

CITY COUNCIL MINUTES

City Council Chambers  
February 5, 1985

The meeting was called to order at 5:13 p.m.

Present on roll call: 8 - Bichsel, Hyde, Kirby, Ladenburg, Rasmussen, Stenger, Strege, and Mayor Sutherland. Absent: 1 - Warrnick.

The Flag Salute was led by Council Member Stenger.

Mayor Sutherland moved to excuse Council Members Hyde and Warrnick from the Council meeting of January 29, 1985. Seconded by Deputy Mayor Strege. Voice vote was taken and carried. The motion was declared adopted.

Mayor Sutherland moved to reschedule next week's Council meeting to February 13, 1985. Seconded by Council Member Rasmussen. Voice vote was taken and carried. The motion was declared adopted.

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CONSENT AGENDA

Approval of the minutes of the regular meeting of January 22, 1985.

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RESOLUTIONS:

Resolution No. 28637

Setting Tuesday, March 19, 1985, at 9:30 a.m., as the date for hearing by the Hearings Examiner, the request to vacate the east 7.5 feet of Tyler Street, south from North 35th Street 120 feet. (Kenneth S. Kessler; File No. 124.788)

Resolution No. 28638

Setting Tuesday, February 19, 1985 as the date for a public hearing on the issuance of Industrial Revenue Bonds by the Economic Development Corporation of Pierce County in the amount of \$4,500,000 to Fields Products, Inc. to construct and purchase production equipment for a roofing material production plant at 2240 Taylor Way.

Resolution No. 28639

Authorizing final plat approval for Commencement Bay Vista, Division IV on 34 residential building lots of the 93 lots given preliminary plat approval on July 26, 1983, at North 37th and Pearl Streets. (File No. 125.266)

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Resolution No. 28640

Authorizing the execution of a concomitant agreement with James Center North, a limited partnership, regarding the development of James Center.

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APPEALS:

Chem-Nuclear Systems, Inc. and Chem-Security Systems, Inc. appealing the Findings of Fact, Conclusions of Law and Decision of the Hearings Examiner regarding Audit Assessment Nos. T-50422 and T-50423 of the Department of Tax and License.

Setting Tuesday, March 12, 1985, at 6:00 p.m. as the date for hearing by the City Council.

Oscar Hokold appealing the Decision of the Hearings Examiner regarding his denial of the request to rezone the property located at South 84th and Alaska Streets from an "R-2" District to an "R-3" District. (File Nos. 120.1091 and 127.211)

Setting Tuesday, March 5, 1985, at 6:00 p.m. as the date for hearing by the City Council.

Washington Natural Gas appealing the partial denial of tax refund.

Setting Thursday, February 28, 1985, at 10:00 a.m. as the date for hearing by the Hearings Examiner.

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ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner agenda for Tuesday, February 5, 1985.
- b. Minutes of the meeting of the Tacoma Beautification Committee, December 19, 1984.
- c. Minutes of the meeting of the Tacoma Employees' Retirement System Board, December 20, 1984.
- d. Minutes of the meeting of the Public Utility Board, January 9, 1985.
- e. Minutes of the meeting of the Urban Policy Committee, January 17, 1985.
- f. The Monthly Summary of Crime Statistics for December 1984, submitted by the Tacoma Police Department.

Deputy Mayor Strege moved that the Consent Agenda, including Resolution Nos. 28637, 28638, 28639, and 28640, be approved. Seconded by Council Member Bichsel. Voice vote was taken and carried. The Consent Agenda was declared approved.

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Mayor Sutherland proclaimed the week of February 3-10, 1985, to be "Royal Anglican Week," and presented the proclamation to Lt. Colonel Julian Brown.

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R E G U L A R   A G E N D A

ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS:

Resolution No. 28541

Appointing members to various committees, boards, and commissions.

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

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COMMUNICATIONS:

- a. Hearings Examiner submitting Shoreline Management Substantial Development Permit No. 141.337 of Energy Products of Idaho to allow renovation of Steam Plant No. 2, located southeasterly of East 11th Street and Taylor Way (1171 Taylor Way), adjacent to the Hylebos Waterway. (Continued from the meeting of January 29, 1985.)

Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Bichsel. Roll call vote was taken, resulting as follows: Ayes: 6 - Bichsel, Hyde, Rasmussen, Strege, and Mayor Sutherland. Nays: 0. Absent: 3 - Kirby, Ladenburg, and Warnick. The motion was declared adopted.

- b. Thomas L. Fishburne requesting reconsideration of the decision of the Tacoma City Council, taken at the City Council meeting of January 22, 1985, to overrule the Hearings Examiner and uphold the appeal of Joan Lech.

Mayor Sutherland moved to suspend the rules to consider the comments by Mr. Fishburne relative to reconsideration of the action taken. Seconded by Council Member Hyde.

Roll call vote was taken, resulting as follows:

Ayes: 3 - Hyde Rasmussen, and Mayor Sutherland.

Nays: 5 - Bichsel, Kirby, Ladenburg, Stenger, and Strege.

Absent: 1 - Warnick.

The motion was declared failed.

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FINAL READING OF ORDINANCES:

Ordinance No. 23334

Amending the Pay and Compensation Plan to implement 1985 rates of pay in accordance with negotiated contracts with the International Brotherhood of Electrical Workers 483, Clerical Unit.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Bichsel, Hyde, Kirby, Ladenburg, Rasmussen, Stenger, Strege, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Warnick.

The Ordinance was declared passed.

Ordinance No. 23335

Amending the Personnel Rules by adding two new subsections designated as 1.24.130 Immediate Family, Defined, and 1.24.725 Employment of Immediate Family.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Bichsel, Hyde, Kirby, Ladenburg, Rasmussen, Stenger, Strege, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Warnick.

The Ordinance was declared passed.

Ordinance No. 23336

Appropriating \$215,000.00 from the Harbor Service Craft Fund to make improvements at Fire Stations No. 5 and No. 15, 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: 8 - Bichsel, Hyde, Kirby, Ladenburg, Rasmussen, Stenger, Strege, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Warnick.

The Ordinance was declared passed.

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FIRST READING OF ORDINANCES:

Ordinance No. 23338

Vacating Ash Street between South 36th and South 37th Streets to combine the vacated street with the abutting property to construct an addition to the adjacent school and provide on-site parking and improved pedestrian circulation. (Tacoma School District No. 10; File No. 124.780)

Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Deputy Mayor Strege. Voice vote was taken and carried. The motion was declared adopted.

Final reading of the Ordinance was set over to a date to be determined.

Ordinance No. 23339

Amending Chapter 13.06 of the Official Code to reclassify the east side of Pacific Avenue approximately 110 feet north of South 88th Street extended, from an "R-4LT" Residential Commercial Transitional Dwelling District to a "C-2" Commercial District to allow development of a chainsaw, lawn mower, saw, and tool sharpening and repair business. (Clifford H. Campbell; File No. 120.1102)

Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Bichsel. Voice vote was taken and carried. The motion was declared adopted.

Final reading of the Ordinance was set over to a date to be determined.

Ordinance No. 23340

Amending Chapter 13.06 of the Official Code to reclassify the south side of South 78th Street extended between Sprague Avenue and South Trafton Street from an "R-2" One-Family Dwelling District to an "M-1" Light Industrial District, to construct a 5,200 square foot building for a family-oriented hot tub emporium and an 8,000 square foot storage warehouse and office space. (Joe Andersen; File No. 120.1104)

Deputy Mayor Strege moved to continue Ordinance No. 23340 to the meeting of February 13, 1985, and asked that the Police and Health Departments provide comments to the Council for conditions prior to that time. Seconded by Council Member Hyde. Voice vote was taken and carried. The motion was declared adopted.

The Ordinance will be considered under First Reading at the meeting of February 13, 1985.

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Mayor Sutherland moved to suspend the rules to allow the Citizen's Request to be Heard at this time. Seconded by Council Member Bichsel. Voice vote was taken and carried. The motion was declared adopted.

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CITIZENS REQUEST TO BE HEARD:

Patty Burrell requesting to speak regarding the Pairing Project and Sixth Sense.

Patty Burrell and her associates from Sixth Sense spoke to the Council regarding this matter.

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Mayor Sutherland moved to suspend the rules to consider Public Hearings and Appeals. Seconded by Council Member Hyde. Voice vote was taken and carried. The motion was declared adopted.

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PUBLIC HEARINGS AND APPEALS: (Began at 6:09 p.m.)

University of Puget Sound appealing the decision of the Hearings Examiner to deny the request of the University of Puget Sound for a street vacation on Lawrence Street between North 13th and North 15th Streets, including the alley easterly of Lawrence Street between North 13th and North 15th Streets and a Special Use Permit to allow an addition to the Student Union Building. (File Nos. 124.770 and 121.980); and

Carolyn Else and Bonnie and Lawrence Thompson appealing the decision of the Hearings Examiner regarding his denial of their request for reconsideration and his decision to approve the request of the University of Puget Sound for a 20-foot side yard variance on Lawrence Street between North 13th and North 15th Streets to allow an addition to the Student Union Building. (File No. 130.2460)

Council Member Rasmussen stated that he has had business dealings with the University of Puget Sound and would be abstaining on this matter. Council Member Rasmussen then left the Council Chambers.

Council Member Ladenburg stated that he has had business dealings in the past with the Hearings Examiner, Mr. Kram. He stated that he had no financial interest in the matter and could be impartial.

Council Member Bichsel stated that she had received letters regarding this matter. Also, she stated that she had spoken to an individual regarding the process involved in the appeal, but felt she could make a reasonable decision in this matter.

Council Member Stenger stated that he received phone calls regarding the appeals as well as letters which he had filed with the City Clerk. He stated that he is an alumnus of the University of Puget Sound and an acquaintance of Carolyn Else, but felt that none of these facts would affect his decision.

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Council Member Hyde stated that he had received communications regarding the appeal, but felt he could be impartial regarding this matter.

Deputy Mayor Strege stated that he had received communications regarding the appeal, but felt he could also be impartial.

Mayor Sutherland stated that he knows all members of both sides of this issue. His company, Tacoma Tent and Awning, has business dealings with parties involved in the appeal. He stated that he could set aside those relationships to make a reasonable decision on the issue. Also, he stated that he had set aside those comments, both written and spoken, and would not consider them in his decision regarding the appeals.

Mr. Peter Kram, Hearings Examiner, made a presentation to the Council regarding the appeals.

Mr. James Henriot, attorney representing the University of Puget Sound, stated the reasons for the University's appeal.

Mr. Richard Alonika, student at the University of Puget Sound, and Dr. Philip Phibbs, President of the University of Puget Sound, spoke to the Council in support of the appeal.

Mr. William Lynn, attorney representing the neighborhood, made a presentation in support of the Hearing Examiner's decision.

Mr. Larry Quist made a presentation in support of the Hearings Examiner's decision.

Ms. Carolyn Else made a presentation to the Council regarding the reasons for her appeal.

Mr. Ray Bell, Financial Manager for the University of Puget Sound, spoke to the Council regarding the 20-foot side yard variance on Lawrence Street.

Mayor Sutherland inquired of the City Attorney if it was allowable to make modifications to the matter before the Council.

Mr. Robert Backstein, City Attorney, stated that the Council had the options of affirming, reversing, or modifying the Hearings Examiner's decision, or referring the matter back to the Hearings Examiner.

Mayor Sutherland asked Dr. Phibbs whether it would be feasible to widen the alley-way to allow accessibility through the alley for all parties.

Dr. Phibbs stated that it could be examined and studied further.

Mayor Sutherland then asked Ms. Else if she and the Thompsons would be willing to work with the University of Puget Sound staff on this matter.

Ms. Else said she would be willing to work with University of Puget Sound staff to resolve the issue, but still had problems with the trucks using the alley and with expanding the Student Union Building to the edge of the alley.

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Deputy Mayor Strege moved that the request of the University of Puget Sound for a Special Use Permit to allow an addition to the Student Union Building in an "R-3" Two-Family Dwelling District known as File No. 121.980 and the request of the university for a 20-foot side yard variance to allow a proposed addition to the Student Union Building to be constructed directly to the east side of the property line known as File No. 130.2460 be referred back to the Hearings Examiner for further review and possible conditions that may satisfy the interests of the surrounding property owners. Seconded by Mayor Sutherland.

After further discussion, Deputy Mayor Strege amended his motion to include the words "and to report back within 45 days, allowing proper time for notification that may be required."

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

Council Member Stenger moved to uphold the recommendation of th Hearings Examiner on File No. 124.770 and deny the proposal of the University of Puget Sound to have the City vacate Lawrence Street between North 13th and North 15th Streets.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Bichsel, Hyde, Kirby, Ladenburg, Stenger, Strege, and Mayor Sutherland.

Nays: 0.

Absent: 2 - Rasmussen and Warnick.

The motion was declared adopted.

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Mayor Sutherland moved to take a seven minute recess. Seconded by Deputy Mayor Strege. Voice vote was taken and carried. The motion was declared adopted.

The Council recessed at 8:39 p.m. and reconvened at 8:46 p.m.

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Ordinance No. 23341

Amending Chapter 13.06 of the Official Code to reclassify the northwest corner of South 17th Street and Union Avenue from an "R-2" One-Family Dwelling District to an "R-2-T" Residential Commercial Transitional District to construct a 21,600 square foot office building. (Pacific General Construction; File No. 120.1101)

Deputy Mayor Strege moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Bichsel. Voice vote was taken and carried. The motion was declared adopted.

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Final reading of the Ordinance was set over to a date to be determined.

Ordinance No. 23342

Authorizing the execution of an amendment to a grant award contract with Bonneville Power Administration in the amount of \$1,702,178.00, and appropriating said sum from the Miscellaneous Grants Summary fund for further implementation of the Model Conservation Standards.

Mayor Sutherland moved to continue Ordinance No. 23342 to the meeting of February 13, 1985. Seconded by Deputy Mayor Strege. Voice vote was taken and carried. The motion was declared adopted.

The Ordinance will be considered at the regular City Council meeting of February 13, 1985.

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RESOLUTIONS:

Resolution No. 28642

Authorizing execution of a contract with Linda Dethman in the amount of \$15,335.00 for the purpose of conducting a residential energy survey of citizens of the greater Tacoma area.

Resolution No. 28643

Authorizing the execution of a contract with Cascade Contract Research in the amount of \$12,015.00 for the purpose of developing an energy management and preventative maintenance program for City buildings and facilities.

Mayor Sutherland moved to continue Resolution Nos. 28642 and 28643 to the meeting of February 13, 1985. Seconded by Deputy Mayor Strege. Voice vote was taken and carried. The motion was declared adopted.

Resolution Nos. 28642 and 28643 will be considered at the regular City Council meeting of February 13, 1985.

Resolution No. 28644

Authorizing the payment of \$64,410.50 to General Construction Company for furnishing and placing rip-rap shoreline protection at Fire Station No. 5 on Ruston Way.

Council Member Bichsel moved that the Resolution be adopted. Seconded by Mayor Sutherland. Voice vote was taken and carried. The Resolution was declared adopted.

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Resolution No. 28645

Authorizing the utilization of services of South Seattle Auto Auction, Inc. and Puget Sound Auto Auction for the disposal of surplus vehicles though December 31, 1985.

Council Member Bichsel moved that the Resolution be adopted. Seconded by Mayor Sutherland. Voice vote was taken and carried. The Resolution was declared adopted.

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COMMENTS AND COMMITTEE REPORTS BY MEMBERS OF THE CITY COUNCIL:

Council Member Ladenburg stated that due to what he felt was the abandonment of the Council's prior policy regarding appointments, he expressed his intention to resign from the Council Appointments Committee.

Council Member Hyde suggested that prior to accepting Council Member Ladenburg's resignation a study session be scheduled to resolve the problems and issues involved.

Deputy Mayor Strege asked that Council Member Bichsel, as Chair of the Appointments Committee, recommend some policies and procedures that the Council should adopt regarding the appointment procedure.

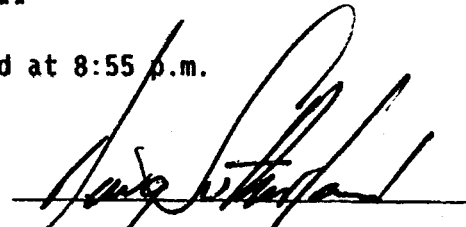
Council Member Bichsel suggested that a change of the meeting date of the Appointments Committee would give more notification to the Council of committee appointment recommendations.

Deputy Mayor Strege stated that the Council makes appointments to citizen committees and, since the Appointments Committee makes recommendations to the Council, some procedure and process should be set forth.

Council Member Kirby requested a response from the Public Works Department as to why the sign which indicates that at certain nights there was congestion at the Tacoma Dome was located so close to the Dome itself. He suggested moving it further from its East "D" Street and McKinley Avenue location.

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On proper motion, the meeting adjourned at 8:55 p.m.

  
DOUG SUTHERLAND, MAYOR

ATTEST:   
GENELLE BIRK, CITY CLERK

WPC.0880G

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