

CITY COUNCIL MINUTES

City Council Chambers
March 11, 1980

The meeting was called to order at 5:05 p.m.

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

The United States Flag was escorted and posted by five members of the Camp Fire Horizon Club who also led the Flag Salute.

PROCLAMATION:

Mayor Parker proclaimed the week of March 10 - 16, 1980 to be "Polar Bear Week" in the City of Tacoma. Members of the Camp Fire Horizon Club presented the Mayor and Council Members with a polar bear button, kicking off their fund driving campaign for the purchase of a polar bear for the Point Defiance Zoo.

Mayor Parker announced that the University of Puget Sound and Pacific Lutheran University are jointly hosting the 1980 Pacific Northwest Renaissance Conference. He then proclaimed the week of March 16 - 22, 1980 as "Renaissance Week" in the City of Tacoma.

C O N S E N T A G E N D A

Approval of the minutes of the regular meeting of March 4, 1980.

PETITION:

Department of Public Works requesting the rezoning of the property located on the north half of South 74th Street between Interstate 5 and Ash Street from an "R-2" to a "C-2" District.

Department of Public Works requesting the rezoning of the property located on the south half of South 74th Street between Interstate 5 and Ash Street from an "R-2" to a "CEP" District.

For referral to the Hearings Examiner.

RESOLUTIONS:

Resolution No. 26298

Setting Tuesday, April 15, 1980 at 1:30 p.m., as the date for hearing by the Hearings Examiner the request for vacation of the southerly 20 feet of Upper Park Street easterly from East "F" Street.
(Donald K. Carden)

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Minutes of the regular meeting of the Board of Park Commissioners, February 25, 1980.
- b. Minutes of the meeting of the Civil Service Board for combined County-City Health Department, February 25, 1980.
- c. Minutes of the meeting of the Civil Service Board, February 25, 1980.
- d. Quarterly Report of the Fire Department for the 4th Quarter, 1979.
- e. 1979 Annual Financial Report for the Data Processing Division.
- f. Letter dated March 4, 1980, and financial information from TelePrompter Cable Television, informing the Council of intent to invoke additional service charge.

Councilwoman Bichsel moved that the Consent Agenda, including Resolution No. 26298, be approved. Seconded by Deputy Mayor Nielsen. 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:

- a. Hearings Examiner recommending that the request of Leonard Haldeman to modify Condition 4A of Rezone No. 120.935, located at 620 South 12th Street, be approved.

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

- b. Hearings Examiner submitting Revision to Shoreline Management Substantial Development Permit No. 141.194 of Sound Refining, Inc., located at 2628 Marine View Drive.

Deputy Mayor Nielsen moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Councilman Hawkins. Roll call vote was taken, resulting as follows: Ayes: 9 - Bichsel, Evans, Hawkins, Kirby, Nielsen, Rasmussen, Strege, Sutherland and Mayor Parker. Nays: 0. The motion carried.

FINAL READING OF ORDINANCES:

Ordinance No. 22004

Creating a new fund to be known as the Electric Energy Conservation Loan Fund; appropriating \$1,000,000, or so much thereof as may be necessary, from said fund for the purpose of providing certain energy conservation loans; and approving and authorizing implementation of the Home Electric Conservation Service program.

Roll call vote was taken, resulting as follows:

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

Nays: 0

The Ordinance was declared passed.

Ordinance No. 22005

Amending Chapter 11.34.130 of the Official Code to include the arterial street designation for North 9th Street from Pearl Street to Mildred Street.

Roll call vote was taken, resulting as follows:

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

Nays: 0

The Ordinance was declared passed.

Ordinance No. 22006

Authorizing execution of a grant award contract with the National Endowment for the Arts for \$17,500; transferring \$11,002 from the General Fund to the Neighborhood Arts Program Fund; appropriating \$28,502, or so much thereof as may be necessary from said fund to implement the second year of the Neighborhood Arts Program; 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, Evans, Hawkins, Kirby, Nielsen, Rasmussen, Strege, Sutherland and Mayor Parker.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 22007

Transferring \$32,000 from the Federal Shared Revenue Fund to the General Fund; appropriating said sum for the purpose of providing a portion of the costs for school crossing guards; and declaring an emergency making necessary the passage of this ordinance and its taking effect immediately upon publication.

Councilman Hawkins moved to consider Substitute Ordinance No. 22007. Seconded by Councilman Sutherland.

Councilman Kirby said that he felt the public should be informed that the Substitute Ordinance reduces the amount of funding from \$32,000 to \$15,000.

Councilman Strege moved to suspend the rules in order to allow the public to speak. Mayor Parker ruled that the public could speak.

Speaking on the Ordinance were the following individuals: Norman Anderson, 1914 No. Union, Member of the School Board; Sharon Kagel, 2734 No. Whitman; Steve Mondau, 1432 No. Bennett; Jim Robertson; and Terrence Wheeler, Principal of Point Defiance School.

Roll call vote was taken on Substitute Ordinance No. 22007, resulting as follows: Ayes: 3 - Bichsel, Hawkins and Sutherland. Nays: 6 - Evans, Kirby, Nielsen, Rasmussen, Strege and Mayor Parker.

Roll call vote was taken on Ordinance No. 22007, resulting as follows:

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

Nays: 0

The Ordinance was declared passed.

Ordinance No. 22008

Amending the Pay and Compensation Plan to add the position of Energy Conservation Coordinator.

Roll call vote was taken, resulting as follows:

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

Nays: 0

Absent: 1 - Rasmussen.

The Ordinance was declared passed.

Ordinance No. 22011

Approving and confirming the L.I.D. assessment roll for installing street lights and sidewalks on Highland Hills Frontage Road from North Pearl Street to North Mildred Street.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Bichsel, Evans, Hawkins, Kirby, Strege, Sutherland and Mayor Parker.

Nays: 0

Absent: 2 - Nielsen and Rasmussen.

The Ordinance was declared passed.

Ordinance No. 22012

Approving and confirming the assessment roll for L.I.D. 2482 for oil surface treatment on various streets in the City.

Roll call vote was taken, resulting as follows:

Ayes: 6 - Hawkins, Kirby, Rasmussen, Strege, Sutherland and Mayor Parker.

Nays: 0

Absent: Bichsel, Evans and Nielsen.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 22009

Appropriating \$197,964 from the General Fund for reimbursing Pierce County for one-half cost of converting the County-City Building heating plant 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.

Ordinance No. 22010

Vacating Gregory Street between East "E" Street and the Freeway right-of-way. (Harry H. Parr)

Councilman Strege 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.

RESOLUTIONS:

Resolution No. 26297 (continued from the meeting of March 4, 1980)

Appointing Gary Rentel to the Board of the Municipal Authority for a term expiring March 3, 1982.

Mayor Parker moved to adopt corrected Resolution No. 26297. Seconded by Councilwoman Bichsel.

The corrected Resolution sets the term of appointment to expire on June 4, 1981.

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

Purchase Resolution No. 26299

Awarding contracts to:

1. Cavanaugh Lumber Company, Inc., on its bid of \$13,411.01 for Wood Sign Posts, and
2. Martin H. Brashem and Robert Pollock on their bid of \$89,000 for sale of six-plex at 410 South Sheridan. (Continued from the meeting of March 4, 1980 under Item #2 of Resolution No. 26288).

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. 26300

Authorizing execution of contracts with the Asian American Alliance, the Metropolitan Development Council and Tacoma Community House to implement the sponsorship of three VISTA projects.

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

Resolution No. 26301

Authorizing submission of a grant application for \$10,000 to the Northwest Area Foundation for a 1981 Summer Workshop in Performing and Fine Arts.

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

Resolution No. 26302

Authorizing execution of an agreement with Kira Bacon to act as Neighborhood Arts Program Coordinator.

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

Resolution No. 26303

Authorizing payment of \$18,188.99 to Slead-Tonneson for emergency storm sewer clean-up and repair at Lee Street, North 48th to Waterview.

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. 26304

Cancelling a lease with Evergreen Helicopter, Inc., and authorizing execution of a lease with Tosch Aircraft Industries relative to certain property at the Tacoma Industrial Airport.

Ron Button, Director of Public Works asked that this Resolution be continued for one week.

Mayor Parker moved that the Resolution be continued for one week. Seconded by Deputy Mayor Nielsen. Voice vote was taken and carried. The Resolution was continued to March 18, 1980.

Resolution No. 26305

Authorizing the sale of a parcel of land at East 38th and Hill Streets to Lawson & Associates for \$1,365.00.

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

Resolution No. 26306

Approving the preliminary plat of GENESIS ADDITION, located north of South 94th between South "K" and South "J" Streets. (Genesis Builders)

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

Resolution No. 26307

Approving the final plat for PEPPERWOOD, located south of North 45th between Whitman and Vassault Streets. (Northbay Construction Co.)

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. 26308

Authorizing execution of a rental agreement with Wang Laboratories for a high speed Wang Fiber Optic Image Printer and waiving the requirement for competitive bidding.

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

UNFINISHED BUSINESS:

City Council reconsideration of decision concerning the appeal of Gary Davis for waiver of the off-street parking stall requirements to allow a 12-unit apartment building for the elderly to provide .33 parking stalls per unit rather than the normally required 1.25 stalls per unit, located on the south side of North K Street between North 4th and 5th Streets.

Mayor Parker moved to overrule the Hearings Examiner and grant the variance to allow the units to be built with two stipulations: 1) that no individuals who are not classified as retired by definition be allowed to reside in these duly constructed units or in the previous 12 units, with the exception of the two tenants presently residing there who are not senior citizens be grandfathered in and 2) that no additional people who are not retired be allowed to live in the units, so that in fact they are senior citizen units. Mayor Parker inquired of the City Attorney as to whether there would be any enforcement powers if the motion were to be adopted.

Bob Hamilton, City Attorney, advised that when covenants run with the land the enforcement obligation is upon the persons who are the beneficiaries of the restrictive covenants. He said he did not think the City has the standing to enforce anything like that and that the enforcement would fall upon the adjoining neighbors.

Mayor Parker withdrew his motion and made the following motion. He moved that the Hearings Examiner be overruled and that the waiver be granted with the proviso that this apartment unit only be for residence for people over the age of 60 years and retired. Seconded by Councilman Kirby.

After further questions Mr. Hamilton said there could be developed agreements between the developer and the City which would provide that if there is a breach of the agreement the City has the right to enforce it and in the event it does enforce it it's entitled to recover reasonable attorneys fees and costs.

Councilman Rasmussen moved to amend the motion to include such an agreement with the proviso which Mr. Hamilton mentioned and further to amend the motion to reflect that the two people who are not qualified, in terms of age and retirement aspects, vacate the premises within 90 days. Seconded by Councilman Kirby.

Councilmembers asked Mr. Hamilton for his opinion on the motion. He advised that the motion changed the Examiner's conditions considerably and recommended that Council make their desires known and that the matter be referred back to the Hearings Examiner to obtain new recommendations from the Hearings Examiner.

Mayor Parker moved that the matter be referred back to the Hearings Examiner for review of the issues and for his recommendations. Seconded by Deputy Mayor Nielsen. Voice vote was taken and carried with Councilman Eyans dissenting. The matter was referred back to the Hearings Examiner.

REPORTS BY CITY MANAGER:

Erling Mork, City Manager, called Council's attention to the fact that Tuesday, March 18, 1980, would be the date of the election and asked whether Council desired to have the meeting date changed to Wednesday.

Deputy Mayor Nielsen moved to change the meeting date to Wednesday, March 19, 1980. Seconded by Councilman Sutherland. It was pointed out that Councilmembers Evans and Strege would be absent on the 19th attending a work shop. The motion was withdrawn. Mayor Parker then announced that the regular meeting would be held on Tuesday, March 18, 1980.

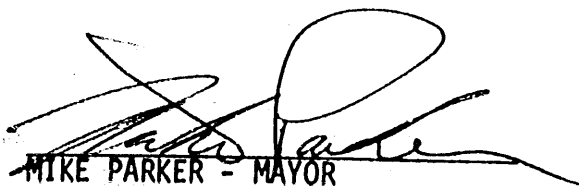
COMMENTS AND COMMITTEE REPORTS BY MEMBERS OF THE CITY COUNCIL:

Councilman Evans moved to excuse Councilmembers Bichsel and Hawkins from attending next weeks Council meeting as they will be in Washington, D.C. attending the National League of Cities meeting. Seconded by Councilman Strege. Voice vote was taken and carried.

Mayor Parker moved to recess into Executive Session to discuss personnel matters. Seconded by Deputy Mayor Nielsen. Voice vote was taken and carried. Council recessed at 7:10 p.m. Council reconvened at 7:25 p.m.

Mayor Parker moved that the City Attorney's office is authorized to engage on our behalf in any legal activity in accordance with the instructions rendered in Executive Session. Seconded by Councilman Sutherland. Voice vote was taken and carried.

On proper motion, the meeting adjourned at 7:26 p.m.


MIKE PARKER - MAYOR

ATTEST: Catherine Ursich
CATHERINE URSICH
ACTING CITY CLERK