

CITY COUNCIL MINUTES

City Council Chambers
May 26, 1981

The meeting was called to order at 5:02 p.m.

Present on roll call: 7 - Bichsel, Hawkins, Hyde, Rasmussen, Strege, Sutherland and Mayor Parker. Absent: 2 - Kirby, Nielsen.

The Flag Salute was led by Mayor Parker.

Councilwoman Bichsel moved to excuse Deputy Mayor Nielsen and Councilman Kirby from tonight's meeting. Seconded by Mayor Parker. Voice vote was taken and carried.

Mayor Parker introduced Pam Crane, who is Tacoma's delegate to Girls State.

CONSENT AGENDA

Approval of the minutes of the regular meeting of May 19, 1981.

PETITION:

Donald L. Hansen & Company requesting the rezoning of the property located on the east side of South Prospect Street approx. 120 feet south of South 12th Street from an "R-2" to an "R-3" District.

For referral to the Hearings Examiner.

APPEAL:

Terry W. Shepard appealing the Tax and License Department's decision to deny his application for a guard license.

Setting Thursday, June 11, 1981, at 9:00 a.m., as the date for hearing by the Hearings Examiner.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner agendas for Tuesday, May 26, 1981 and Thursday, May 28, 1981.
- b. Minutes of the Human Relations Commission meeting, April 16, 1981.
- c. Minutes of the meeting of the Landmarks Preservation Commission, May 13, 1981.
- d. Report of the Director of Finance, March, 1981.
- e. Tacoma Police Department monthly report, December 1980.

Councilwoman Bichsel moved that the Consent Agenda be approved. Seconded by Councilman Sutherland. Voice vote was taken and carried. The Consent Agenda was declared approved.

REGULAR AGENDA

COMMUNICATIONS:

- a. Hearings Examiner recommending that LID 8327 not be formed.

Councilman Strege moved to concur in the recommendations of the Hearings Examiner. Seconded by Councilwoman Bichsel. Voice vote was taken and carried.

- b. Hearings Examiner submitting revision of Shoreline Management Substantial Development/Conditional Use Permit No. 141.133 of the Port of Tacoma.

Councilwoman Bichsel moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Councilman Sutherland. Roll call vote was taken, resulting as follows: Ayes: 7 - Bichsel, Hawkins, Hyde, Rasmussen, Strege, Sutherland and Mayor Parker. Nays: 0. Absent: 2 - Kirby, Nielsen.

- c. Hearings Examiner submitting a request of J. E. Meaker for variances to the Shoreline Management Substantial Development Permit sign regulations to allow the retention of one free-standing, non-illuminated sign identifying Johnny's Dock, one non-illuminated Sundgrens Marina identification sign attached to the fence near the northerly/rampway to the floats, one non-illuminated sign identifying West Wind Yachts attached to the fence near the northerly rampway to the floats, and the installation of one non-illuminated Bentley Yacht Sales identification sign attached to the fence near the southerly rampway to the floats, located at 1900 East "D" Street.

Councilman Hyde moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Councilman Strege. Roll call vote was taken, resulting as follows: Ayes: 3 - Bichsel, Hyde and Strege. Nays: 3 - Hawkins, Sutherland and Mayor Parker. Absent: 2 - Kirby, Nielsen.

The motion was declared failed. Mayor Parker stated that he would bring this back for reconsideration next week.

FINAL READING OF ORDINANCES:

Ordinance No. 22400 (Continued from meeting of May 19, 1981.)

Amending Chapters 9 and 13 of the Official Code to allow the Hearings Examiner to hear administrative appeals on environmental determinations made by the responsible City Department Director.

Councilman Strege moved to continue the Ordinance one week. Seconded by Councilman Sutherland. Voice vote was taken and carried. The Ordinance was continued to June 2, 1981.

Mayor Parker proclaimed the week of May 25-30, 1981 as Respect for Law Week, and presented a proclamation to Andy Bergman, president of the Southeast Optimist Club.

Ordinance No. 21886

Amending Chapter 13.06 of the Official Code to reclassify the north west corner of So. 56th and Ferry Streets from an "R-2" to an "R-2-T" District. (S.A.K. Investors)

Roll call vote was taken, resulting as follows:

Ayes: 7 - Bichsel, Hawkins, Hyde, Rasmussen, Strege, Sutherland and Mayor Parker.

Nays: 0.

Absent: 2 - Kirby and Nielsen.

The Ordinance was declared passed.

Ordinance No. 21887

Vacating portions of State Street and of the alley to the east between So. 56th Street and Railroad Ave. (S.A.K. Investors)

Mayor Parker moved to consider corrected Ordinance No. 21887. Seconded by Councilwoman Bichsel. Voice vote was taken and carried.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Bichsel, Hawkins, Hyde, Rasmussen, Strege, Sutherland and Mayor Parker.

Nays: 0.

Absent: 2 - Kirby and Nielsen.

The corrected Ordinance was declared passed.

Ordinance No. 22412

Amending Ordinance No. 20367 to deposit one-half of the revenues received from the gross earnings tax on cable television service businesses into the Municipal Cable Television Program Fund.

Roll call vote was taken, resulting as follows:

Ayes: 2 - Hyde and Strege.

Nays: 5 - Bichsel, Hawkins, Rasmussen, Sutherland and Mayor Parker.

Absent: 2 - Kirby and Nielsen.

The Ordinance was declared failed.

Mayor Parker stated he would bring this back next week for reconsideration.

Ordinance No. 22414

Accepting a contribution from Pacific Northwest Bell Telephone Company in the amount of \$1,500; depositing said sum in the Miscellaneous Grants Summary Fund; and appropriating \$1,500 from said Fund to provide a portion of the funding for the 1981 Summer Pops! Concerts in the Park series.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Bichsel, Hawkins, Hyde, Rasmussen, Strege, Sutherland and Mayor Parker.

Nays: 0.

Absent: 2 - Kirby and Nielsen.

The Ordinance was declared passed.

Ordinance No. 22415

Repealing Sections 11.19.080, 11.19.090 and 11.19.100 relative to loading zones and stands.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Bichsel, Hawkins, Hyde, Rasmussen, Strege, Sutherland and Mayor Parker.

Nays: 0.

Absent: 2 - Kirby and Nielsen.

The Ordinance was declared passed.

Ordinance No. 22416

Repealing Chapter 6.11 of the Official Code relative to licensing bicycles.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Bichsel, Hawkins, Hyde, Rasmussen, Strege, Sutherland and Mayor Parker.

Nays: 0.

Absent: 2 - Kirby and Nielsen.

The Ordinance was declared passed.

Ordinance No. 22418

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

Roll call vote was taken, resulting as follows:

Ayes: 7 - Bichsel, Hawkins, Hyde, Rasmussen, Strege, Sutherland and Mayor Parker.

Nays: 0.

Absent: 2 - Kirby and Nielsen.

The Ordinance was declared passed.

Ordinance No. 22419

Providing for the improvement of L.I.D. 2538 for two-inch asphalt surface treatment on 25th Street NE from 57th Avenue NE to 58th Avenue NE, 56th Avenue NE from 27th Street NE to 29th Street NE and other nearby streets.

Gary Sullivan, Hearings Examiner, advised the Council that the protests for LID 2538 now total 55%. Mayor Parker moved that the Ordinance be removed from the Agenda. Seconded by Councilman Hawkins. Voice vote was taken and carried. The Ordinance was removed from the Agenda.

Ordinance No. 22420

Providing for the improvement of L.I.D. 3831 for constructing sanitary sewers in an easement east and north of Slayden Road from Eastside Drive to Vargo Road.

Mayor Parker moved that the Ordinance be continued one week. Seconded by Councilman Sutherland. Voice vote was taken and carried. The Ordinance was continued to June 2, 1981.

Ordinance No. 22421

Providing for the improvement of L.I.D. 5620 for constructing water mains in Cushman Avenue from South 81st to South 83rd Street.

Roll call vote was taken, resulting as follows:

Ayes: 6 - Bichsel, Hawkins, Hyde, Rasmussen, Strege, and Mayor Parker.

Nays: 0.

Absent: 3 - Kirby, Nielsen, and Sutherland.

The Ordinance was declared passed.

Ordinance No. 22422

Approving and confirming the assessment roll for L.I.D. 2507 for two-inch asphalt surface treatment on various streets in the City.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Bichsel, Hawkins, Hyde, Rasmussen, Strege, Sutherland and Mayor Parker.

Nays: 0.

Absent: 2 - Kirby and Nielsen.

The Ordinance was declared passed.

Ordinance No. 22423

Approving and confirming the assessment roll for L.I.D. 5587 for constructing water mains in 149th Street Court East from State Highway No. 162 to Hi-Cedars Drive East and in Hi-Cedars Drive East from approx. 465 feet north to 630 feet south of 149th Street Court East.

Roll call vote was taken, resulting as follows:

Ayes: 6 - Bichsel, Hyde, Rasmussen, Strege, Sutherland and Mayor Parker.

Nays: 1 - Hawkins.

Absent: 2 - Kirby and Nielsen.

The Ordinance was declared passed.

Ordinance No. 22424

Approving and confirming the assessment roll for L.I.D. 8154 for permanent paving in the alley between East 44th and East 45th Streets from McKinley Avenue to "I" Street.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Bichsel, Hawkins, Hyde, Rasmussen, Strege,
Sutherland and Mayor Parker.

Nays: 0.

Absent: 2 - Kirby and Nielsen.

The Ordinance was declared passed.

Ordinance No. 22425

Approving and confirming the assessment roll for L.I.D. 8264 for permanent paving on East 57th from East "Q" to East "S", East 58th from East "Q" to dead end past East "S", and other nearby streets.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Bichsel, Hawkins, Hyde, Rasmussen, Strege,
Sutherland and Mayor Parker.

Nays: 0.

Absent: 2 - Kirby and Nielsen.

The Ordinance was declared passed.

Ordinance No. 22426

Approving and confirming the assessment roll for L.I.D. 8265 for permanent paving on East "M" Street from East 67th Street to East 69th Street.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Bichsel, Hawkins, Hyde, Rasmussen, Strege,
Sutherland and Mayor Parker.

Nays: 0.

Absent: 2 - Kirby and Nielsen.

The Ordinance was declared passed.

Ordinance No. 22427

Approving and confirming the assessment roll for L.I.D. 8276 for permanent paving on South Adams from South 62nd to South 66th and South 62nd from South Adams easterly to dead end.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Bichsel, Hawkins, Hyde, Rasmussen, Strege, Sutherland and Mayor Parker.

Nays: 0.

Absent: 2 - Kirby and Nielsen.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 22417

Repealing and reenacting Chapter 10.26 of the Official Code relative to Minority and Women's Business Enterprise program.

Catherine Haas, Chairman of the Human Relations Commission, stated she felt there should be a citizens advisory board, an affirmative education outreach program and that part of the review process that says the final determination shall be final and binding and no further appeal or review shall lie to any other body or court is too harsh.

Jerry Robinson, a member of the Association of Sub-Contractors, expressed concern regarding the withholding of funds from a contractor that is not in compliance.

Mayor Parker asked the staff to review these concerns and report to the Council.

The Ordinance was set over for final reading next week.

Ordinance No. 22428

Appropriating \$1,780.00, or so much thereof as may be necessary, from the Tacoma Public Library Grants Revolving Fund to allow the Library to participate in local programs funded by the Library Services and Construction Act.

Mayor Parker moved to correct the Ordinance on lines 14 and 16 to change the year to 1981. Seconded by Councilwoman Bichsel. Voice vote was taken and carried. The corrected Ordinance was set over for final reading next week.

Ordinance No. 22429

Appropriating \$34,930.00 from the General Fund to the City Street Fund to provide for participation in L.I.D. projects 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. 22430

Amending Chapter 13.06 of the Official Code to reclassify the area generally bounded by Lawrence Street on the west, 6th Avenue on the north, South "I" Street on the east and South 27th Street on the south from an "R-3" to an "R-2" and "R-2 SRD" District. (City of Tacoma)

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

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

Mayor Parker moved to suspend the rules to discuss the procedure under the Code of Ethics resolution. Seconded by Councilwoman Bichsel. Voice vote was taken and carried.

After discussion by Council members, Councilman Sutherland moved to direct the City Attorney to prepare a resolution to include the City Attorney's suggestion number 1 from his letter of May 21st, which indicates that the allegations should consist of approximate date, some degree of particularity as far as the allegations, the general nature of the conduct giving rise to the cause and any other pertinent data the Council deems appropriate. The purpose of requiring specific allegations is to permit the Council to determine whether or not probable cause exists for proceeding further with the complaints in question and that the Council refer the charges to an independent individual for the impartial determination as to whether or not probable cause exists, retaining the right to designate itself such agency. That after a finding by the Council or someone of its choosing, of probable cause that the recommendation that the Council itself, after receipt of the recommendations from such agency or individual as it deems appropriate, select an impartial investigator to conduct an investigation into the validity of the charges based on factual findings, render an opinion to the Council as to whether or not there is in fact a violation of conflict of interest rule or any such other rule that may be involved and that the Council may wish to differentiate between those instances involving conflict of interest and those purporting to violate the appearance of fairness doctrine or other ethical standards with reference to the depth of the investigation, etc. That it include the suggestion that the report when completed, be returned to the Council as a confidential report and investigation. And that upon receipt of the confidential report, the Council as a whole shall evaluate the report and decide upon a further cause of action. And that after completing that determination, if in fact there has been a violation, then it, as the Council, may under its inherent powers to regulate its own members, determine appropriate methods of censure and punishment, or direct the the City Manager or the Utility Board to take action if the offender is an employee. Seconded by Councilwoman Bichsel.

Councilman Hyde then moved to amend the motion after the line that states "the allegations shall consist of the approximate date, some degree of particularity as far as the allegations, the general nature of the conduct giving rise to the cause," to insert "name or names of those making the allegations." Seconded by Councilwoman Bichsel. Voice vote was taken on the amendment and carried.

Voice vote was taken on the amended motion and carried.

Ordinance No. 22431

Vacating various streets and alleys bounded generally on the west by East "B", on the north by the alley between East 26th and East 27th, on the south by SR-5 and on the east by East "G" Street. (City of Tacoma)

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

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

Ordinance No. 22432

Amending Chapter 13.06 of the Official Code to reclassify the northeast, southeast and southwest corners of 38th Avenue NE and Browns Point Blvd. from a "C-1" and "R-2" to an "R-2" and "R-4-LT" District. (City of Tacoma)

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

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

Mayor Parker moved to recess into Executive Session to discuss real estate and litigation matters. Seconded by Bichsel. Voice vote was taken and carried. Council recessed at 6:47 p.m. and reconvened at 6:55 p.m.

RESOLUTIONS:

Resolution No. 26962 (Continued from the meeting of May 19, 1981.)

Approving the final plat for DASH POINT ESTATES - DIV. 1, located east of Browns Point Blvd. between 53rd Street N.E. and Dash Point Water Works Road. (Trans Canada Enterprises, Ltd.)

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

Councilman Hyde left the meeting at 7:00 p.m.

Resolution No. 26981 (Continued from the meeting of May 19, 1981.)

Designating "Tacoma Dome" as the official name for the sports/convention center to be located in the Hawthorne area.

Councilwoman Bichsel moved to continue the Resolution one week. Seconded by Councilman Rasmussen. Voice vote was taken and carried. The Resolution was continued to June 2, 1981.

Purchase Resolution No. 26982

Awarding contracts to:

1. Lincoln Construction Co. on its bid of \$149,710.00 for YWCA Addition and Renovation-Spec. G-54-81;
2. Wang Laboratories, Inc., on its bid of \$48,124.74 for Wang Word Processing Equipment;
3. Safety Barricade Company on its bid of \$10,947.02 for Twenty Aero Dynic Light Bars With Mounts & Speakers;
4. Streich Brothers, Inc., on its bid of \$13,203.23 to Install Litter-Lift Arm On Refuse Side-Loader Truck;
5. The Brower Co. on its bid of \$9,323.65 for Office Partitions;
6. ITT Outdoor Lighting on its bid of \$14,262.10 for Luminaires;
7. McCabe-Powers Sales and Service, Inc., on its bid of \$13,230.00 for Rental of Manlift.

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

Mayor Parker moved to amend Exhibit "A" by adding Purchase No. 8. Seconded by Councilman Sutherland. Voice vote was taken and carried.

Mayor Parker then moved to continue Purchase No. 1 to June 9, 1981. Seconded by Councilwoman Bichsel. Voice vote was taken and carried.

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

Resolution No. 26983

Authorizing execution of an amendatory agreement with Pierce County relative to the operation of Cheney Stadium.

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

Resolution No. 26984

Designating the Energy Conservation Resource Center as a Major Federal Aid Project.

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. 26985

Retaining the firm of Preston, Thorgrimson, Ellis, Holman and Fletcher as bond counsel to assist in interim financing for the Sports and Convention Center.

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

Resolution No. 26986

Authorizing execution of a promissory note and loan guarantee contract relative to the Section 108 Loan Guarantee Demonstration Program.

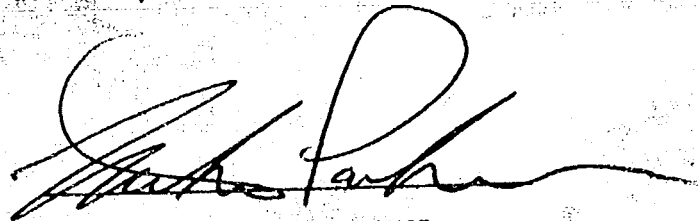
Councilwoman Bichsel moved that the Resolution be adopted. Seconded by Councilman Rasmussen. Voice vote was taken and carried. The Resolution was declared adopted.

COMMENTS AND COMMITTEE REPORTS BY MEMBERS OF THE CITY COUNCIL:

Councilman Sutherland asked for information about the income involved in Ordinance No. 22412.

He also advised the Council that the Appointments Committee interviewed four people for the Ethics Committee and were trying to schedule interviews for two additional people.

On proper motion, the meeting adjourned at 7:18 p.m.



MIKE PARKER - MAYOR

ATTEST:



H. B. BOND - CITY CLERK