne Site;
7. Mr. and Mrs. Will Ellwanger and Ken Dawson on their bid of \$18,105.50 for the sale of one four-plex located in the Hawthorne Site; and
8. J. C. McMillan and Robert Hammer on their bid of \$20,777.00 for the sale of one four-plex located in the Hawthorne Site.

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

Resolution No. 26881

Approving the final plat for ORCHARD PARK ESTATES, located at South 52nd and Orchard Streets. (Don & Leo Huber)

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

Resolution No. 26882

Approving the preliminary plat for ABACUS FIRST ADDITION, located on East 38th Street and 214 feet west of Portland Avenue. (Abacus Marketing Associates, Inc.)

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

Resolution No. 26883

Approving the preliminary plat for DIVISION 2A, NORTH SHORE COUNTRY CLUB ESTATES, located in the area generally bounded by 45th Avenue NE to the east, Norpoint Way NE to the south and the North Shore Golf Course to the west and north. (NuWest, Inc.)

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

Resolution No. 26884

Approving the request for an open space classification submitted by North Shore Golf Associates, Inc.

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

Resolution No. 26885

Approving the preliminary plat for MARILYN ESTATES, located on the east side of East "F" Street extended, between East 80th and East 82nd Streets. (Sound City Construction)

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

Resolution No. 26886

Authorizing the purchase of property located east of the intersection of Roosevelt Avenue and East 37th Street for Swan Creek Park.

Councilwoman Bichsel moved that the Resolution be adopted. Seconded by Councilman Sutherland.

Arthur Brown of 2101 East 44th Street spoke on the Resolution.

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

Resolution No. 26887 (First Reading)

Amending Rule 8 of the Council's Rules of Procedure relative to suspension of the rules.

Councilman Hawkins moved that the Resolution be adopted. Seconded by Councilman Strege.

The Resolution was set over for final reading next week.

Resolution No. 26888 (First Reading)

Amending Rule 6 of the Council's Rules of Procedure relative to tabling a motion.

Councilman Hawkins moved that the Resolution be adopted. Seconded by Councilman Kirby.

The Resolution was set over for final reading next week.

Councilman Sutherland moved to suspend the rules to consider Resolution No. 26890. Seconded by Councilman Hyde. Voice vote was taken and carried.

Resolution No. 26890

Authorizing execution of month-to-month leases with Allied Arts, Tacoma Philharmonic, Tacoma Youth Symphony and R. B. Streeter for space on the 5th floor of the Jones Building.

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

Councilman Sutherland moved to amend Line 25½ by deleting the line reading "R. B. Streeter" from consideration on this Resolution. Seconded by Councilwoman Bichsel. Voice vote was taken and carried.

Speaking to the Resolution were:

Robert Evans, President of Allied Arts
Gene Wiegman, 405 North Stadium, Member of Board of
Philharmonic and Youth Symphony
Ken Helman, Community Development
David Whisner, Tacoma Youth Symphony
Arthur Brown, 2101 East 44th

Councilman Hyde moved that all reference to the second six month rents be deleted from the Resolution. Seconded by Councilman Strege. Voice vote was taken and carried.

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

Deputy Mayor Nielsen moved to suspend the rules to consider Resolution No. 26889. Seconded by Councilman Sutherland. Voice vote was taken and carried.

Resolution No. 26889

Authorizing the purchase of a truck from McCabe-Powers Sales & Service, Inc., in the amount of \$75,135.72.

Deputy Mayor Nielsen moved that the Resolution be adopted. Seconded by Councilwoman Bichsel. Roll call vote was taken, resulting as follows: Ayes: 5 - Bichsel, Hyde, Nielsen, Rasmussen and Sutherland. Nays: 2 - Kirby and Strege. Absent: 2 - Hawkins and Mayor Parker. The Resolution was declared adopted.

Deputy Mayor Nielsen moved to suspend the rules to consider Citizens' Request To Be Heard at this time. Seconded by Councilman Sutherland. Voice vote was taken and carried.

CITIZENS' REQUEST TO BE HEARD:

The Senior Tenant's Association #5, requesting to speak regarding the 38th Development Project. (Continued from the meeting of March 17, 1981)

Speaking for the Senior Tenant's Association was Ray Carter. Also speaking was Emma Bailey of 2222 South 38th Street.

Deputy Mayor Nielsen asked the City Manager, through the Office of Intergovernmental Affairs, to check the status of House Bill No. 587 which has to do with the taking away of the tenants rights or ability to fight an eviction without ever appearing before a judge.

Deputy Mayor Nielsen informed the Senior Tenant's Association that they would also look into the Mobile Home Act.

REPORTS BY CITY MANAGER:

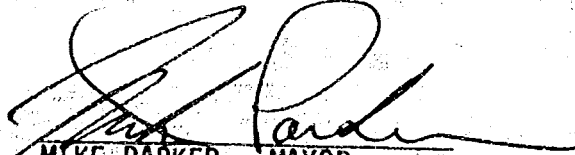
Erling Mork, City Manager, introduced David Dow, Director of Finance, who gave a summary of the three bid proposals that were opened earlier today on the Sports/Convention Center.

Jim Willers, Assistant City Manager, presented a schedule to the Council on the selection process of the proposal for the Sports/Convention Center.


COMMENTS AND COMMITTEE REPORTS BY MEMBERS OF THE CITY COUNCIL:

Councilman Kirby asked the City Manager to check with the parks staff for a progress report with respect to the Annual Fishing Derby to be held at Wapato Park.

On proper motion the meeting adjourned at 9:17 p.m.


MIKE PARKER - MAYOR

ATTEST:


H. B. BOND - CITY CLERK