

CITY COUNCIL MINUTES

City Council Chambers
July 24, 1979

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

Present on roll call: 9 - Bichsel, Evans, Kirby, Nielsen, Schroeder, Strege, Warnick, Hudson and Mayor Parker.

The Flag Salute was led by Mayor Parker.

CONSENT AGENDA

Approval of the minutes of the regular meeting of July 17, 1979.

RESOLUTIONS:

Resolution No. 25851

Setting Monday, August 13, 1979 at 7:00 p.m. as the date for hearing on L.I.D. 8269 for 2" asphalt surface treatment on South "J" Street from South 80th Street to South 84th Street.

Resolution No. 25852

Setting Tuesday, August 14, 1979 at 1:30 p.m. as the date for hearing by the Hearings Examiner the request for vacation of reversionary rights to Commercial Avenue south of East 11th Street.

ASSESSMENT ROLLS:

The Director of Public Works presents the assessment roll for the following:

L.I.D. 8126, permanent paving on East 68th Street from East "I" Street to East "K" Street.

Fixing Monday, August 27, 1979 at 7:00 p.m. as the date for hearing.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Minutes of the meeting of the Comprehensive Employment Services Advisory Council, June 28, 1979.
- b. Minutes of the meeting of the Civil Service Board, July 2, 1979.
- c. Minutes of the special meeting of the Municipal Authority, June 29, 1979.
- d. Statistical Report for May, 1979, Municipal Court.
- e. Emergency Services Department filing Personnel and

- f. Administrative Claim for April, May, June, 1979.
- f. 1978 Annual Financial Report, City of Tacoma.
- g. Monthly Report, Finance Director, June, 1979.

Councilwoman Bichsel moved to approve the Consent Agenda including Resolutions Nos. 25851 and 25852. Seconded by Deputy Mayor Warnick. Mayor Parker moved to amend Resolution No. 25852 changing the date of Hearing to Friday, August 24, 1979 at 9:00 a.m. Seconded by Mr. Hudson. Voice vote was taken and carried.

Voice vote was taken on the Consent Agenda as amended and carried.

REGULAR AGENDA

COMMUNICATIONS:

- a. Hearings Examiner submitting Revision of Shoreline Management Substantial Development Permit No. 141.140 - Totem Boat Haven, Inc. - to permit the applicant to have 194 uncovered wet moorages, 40 covered wet moorages and 16 boathouses for a total of 250 wet moorages; and also to allow 137 parking stalls that would serve the boat moorages covered by this particular permit, located at 821 Dock Street.

Councilman Kirby 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: 9 - Bichsel, Evans, Kirby, Nielsen, Schroeder, Strege, Warnick, Hudson and Mayor Parker. Nays: 0. Motion carried.

- b. Hearings Examiner submitting Revision of Shoreline Management Substantial Development Permit No. 140.120 - Totem Boat Haven, Inc. - to permit reduction in total number of approved wet moorage stalls, reduction of approved dry storage stalls and reduction of total number of parking stalls, located at 821 Dock Street.

Councilwoman Bichsel moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Councilman Schroeder. Roll call vote was taken, resulting as follows: Ayes: 9 - Bichsel, Evans, Kirby, Nielsen, Schroeder, Strege, Warnick, Hudson and Mayor Parker. Nays: 0. Motion carried.

FINAL READING OF ORDINANCES:

Ordinance No. 21603

Vacating the air rights over a portion of Court "A" north of South 15th Street to permit construction of a pedestrian sky bridge. (Schoenfeld's, Inc.)

Roll call vote was taken, resulting as follows:

Ayes: 9 - Bichsel, Evans, Kirby, Nielsen, Schroeder, Strege, Warnick, Hudson, and Mayor Parker.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 21735

Amending Chapter 13.06 of the Official Code to reclassify the north side of SR-16 Freeway between Cedar Street and Union Avenue from an "R-2" to a "FBD" and "R-4-LT" District. (Robert Dyberg)

Roll call vote was taken, resulting as follows:

Ayes: 9 - Bichsel, Evans, Kirby, Nielsen, Schroeder, Strege, Warnick, Hudson and Mayor Parker.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 21757

Amending Chapter 13.06 of the Official Code to reclassify the area in the vicinity of the northeasterly corner of SR-16 Freeway and Cedar Street from an "R-2" and "R-4-PRD" to an "R-4-PRD" and "R-2" District. (Robert Dyberg)

Roll call vote was taken, resulting as follows:

Ayes: 9 - Bichsel, Evans, Kirby, Nielsen, Schroeder, Strege, Warnick, Hudson and Mayor Parker.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 21768

Amending Chapter 13.06 of the Official Code to reclassify the area west of Mildred Street, approximately 850 feet north of South 19th Street from an "R-3-PRD" to a "C-P-C" District. (Huber and Antilla Construction Company)

Roll call vote was taken, resulting as follows:

Ayes: 9 - Bichsel, Evans, Kirby, Nielsen, Schroeder, Strege, Warnick, Hudson and Mayor Parker.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 21785

Authorizing the transfer of \$5,500.00 from the Contingency Fund to the General Fund; appropriating \$5,500.00, or so much thereof as may be necessary, from the General Fund for transferring to the Metropolitan Park District for a boat launch facility feasibility study at Titlow Beach; 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, Kirby, Nielsen, Schroeder, Strege, Warnick, Hudson and Mayor Parker.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 21786

Amending Section 1.12.555 of the Official Code relating to salary of Police Court Judge.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Bichsel, Evans, Kirby, Nielsen, Schroeder, Strege, Warnick, Hudson and Mayor Parker.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 21787

Accepting \$16,518 from Pierce County; authorizing transfer of \$16,518 from the Community Development Fifth Year Block Grant Fund to the County-City Historic Properties Survey Grant Fund; appropriating \$33,036, or so much thereof as may be necessary, from the County-City Historic Properties Survey Grant Fund for providing additional funding for the Tacoma-Pierce County Historic Properties Survey; 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, Kirby, Nielsen, Schroeder, Strege, Warnick, Hudson and Mayor Parker.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 21788

Authorizing the transfer of \$15,000 from the Community Development Fifth Year Block Grant Fund to the Office of Archaeology and Historic Preservation Grant Fund; appropriating \$15,000, or so much thereof as may be necessary, from said fund for providing additional funding to inventory, survey, and research the Union Depot/warehouse area; 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, Kirby, Nielsen, Schroeder, Strege, Warnick, Hudson and Mayor Parker.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 21789

Authorizing the transfer of \$41,000.00 from the Community Development Fifth Year Block Grant Fund to the Heritage Conservation and Recreation Service Project Fund and appropriating \$41,000.00 or so much thereof as may be necessary, from said fund for the purpose of developing a master plan and rehabilitating People's Park.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Bichsel, Evans, Kirby, Nielsen, Schroeder, Strege, Warnick, Hudson and Mayor Parker.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 21792

Authorizing condemnation of right-of-way and easements for the improvement of Portland Avenue from Morton Street to South 44th Street.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Bichsel, Evans, Kirby, Nielsen, Schroeder, Strege, Warnick, Hudson and Mayor Parker.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 21793

Amending Ordinance No. 21725 which provides for the improvement of L.I.D. 8264 by deleting East 52nd Street from McKinley Avenue to East "I" from the project.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Bichsel, Evans, Kirby, Nielsen, Schroeder, Strege, Warnick, Hudson and Mayor Parker.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 21794

Establishing an interim zoning classification for certain described property in the area of South 35th Street and Interstate 5 to prohibit issuance of building permits for duplexes, triplexes and multiple family buildings and declaring an emergency making necessary the immediate passage of this ordinance and its taking effect immediately after publication.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Bichsel, Evans, Kirby, Nielsen, Schroeder, Strege, Hudson and Mayor Parker.

Nays: 1 - Warnick

The Ordinance was declared passed.

Ordinance No. 21795

Establishing an interim zoning classification for certain described properties in the area of South 38th Street and Interstate 5 by prohibiting the issuance of building permits for duplexes and triplexes; and declaring an emergency making necessary the immediate passage of this ordinance and its taking effect immediately after publication.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Bichsel, Evans, Kirby, Nielsen, Schroeder, Strege, Warnick, Hudson and Mayor Parker.

Nays: 0

The Ordinance was declared passed.

Mayor Parker moved to suspend the rules in order to consider, on an emergency basis, Ordinance No. 21800, amending certain sections of Ordinance No. 21727, relating to the issuance of sewer utility bonds. He stated the reason for the amended ordinance is to correct a typographical error where, in two instances, the date August 1, 1995 appears when the same should have been August 1, 1994. Seconded by Deputy Mayor Warnick. Voice vote was taken and carried.

Ordinance No. 21800

Amending Sections 5 and 12 of Ordinance No. 21727, Sewer Revenue Bonds, 1979.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Bichsel, Evans, Kirby, Nielsen, Schroeder, Strege, Warnick, Hudson and Mayor Parker.

Nays: 0

The Ordinance was approved.

FIRST READING OF ORDINANCES:

Ordinance No. 21796

Amending subsection D.3 of Section 1.12.680 of the Official Code pertaining to the criteria for granting suggesting awards.

The Ordinance was set over for final reading next week.

Ordinance No. 21797

Authorizing the transfer of \$805,609 from Urban Renewal Project Wash. R-14 Fund to the Community Development Fifth Year Block Grant Fund; appropriating \$805,609, or so much thereof as may be necessary, from the Community Development Fifth Year Block Grant Fund for the purpose of completing previously approved Urban Renewal project activities 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. 21798

Vacating a portion of North 32nd and Madison Streets. (Hilda C. Dowie)

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

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

Ordinance No. 21799

Vacating portions of North Pine Street between North 31st and 32nd Streets. (Winton H. Read)

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

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

RESOLUTIONS:

Resolution No. 25830 (Continued from the meeting of July 17, 1979)

Exempting the Housing Authority from paying in lieu of taxes.

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

Huntley Gordon, Executive Director of the Tacoma Housing Authority, answered questions of council members. Councilman Evans moved to amend the Resolution on Page 2, after the words "Housing Authority" to insert the word "its" and on Line 2, after the words "lieu of taxes" add the words "due and payable in the year 1979 only" and strike the words "and that commencing with the calendar year," also striking the words "such payments shall be made." On line 12, after the words "pursuant to the terms of said agreement" add the words "before any amounts due said taxing districts shall be forgiven." Seconded by Councilman Kirby.

Roll call vote was taken resulting in Ayes: 7 - Evans, Hudson, Kirby, Schroeder, Stregé, Warnick and Mayor Parker. Nays: 2 - Bichsel and Nielsen. Motion carried.

Speaking on the Resolution were Raymond Rolland, 1620 East Columbia, Beth Thompson, 4229 East T Street, representing the concerned citizens of Salishan.

Roll call vote on the Resolution as amended resulted in Ayes: 4 - Evans, Kirby, Stregé and Mayor Parker. Nays: 5 - Bichsel, Hudson, Nielsen, Schroeder and Deputy Mayor Warnick. The Resolution failed.

Purchase Resolution No. 25853

Awarding contracts to:

1. Union Metal Manufacturing Company on its bid of \$32,766.30 for Traffic Signal Strain Poles;
2. Venture Construction, Inc., on its bid of \$15,544,589.80 for improvement #3142 - Central Treatment Plant Phase I.

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

Resolution No. 25854

Authorizing the purchase of a replacement engine for Fork Truck #63 from International Harvester and waiving the requirement for competitive bidding.

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

Resolution No. 25855

Authorizing the purchase of six Remote Control Hydrant Valves from RHO Company, Inc. and waiving the requirement for competitive bidding.

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

Resolution No. 25856

Authorizing the purchase of two Remote Terminal units from Gasboy Electronics for installation at Shop 2 by Equipment Rental and waiving the requirement for competitive bidding.

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

Resolution No. 25857

Authorizing execution of an amendment to the lease of 747 St. Helens Avenue for additional space for the Youth Employment Division of the Comprehensive Employment Services Department.

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. 25858

Authorizing execution of an agreement with Affiliate Artists, Inc., and Cynthia Clarey for a performing artist residency in the amount of \$3,385.00.

Greg Geissler, Executive Director of the Tacoma-Pierce County Civic Arts Commission, advised that there was an error in the Resolution in the amount of the grant. The figure should be \$3,885.00 instead of \$3,385.00.

Mayor Parker moved to amend the Resolution on line 14 to reflect this change. Seconded by Councilman Strege. Voice vote was taken and carried. The Resolution was declared adopted.

Resolution No. 25859

Approving amendments to the Three Year Community Development Plan and Application (1979-1982) to transfer remaining obligations and surplus funds from Urban Renewal Project Wash-R-14 to the Community Development Block Grant Program.

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

Resolution No. 25860

Authorizing the proper officials of the City to submit Project Prospectuses and execute related agreements under the Federal Aid Safety Program.

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

Resolution No. 25861

Authorizing execution of an amendment to the existing engineering agreement with Consoer, Townsend and Associates for services required for upgrading the Central Treatment Plant as authorized by EPA/DOE.

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

Resolution No. 25862

Authorizing execution of an agreement with Robert R. and Jeanette Dyberg relating to "PDB" and "R-4-LT" Districts located between Union Avenue and Cedar Street, north of SR-16; and a "R-4-PRD" District located at the northeast corner of SR-16 and Cedar Street.

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

Resolution No. 25863

Authorizing application to the Economic Development Administration for the Title IX Long-term Economic Deterioration Program.

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

PUBLIC HEARINGS AND APPEALS:

- a. This is the date set for hearing the appeal of Lee Skinner on the Hearings Examiner's decision on the siding and chimney of the building located between North 29th Street and Schuster Parkway approximately 150 feet east of Starr Street. (Tricorp)

Bob Backstein, Hearings Examiner, briefly reviewed the hearings held on the property in question and the reasons for his decision on the chimney.

Lee Skinner, 1110, No. 28th Street, called Council's attention to the Concomitant Agreement and said she felt the chimnies, copper colored metal roof and stucco siding in place of the brick, are in violation of the agreement and asked that the City enforce the agreement.

Lois Lopez, 2805 No. Starr Street, pointed out that as of June 18th no amendments to the Concomitant Agreement had been recorded in the Auditor's Office and therefore Council should adhere to the agreement. She also pointed out the agreement is binding on all successors.

Val Honeywell, attorney representing the owners of the building, asked that Council allow the chimney because it is allowed under the Uniform Building Code. As to charges of other alterations to the building, he said the blame should be placed on Mr. Michael Madden the developer and not on the current property owners.

Mayor Parker moved that a letter be written to the State Licensing Board regarding Mr. Madden's infractions. Seconded by Councilman Nielsen. For lack of specifics the motion was withdrawn.

Upon Mr. Honeywell's statement, that due to Mrs. Skinner's absence, he had not been able to have an appraiser evaluate any loss of value to her property due to the additional chimney, Councilwoman Bichsel moved that the hearing be continued one week to accomplish this. Seconded by Councilman Nielsen. Roll call vote was taken resulting in Ayes: 3 - Bichsel, Evans, and Nelsen. Nays: 5 - Hudson, Kirby, Strege, Warnick and Mayor Parker. Absent: 1 - Schroeder. Motion failed.

Councilman Hudson moved that the appeal be denied and to concur in the findings, conclusions and recommendations of the Hearings Examiner. Seconded by Deputy Mayor Warnick. Roll call vote was taken resulting in Ayes: 5 - Bichsel, Hudson, Nielsen, Warnick and Mayor Parker. Nays: 3 - Evans, Kirby, and Strege. Absent: 1 - Schroeder. Motion carried.


COMMENTS AND COMMITTEE REPORTS BY MEMBERS OF THE CITY COUNCIL:

Councilman Hudson referred to the issue of the Tacoma Housing Authority under resolution 25830 and asked that the City Manager's Office explore with the Tacoma Housing Authority the nature of their existing problems. He would like to see a history of the problem and alternatives they are discussing in regard to correcting them. He would like to know whether or not they would be receptive to this approach.

Deputy Mayor Warnick asked the City Manager to direct a letter to the General Services Administration to determine their policy of cleaning up the Federal Building on 11th and A Street.

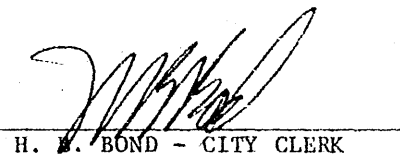
Councilman Evans asked the City Attorney to write an opinion on who is liable for any violations, is it the developer or new owners, in cases covered by a Concomitant Agreement.

On proper motion the meeting adjourned at 8:15 p.m.



MIKE PARKER - MAYOR

ATTEST:



H. W. BOND - CITY CLERK