

## CITY COUNCIL MINUTES

City Council Chambers  
December 8, 1981

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

Present on roll call: 9 - Bichsel, Hawkins, Hyde, Kirby, Nielsen, Rasmussen, Strege, Sutherland and Mayor Parker.

The Flag Salute was led by Mayor Parker.

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## CONSENT AGENDA

Approval of the minutes of the regular meetings of November 24 and December 1, 1981.

PETITIONS:

- a. Realbon Corporation requesting the reclassification of the property located in the area bounded by South 40th Street, I-5 Freeway, South 43rd Street, extended and South Steele Street from an "R-2" to a "C-2" District.
- b. Walter W. McGee requesting the reclassification of the property located on the northerly side of North "I" Street between North 2nd and 3rd Streets (215 North "I" Street) from an "R-4" to an "R-4-T" District.
- c. Bryan Chuschcoff requesting the reclassification of the property located on the east side of Pacific Avenue between South 63rd and 64th Streets (6311 Pacific Avenue) from an "R-2" to an "R-2-T" District.
- d. Oscar Hokold requesting the reclassification of the property located on the north side of South 82nd Street approx. 220 feet east of Hosmer Street from an "R-2" to an "R-3-PRD" District.
- e. Richard Fabiani requesting the reclassification of the property located on the northwest corner of South Tyler and South 74th Street from an "R-2" to an "R-4-L" District.

For referral to the Hearings Examiner.

FIRST READING OF ORDINANCE:

Ordinance No. 22583

Accepting contributions from United Pacific Reliance Insurance Companies and the Florence Kilworth Foundation in the amount of \$5,500 and depositing said sum in the Miscellaneous Grants Summary Fund; and transferring \$4,000 from the General Fund Non-Departmental Account to the Miscellaneous Grants Summary Fund to provide necessary funding for the 1982 Summer Pops! and Joint Sponsorship Program.

RESOLUTIONS:

Resolution No. 27206

Setting Tuesday, January 12, 1982 at 6:00 p.m., as the date for public hearing on a proposed amendment to the "Interim Generalized Outdoor Recreation and Open Space Plan" to include consideration for an indoor pool on Tacoma's east side.

Resolution No. 27207

Setting Tuesday, December 15, 1981 at 6:00 p.m., as the date for public hearing on amendments to the Seventh Year Community Development Application and Urban Renewal Closeout Agreement.

Resolution No. 27208

Approving the final plat for WAYNEWOOD IV, located at South 94th and Sheridan Avenue. (Landco of Washington, Inc. - now known as Viking Builders, Inc.)

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner's agendas for Tuesday, December 8 and Thursday, December 10, 1981.
- b. Minutes of the Civil Service Board meeting, November 16, 1981.
- c. Minutes of the Landmarks Preservation Commission meeting, November 18, 1981.
- d. Minutes of the meeting of the Tacoma Planning Commission, November 2, 1981.
- e. Minutes of the Appointments Committee meeting, November 30, 1981.

Deputy Mayor Nielsen moved that the Consent Agenda, including Resolution Nos. 27206, 27207 and 27208, be approved. Seconded by Councilman Sutherland. Voice vote was taken and carried. The Consent Agenda was declared approved.

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REGULAR AGENDA

COMMUNICATIONS:

Hearings Examiner recommending approval of the request of Kurt Veeder to modify certain conditions relative to Preliminary Plat File No. 125.252.

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

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FINAL READING OF ORDINANCES:

Ordinance No. 22574 (Continued from the meeting of December 1, 1981.)

Amending Section 8.12.015 of the Official Code relative to causing a disturbance at meetings of Council, Boards, Commissions or Committees of the City.

Deputy Mayor Nielsen moved to amend the Ordinance by deleting on Page 1, Lines 22 and 23, "or who shall knowingly misrepresent any material fact to the City Council," Seconded by Councilman Rasmussen. Roll call vote was called for, resulting as follows: Ayes: 4 - Nielsen, Rasmussen, Sutherland and Mayor Parker; Nays: 4 - Hawkins, Hyde, Kirby and Strege; Abstaining: 1 - Bichsel. The motion was declared failed.

Roll call vote was taken, resulting as follows:

Ayes: 5 - Bichsel, Hawkins, Hyde, Kirby and Strege.

Nays: 4 - Nielsen, Rasmussen, Sutherland and Mayor Parker.

The Ordinance was declared passed.

Ordinance No. 22577

Repealing and reenacting Sections 1.06.790, 1.06.800 and 1.06.810 of the Official Code to place the telephone system for the City under control of the Director of Public Works.

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. 22578

Amending Section 6.62.020 (f), 6.62.080 and 6.68.370 of the Official Code relative to admission tax exemptions, application of registration fees and calculation of interest on tax underpayments.

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. 22579

Authorizing execution of a grant award contract with the U.S. Department of Housing and Urban Development in the amount of \$39,000 and appropriating said sum, or so much thereof as may be necessary, from the Miscellaneous Grants Summary Fund to increase the capability of administering housing programs.

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. 22580

Authorizing execution of a grant award contract with the U.S. Equal Employment Opportunity Commission in the amount of \$37,500; appropriating said sum, or so much thereof as may be necessary, from the Fair Employment Practices Fund for processing ninety-one cases involving discrimination in the City; and declaring an emergency making necessary the passage of this ordinance and its taking effect immediately upon publication.

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. 22581

Repealing Ordinance No. 21062 to eliminate the Elderly and Handicapped Transportation Fund and transferring assets from said Fund to the Tacoma Municipal Transit System Fund.

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. 22582

Amending Chapter 1.34 of the Official Code to increase the Police Department's Working Fund Advance and repealing Ordinance No. 14531.

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. 22584

Providing for the improvement of L.I.D. 2552 for placing a two-inch asphalt surface treatment on South "M" Street from South 84th to South 88th Streets.

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. 22585

Providing for the improvement of L.I.D. 5622 for constructing water mains in Alameda Avenue from Alameda Parkway to approx. 162 feet south and other nearby streets.

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. 22586

Providing for the improvement of L.I.D. 5625 for construction of water mains in an area bounded by 206th Avenue East produced, 128th Street East, 210th Avenue East and 124th Street East.

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.

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FIRST READING OF ORDINANCES:

Ordinance No. 22587

Amending Section 14.06.020 of the Official Code to establish three-year terms for members of the Architectural Design Review Board.

The Ordinance was set over for final reading next week.

Ordinance No. 22588

Adopting the 1982 annual budget of the City of Tacoma.

Wendell Brown, State Representative and Frank Loomis, Prosecuting Attorney, requested consideration of additional funds for the Victim/Witness Assistance Program in the amount of \$35,000.

The Ordinance was set over for final reading next week.

Ordinance No. 22589

Repealing Ordinance No. 20096 to eliminate the City Parking Lot Reserve Fund and transferring all assets from said Fund to the Municipal Building Acquisition and Operating Fund.

The Ordinance was set over for final reading next week.

Ordinance No. 22590

Appropriating \$1,780.00, or so much thereof as may be necessary, from the Library Grants Revolving Fund for acquisition of library materials.

The Ordinance was set over for final reading next week.

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RESOLUTIONS:

Resolution No. 27156 (Continued from the meeting of November 24, 1981)

Expressing the Council's intent to limit salary increases for certain personnel.

Councilman Hawkins moved to adopt Substitute Resolution No. 27156. Seconded by Councilman Rasmussen.

Councilman Hawkins moved to amend the Resolution by adding \$323 in the blank space on Page 1. Seconded by Councilwoman Bichsel. Voice vote was taken and carried.

Roll call vote was called for on the motion to adopt the Substitute Resolution, as amended, resulting as follows: Ayes: 7 - Bichsel, Hawkins, Hyde, Kirby, Nielsen, Rasmussen and Strega. Nays: 2 - Sutherland and Mayor Parker. The Substitute Resolution, as amended, was declared adopted.

Purchase Resolution No. 27209

Awarding contracts to:

1. General Repair Company and W. H. Buzzell Construction Company on their bids for Home Roof Repair;
2. Stang Hydronics, Inc., on their bid of \$,187.78 for Repair Work on Cleveland Way Pump Station;
3. Gordon Korsmo Construction Company on their bid of \$234,489.41 for Vehicle Maintenance Building, and
4. Rejecting all bids for Photographic Film and Processing Services.

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. 27210

Designating the park at 9th and "K" Streets as "Peoples Park" and providing for a plaque dedicating the park to the memory of "Scotty" Moore.

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

Max Messner, 723 So. Cushman, Tom Crimmins, 921 So. Sheridan and Bob Gallucci, 1415 So. 9th spoke in favor of the Resolution and Mr. Thorpe spoke in opposition.

Roll call vote was called for on the motion to adopt, resulting as follows: Ayes: 8 - Bichsel, Hawkins, Hyde, Kirby, Nielsen, Rasmussen, Strege and Sutherland. Nays: 1 - Mayor Parker. The Resolution was declared adopted.

Resolution No. 27211

Designating the park at 9th and "K" Streets as the "Scotty Moore Park."

Mayor Parker moved to remove the Resolution from the agenda. Seconded by Deputy Mayor Nielsen. Voice vote was taken and carried. The Resolution was removed from the agenda.

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Mayor Parker advised they would have the public hearings now since it was after 6:00 p.m.

PUBLIC HEARINGS:

- a. This is the date set for public hearing on amendments to the Zoning Ordinance to establish a process to notify neighborhood and community organizations of land use hearings and decisions.

Eileen Watterson of the Planning Department presented the amendments to the Council.

No citizens appeared to speak; therefore, Mayor Parker declared the hearing closed.

- b. This is the date set for public hearing on amendments to the Zoning Ordinance to allow, by conditional use, sale of liquor-by-the-drink in restaurants in "C-1" Districts.

Kevin Foley of the Planning Department presented the amendments to the Council.

No citizens appeared to speak; therefore, Mayor Parker declared the hearing closed.

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Resolution No. 27212

Authorizing execution of an agreement with the Metropolitan Park District for architectural barrier removal at the Jefferson Fieldhouse and the South End Pool and an agreement with the Tacoma Public Library for architectural barrier removal at the Carnegie Library.

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



Resolution No. 27213

Authorizing execution of an agreement with the Pierce County Department of Assigned Counsel to act as assigned counsel for indigent defendants appearing in Municipal Court.

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

Resolution No. 27214

Authorizing execution of an agreement with the Pierce County District Court Probation Department to provide probation services to the Tacoma Municipal Court.

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. 27215

Adopting the Housing Policy Plan for the City of Tacoma.

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

Resolution No. 27216

Authorizing execution of an amendatory agreement with R. F. McCann and Company to provide architectural and engineering services for the Pantages Performing Arts Center project.

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

Deputy Mayor Nielsen moved to amend the dollar amount on Line 19 to \$110,873.00. Seconded by Councilwoman Bichsel. Voice vote was taken and carried.

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

Resolution No. 27217

Authorizing execution of an amendment to the agreement with Construction Northwest, Inc., for additional construction management services on the Pantages Performing Arts Center project.

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. 27218

Authorizing execution of a change order on the contract for the 1981 Curb Ramp Program with George Madsen Company for construction of additional curb ramps.

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

Resolution No. 27219

Affirming the decision of the Hearings Examiner regarding the tax assessment of Star Machinery Company.

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

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Deputy Mayor Nielsen moved to suspend the rules to allow the Citizen's Request To Be Heard to be considered at this time. Seconded by Councilman Hyde. Voice vote was taken and carried.

CITIZEN'S REQUEST TO BE HEARD:

John Nagle requesting to speak on a tax dispute with the City. (This is not a formal appeal).

John Nagle explained the tax dispute Douglas Sulkosky is having with the City.

Councilman Strege moved to refer the matter to the City Attorney to investigate if there were any new facts presented tonight and make a recommendation; and also, if there had been no agreement, did the City have the right to collect this tax. Seconded by Deputy Mayor Nielsen. Roll call vote was called for, resulting as follows: Ayes: 3 - Nielsen, Strege and Mayor Parker. Nays: 4 - Bichsel, Hyde, Rasmussen and Sutherland. Absent: 2 - Hawkins and Kirby. The motion was declared failed.

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COMMENTS AND COMMITTEE REPORTS BY MEMBERS OF THE CITY COUNCIL:

Councilman Hyde advised he had a motion to make. A copy of which was before each Council member.

Mayor Parker declared the motion out of order because it violates the City Charter and the Memorandum of Understanding they have with the Utility Board.

Deputy Mayor Nielsen moved to continue the matter until they could get a legal opinion on whether or not the motion is out of order. Seconded by Councilman Sutherland. Roll call vote was called for, resulting as follows: Ayes: 4 - Nielsen, Rasmussen, Sutherland and Mayor Parker. Nays: 5 - Bichsel, Hawkins, Hyde, Kirby and Strege. The motion was declared failed.

Councilman Hawkins moved to suspend the rules to allow the motion. Seconded by Councilwoman Bichsel.

Mayor Parker declared the motion out of order, citing Section 4.10 and 4.11 of the City Charter.

Councilman Hawkins moved to appeal the decision of the Chair. Seconded by Councilwoman Bichsel. Mayor Parker advised that an "Aye" vote would be to sustain the Chair's decision and a "Nay" vote would be to overrule the decision and called for a roll call vote, resulting as follows: Ayes: 4 - Nielsen, Rasmussen, Sutherland and Mayor Parker. Nays: 5 - Bichsel, Hawkins, Hyde, Kirby and Strege. The Chair was declared overruled.

Mayor Parker then left the Chambers stating he felt they were out of order in considering the motion.

Councilman Hyde moved that "Whereas the City Council has expressed concerns related to the terms of the proposed Extended Construction Delay Preserving the Assets Program (The Program) to preserve the assets for WNP-4/5 projects, and

Whereas it is necessary for the City Council to be aware of the ramifications of The Program prior to its execution,

Be it Resolved by the City Council of the City of Tacoma that the Memorandum of Understanding if substantially different from the original filed with the City Clerk for The Program be submitted for the approval of the City Council prior to the execution of said memorandum by the proper officers of the City,

Further, no later than ten (10) days prior to the consideration of The Program by the City Council, the Department of Public Utilities shall prepare an analysis of all of the City's obligations through this program including the date and amount of each payment and the date and amount of each rate increase needed to meet the City's obligations,

This motion shall supercede Resolution No. 27181 where in conflict with this motion." Seconded by Councilman Strege

Councilman Strege then moved to amend the motion by adding the words "the Utility Board and" in Paragraph 3 after the words "for the approval of." Seconded by Councilman Hyde. Voice vote was taken and carried with Councilman Sutherland and Deputy Mayor Nielsen voting "No" and Councilman Rasmussen abstaining.

Councilman Rasmussen moved to amend the motion by deleting the last sentence. Seconded by Deputy Mayor Nielsen. Voice vote was taken and declared failed.

Dr. David Dye, Utility Board Chairman, spoke on the motion.

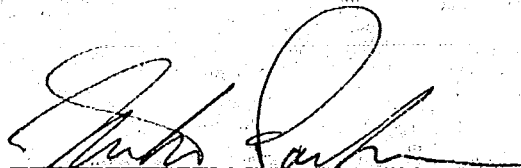
Roll call vote was called for on the motion, as amended, resulting as follows: Ayes: 5 - Bichsel, Hawkins, Hyde, Kirby and Strege. Nays: 2 - Nielsen and Sutherland. Absent: 1 - Mayor Parker. Abstaining: 1 - Rasmussen. The motion was declared passed.

Deputy Mayor Nielsen requested a copy of the legal interpretation of Section 4.11 of the City Charter, dated April 26, 1977, be sent to all the Council members.


Mayor Parker moved to recess into Executive Session to discuss personnel matters. Seconded by Councilman Sutherland. Voice vote was taken and carried. Council recessed at 7:27 p.m. and reconvened at 8:25 p.m.

Mayor Parker moved that the claim of Mr. and Mrs. Henry C. Bunker and Mr. and Mrs. Richard D. Barnard be settled with the recommendation of the City Attorney as set forth in the letter concerning this matter dated December 1, 1981. Seconded by Deputy Mayor Nielsen. Voice vote was taken and carried.

On proper motion, the meeting adjourned at 8:26 p.m.

  
MIKE PARKER - MAYOR

Attest:

  
H. B. BOND - CITY CLERK