

CITY COUNCIL MINUTES

City Council Chambers
September 24, 1980

The meeting was called to order at 5:10 p.m.

Present on roll call: 8 - Hawkins, Hyde, Kirby, Nielsen, Rasmussen, Strege, Sutherland and Mayor Parker. Absent: 1 - Bichsel.

The Flag Salute was led by Mayor Parker.

CONSENT AGENDA

Approval of the minutes of the regular meeting of September 16, 1980.

RESOLUTIONS:

Resolution No. 26635

Setting Monday, October 13, 1980 at 5:00 p.m., as the date for hearing by the Hearings Examiner L.I.D. 2515 for two-inch asphalt surface treatment on various streets in the City.

APPEAL:

Robert W. Butler and a group of neighbors appealing the Hearings Examiner's decision to allow a proposed grocery store of Go 'N' Joy Food Corp. to have a gasoline dispensing facility at 6th Avenue and McArthur Street.

Setting Tuesday, October 14, 1980 as the date for hearing.

ASSESSMENT ROLLS:

The Director of Public Utilities presents the Assessment Roll for the following:

L.I.D. 5594, constructing water mains in East 38th Street from East "L" Street to Portland Avenue.

Fixing Monday, October 27, 1980 at 5:00 p.m. as the date for hearing by the Hearings Examiner.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner's agenda for Thursday, September 25, 1980.
- b. Minutes of the meeting of the Tacoma Planning Commission, August, 18, 1980.
- c. Minutes of the special meetings of the Tacoma Public Library Board of Trustees, July 29 and August 1, 1980.
- d. Minutes of the meeting of the Tacoma Human Relations Commission, August 21, 1980.
- e. Minutes of the meeting of the Landmarks Preservation Commission, August 17, 1980.
- f. Minutes of the Public Hearings of the Urban Policy Advisory Committee, September 8, 10 and 11, 1980.
- g. Minutes of the meeting of the Urban Policy Committee, September 10, 1980.

Deputy Mayor Nielsen moved tht the Consent Agenda be approved. Seconded by Councilman Rasmussen. Voice vote was taken and carried. The Consent Agenda was declared approved.

REGULAR AGENDA

Mayor Parker announced that due to a prior commitment he would be leaving the meeting early and would, therefore, ask to suspend the Rules in order to consider certain items on the Agenda out of scheduled order; namely, Ordinance 22205 and the two public hearings.

Mayor Parker moved to suspend the Rules to consider final reading of Ordinance No. 22205. Seconded by Deputy Mayor Nielsen. Voice vote was taken and carried.

Ordinance No. 22205

Amending Chapters 13.06.010, 13.06.310 and 13.06.370 relative to adult theaters and adult bookstores and limiting them to the "B" Business District.

Councilman Strege moved to amend the Ordinance on page three, line 20, by striking the words "one-thousand" and placing the words "fifteen hundred" in the Ordinance, and also on page four, line one, striking the figure "1,000" and placing the figure "1,500" in its place. Seconded by Councilman Kirby.

After discussion with the City Attorney and among other Council members, voice vote was taken and the motion was declared failed.

Roll call vote was taken on the Ordinance, resulting as follows:

Ayes: 8 - Hawkins, Hyde, Kirby, Nielsen, Rasmussen, Strege, Sutherland and Mayor Parker.

Nays: 0.

Absent: 1 - Bichsel.

The Ordinance was declared passed.

HEARINGS ON APPEALS:

This is the date set for hearing the appeal of J. J. Kraft on the Hearings Examiner's decision to establish interim zoning regulations for the area generally bounded by Division Avenue and Sixth Avenue on the south, North Steele Street on the west, North Yakima and North 5th on the north and Stadium Way on the east until the North Slope Plan is completed and adopted by the City Council or June 30, 1981, whichever occurs first. (Continued from the meeting of September 9, 1980.)

Bob Backstein, Hearings Examiner, reviewed the hearings he held and referred to supporting documents furnished to the City Council in regards to the Planning Department's hearings. He outlined his reasons for approving the recommendation of the Planning Commission.

Mr. Kraft reviewed his reasons for requesting that the downzone of his property not be made.

Also speaking against the downzone was Dave McHugh, Vice President, St. Patrick's Parish Council.

Councilman Kirby moved to deny the appeal and concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Councilman Hyde. Voice vote was taken and carried. The appeal was denied.

Deputy Mayor Nielsen left the meeting at 5:45 p.m. due to illness.

Mayor Parker moved to suspend the Rules to hear Item 15 b. of the Agenda at this time. Seconded by Councilman Sutherland. Voice vote was taken and carried.

PUBLIC HEARINGS AND APPEALS:

- b. This is the date set for public hearing on proposed amendments to the zoning and shoreline management regulations.

Mike Smith of the Planning Department reviewed for Council the public hearings held by the Planning Commission and he referred to documents Council received, including minutes of the Planning Commission meetings and a detailed report of their recommendations in this respect.

The four items the Planning Commission held hearings on relative to shoreline regulations were:

1. Deletion of single-family residential as a listed conditional use in the S-1 Western Slope South Shoreline District;
2. Water dependent commercial uses constructed over water included as a permitted use, water related commercial uses constructed over water included as a conditional use in the S-6 Ruston Way Shoreline District;
3. Allow parking on piers as a conditional use in conjunction with a permitted use in the S-6 Ruston Way Shoreline District;
4. Allow multiple-family residential to be constructed in the S-6 Ruston Way Shoreline District.

Mayor Parker then called for public comments. Speaking at the public hearing were the following:

- Jim McAfee, 4508 North Cheyenne Street, President, Pierce County Sportsman's Council;
- Mae Sprenger, 2723 North 31st Street, who presented a petition with 515 signatures against changes in the shoreline regulations;
- Doris Evans, 2218 North Union, stating she was present at the request of Dr. William Barsma, Chairman of the Pierce County Democratic Party. She read a letter submitted by Dr. Barsma opposing commercial or residential development along Ruston Way;
- Marion Brennan, 4652 North 48th Street, who presented a petition of 220 signatures opposing changes in the shoreline regulations;
- Doug Hayden, 3101 Sixth Avenue;
- Hugh Barden, 2006 North 30th Street;
- Stan Wagner, 2221 North Tacoma Avenue, President of the Old Town Improvement Club;
- Claude Pearson, attorney for the owners of the Dickman Mill site;
- Donald Carmichael, 21 Orchard Road North;
- Mimi Miskovsky, 3709 North Union Avenue, past member of the Citizens' Shoreline Committee and a member of the Citizens' Natural Systems Committee;
- John Jarstad, former Council member, 4812 South 18th Street;

Mayor Parker left the meeting at 6:50 p.m. after designating Councilman Strege as presiding officer for the remainder of the meeting. Councilman Hawkins left the meeting at 6:15 p.m.

- Lee Skinner, 1110 North 28th Street, representing the Historic Tacoma Group;
- Curtis Mehlhoff, 1818 North Union Avenue;
- Mark Reutlinger, 3002 North 21st Street;
- Elaine Miller, 1308 North Yakima Avenue, President of the Tacoma Classroom Teachers;
- Peter Altman, 3111 Sixth Avenue;
- Richard Turner, 64 Salmon Beach.

No further citizens came forward to speak. Councilman Strege declared the hearing closed at 7:25 p.m..

Discussion was held as to the date the first reading of the Ordinance would come to Council. It was recommended that first reading of the Ordinance be brought to Council on October 14.

Councilman Strege advised that the next order of business would be item a. under Public Hearings.

- a. This is the date set for public hearing on proposed use of Revenue Sharing Funds in 1981.

John Rieber, Community Development Department, explained that this hearing is for the proposed use of 1981 revenue sharing. The anticipated amount is \$3,950,764. He advised that the hearing had been advertised and the City has been taking applications for proposals for use of revenue sharing. He answered other questions of Council members. He also advised that \$550,000 will be reserved for use by community based programs.

Norm Anderson, member of the Board of Directors of Tacoma School District No. 10, advised that they were unaware of the deadline for filing applications for revenue sharing. They had previously asked the City Council to fund the Adult Crossing Guard Program. He was advised to have the School Board file an application for use of revenue sharing funds for the program.

John Rieber advised that Friday, September 26, was the deadline for submitting applications.

Also speaking was Myrna Lundquist, 6615 North 40th Street, a spokesperson for the Tacoma Council of Parent/Teacher/Student Association (PTSA). She urged that revenue sharing funds be allocated for the Adult Crossing Guard Program.

Also speaking was Sandy Mueller, 5432 North 46th Street, who spoke in support of the Crossing Guard School Program.

With no further citizens coming forward to speak, Councilman Strege declared the hearing closed at 7:45 p.m.

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COMMUNICATIONS:

- a. Hearings Examiner submitting Shoreline Management Permit Application No. 141.233 of the Jones & Goodell Corporation to allow a 6,000 square foot storage/outfitting building at an existing custom boat building facility, located at 1690 Marine View Drive.

Councilman Hyde 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: 5 - Hyde, Kirby, Rasmussen, Strege and Sutherland. Nays: 0. Absent: 4 - Bichsel, Hawkins, Nielsen and Mayor Parker. The motion carried.

- b. Hearings Examiner submitting Shoreline Management Permit Application No. 141.236 of the City of Tacoma to allow development of a waterfront park adjacent to the northwest side of the Clinkerdagger Restaurant and encompassing approximately 2,000 linear feet of the Ruston Way shoreline between Warner Street and Wheatland Street rights-of-way.

Councilman Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Councilman Hyde. Roll call vote was taken, resulting as follows: Ayes: 5 - Hyde, Kirby, Rasmussen, Strege and Sutherland. Nays: 0. Absent: 4 - Bichsel, Hawkins, Nielsen and Mayor Parker. The motion carried.

FINAL READING OF ORDINANCES:

Ordinance No. 22172 (Continued from the meeting of September 9, 1980)

Providing for the improvement of L.I.D. 3823 for constructing sanitary sewers in 59th Avenue NE from 25th Street NE to 27th Street NE; 26th Street NE from 59th Avenue NE to 60th Avenue NE and 27th Street NE from 59th Avenue NE to 60th Avenue NE.

Hearings Examiner Bob Backstein asked that this Ordinance be continued for four weeks. Councilman Kirby moved that final reading of the Ordinance be continued to October 21, 1980. Seconded by Councilman Hyde. Voice vote was taken and carried. Final reading of the Ordinance was continued to October 21, 1980.

Ordinance No. 22196

Vacating a portion of East "R" Street south of East Fairbanks Street (Denise Harrold)

A roll call vote was taken on the corrected Ordinance, resulting as follows:

Ayes: 5 - Hyde, Kirby, Rasmussen, Strege and Sutherland.

Nays: 0.

Absent: 4 - Bichsel, Hawkins, Nielsen and Mayor Parker.

The corrected Ordinance was declared approved.

Ordinance No. 22202

Authorizing execution of a grant award contract with the U.S. Department of Labor for \$100,000; appropriating said sum, or so much thereof as may be necessary, from the Comprehensive Employment Services Grant Fund to operate a Small Business Intern Demonstration Program for unemployed and economically disadvantaged residents of the City; and declaring an emergency making necessary the passage of this ordinance and its taking effect immediately upon publication.

Councilman Strege advised that since this is an emergency ordinance it would require six votes. He therefore moved that final reading of the Ordinance be continued to September 30. Seconded by Councilman Kirby. Voice vote was taken and carried. Final reading of the Ordinance was continued to September 30, 1980.

Ordinance No. 22203

Repealing Chapter 11.36.110(6) of the Official Code and amending Subsection 11.36.110(24.5) to reduce the speed limit on 29th Street NE.

Roll call vote was taken, resulting as follows:

Ayes: 5 - Hyde, Kirby, Rasmussen, Strege and Sutherland.

Nays: 0.

Absent: 4 - Bichsel, Hawkins, Nielsen and Mayor Parker.

The Ordinance was declared passed.

Ordinance No. 22204

Amending Chapter 6.62.020 of the Official Code by adding Subsection (f) relative to exempting non-profit cultural organizations from payment of the City admission tax.

Roll call vote was taken, resulting as follows:

Ayes: 5 - Hyde, Kirby, Rasmussen, Strege and Sutherland.

Nays: 0.

Absent: 4 - Bichsel, Hawkins, Nielsen and Mayor Parker.

The Ordinance was declared passed.

Ordinance No. 22205

Amending Chapters 13.06.010, 13.06.310 and 13.06.370 relative to adult theaters and adult bookstores and limiting them to the "B" Business District.

Final reading of the Ordinance was held earlier in the meeting.

Ordinance No. 22206

Providing for the improvement of L.I.D. 5618 for constructing water mains in East 40th Street from East "L" Street to Portland Avenue.

Roll call vote was taken, resulting as follows:

Ayes: 5 - Hyde, Kirby, Rasmussen, Strege and Sutherland.

Nays: 0.

Absent: 4 - Bichsel, Hawkins, Nielsen and Mayor Parker.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 22207

Amending Chapter 13.06 of the Official Code to reclassify the south side of South 12th Street, approximately 125 feet east of Prospect Street, from an "R-3" to an "R-3-T" District. (Lewis and Betty Andrews)

Councilman Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Councilman Hyde. Voice vote was taken and carried. Final reading of the Ordinance was set over to a date to be determined.

Ordinance No. 22208

Establishing interim zoning classifications for the area generally bounded by Division Avenue and Sixth Avenue on the south, North Steele on the west, North Yakima and North 5th on the north, and Stadium Way on the east until the North Slope Plan is completed or June 30, 1981, whichever occurs first, 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. 22209

Authorizing execution of a grant award contract with the U.S. Department of Labor for \$5,886,000.00; appropriating said sum, or so much thereof as may be necessary, from the Comprehensive Employment Services Grant Fund to provide comprehensive employment and training services to eligible City residents; and declaring an emergency making necessary the passage of this ordinance and its taking effect immediately upon publication.

Councilman Hyde advised that he would not be sitting in on consideration of this Ordinance due to a possible conflict of interest. Due to a lack of a quorum, Councilman Strege moved that first reading of the Ordinance be continued to September 30, 1980. Seconded by Councilman Kirby. Voice vote was taken and carried. First reading of the ordinance was continued to September 30, 1980.

Ordinance No. 22210

Authorizing execution of a grant award contract with the State Commission for Vocational Education for \$436,450.00; appropriating said sum, or so much thereof as may be necessary, from the Comprehensive Employment Services Grant Fund to provide vocational education and training services to eligible City residents; and declaring an emergency making necessary the passage of this ordinance and its taking effect immediately upon publication.

Councilman Strege advised that this Ordinance also is an emergency ordinance. Councilman Sutherland moved that first reading of the Ordinance be continued for one week. Seconded by Councilman Rasmussen. Voice vote was taken and carried. First reading of the Ordinance was continued to September 30, 1980.

Ordinance No. 22211

Authorizing execution of a grant award contract with the U.S. Department of Housing and Urban Development for \$26,000.00 and appropriating said sum, or so much thereof as may be necessary, from the Miscellaneous Grants Summary Fund for processing housing discrimination complaints.

The Ordinance was set over for final reading next week.

Ordinance No. 22212

Amending Chapters 5 and 6 of the Official Code relative to the Health Code.

Dave Bishop of the Health Department reported that the Health Board had been in the process of reviewing the Health Code for several years. The proposed revised Health Code is now before the Council for consideration. He answered questions of Council members regarding portions with reference to the City jail and the expense of the Hearings Examiner in regards to appeals which he would hear.

The Ordinance was set over for final reading next week.

RESOLUTIONS:

Resolution No. 26604 (Continued from the meeting of September 9, 1980)

Expressing the City Council's interest in establishing a sister city relationship with a city in the Peoples Republic of China.

Councilman Strege moved that the Resolution be continued to September 30, 1980. Seconded by Councilman Kirby. Voice vote was taken and the motion was declared failed.

Councilman Hyde moved to reconsider the previous motion. Seconded by Councilman Strege. Councilman Rasmussen asked that it be continued to October 14.

Councilman Strege then moved that it be continued to October 14. Seconded by Councilman Hyde. Voice vote was taken and carried. The Resolution was continued to October 14, 1980.

Purchase Resolution No. 26636

Awarding contracts to:

1. Woodworth & Company, Inc., on its bid of \$14,752.55 for Asphalt Pavement - Spec. No. G-120-80 (Continued from the meeting of September 16, 1980);
2. C & T Construction Company on its bid of \$210,920.00 for Fire Boat Station No. 5, Contract B-Spec. No. G-81-80 (Continued from the meeting of September 16, 1980); and
3. Tucci & Sons, Inc., on its bid of \$113,875.20 for Two-Inch Asphalt Surface Treatment-Spec. No. G-129-80.

Councilman Sutherland moved that the Resolution Be adopted. Seconded by Councilman Hyde.

Speaking on item 2 of the Resolution was Tom Krilich, attorney representing Eatonville Construction Company, who was not the low bidder but whose bid met the 15 percent City goal on minority contractors. Also speaking were Virgil Matthews and Jerry Beason representing M B Electric Company, who is the subcontractor under the Eatonville bid. All three requested that the bid of C & T Construction be rejected and that the project be awarded to Eatonville Construction.

Councilman Strege moved that item 2 be continued to September 30, 1980. Seconded by Councilman Kirby. Voice vote was taken and carried. Item 2 was continued to September 30, 1980. Voice vote was taken on items 1 and 3 of the Resolution and carried. The Resolution, as amended, was declared adopted.

Resolution No. 26637

Authorizing execution of an agreement with Betz Bernhard to provide a work of art for Fire Station No. 5.

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

Councilman Kirby withdrew his motion to adopt since the fire station bid on Resolution No. 26636 had been continued.

Councilman Strege then moved to table the Resolution. Seconded by Councilman Kirby. Voice vote was taken and carried. The Resolution was declared tabled.

Resolution No. 26638

Authorizing application to the State Department of Social and Health Services for a grant in the amount of \$518 to provide emergency child care services.

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

Resolution No. 26639

Approving the final plat of WAPATO TERRACE NORTH, located at South 60th and Asotin Streets. (Lawrence Ortengren)

Councilman Rasmussen stated he would not be sitting in on consideration of the Resolution due to the Appearance of Fairness doctrine.

Councilman Strege then moved that the Resolution be continued to September 30. Seconded by Councilman Kirby. Voice vote was taken and carried. The Resolution was continued to September 30, 1980.

Resolution No. 26640

Authorizing execution of a renewal of an agreement with A.R. Enterprises for concession services at the Bicentennial Pavilion.

Councilman Sutherland moved that the Resolution be continued to September 30,. Seconded by Councilman Kirby. Voice vote was taken and carried. The Resolution was continued to September 30, 1980.

COMMENTS AND COMMITTEE REPORTS BY MEMBERS OF THE CITY COUNCIL:

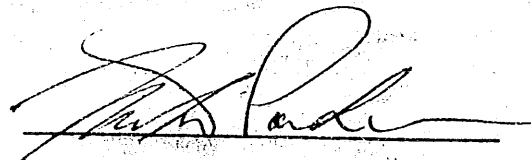
Councilman Sutherland advised that last Friday he had attended a meeting of the Board of Directors of the Association of Washington Cities, and one of the items of discussion was anticipated increase in dues for the coming year. Based on the population of Tacoma of 157,250 persons, the anticipated dues would be \$26,750.76.

Councilman Sutherland commented that since October 28 is the date set for selecting the site of the Sports/Convention Center, he is requesting that a study session be held next Tuesday for discussing a logical and a methodical approach on the site selection. He asked that management prepare a proposed list of criteria which Council may begin to add or subtract from. Councilman Kirby asked for a legal opinion prior to making a decision on whether Council wanted to use that approach.

City Manager Erling Mork said that a joint study session with the Park Board has been scheduled for next week. However, he will look into the possibility of another date for this. In the event this cannot be re-scheduled, perhaps next week's study session would be a longer one.

Councilman Hyde reported that he recently attended the Park Board budget meeting.

On proper motion, the meeting adjourned at 9:05 p.m.



MIKE PARKER - MAYOR

ATTEST:



H. B. BOND - CITY CLERK