

CITY COUNCIL MINUTES

City Council Chambers
April 20, 1982

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

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

The Flag Salute was led by Councilman Ladenburg.

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

Approval of the minutes of the regular meeting of April 13, 1982.

RESOLUTIONS:

Resolution No. 27387

Setting Tuesday, May 25, 1982 at 9:30 a.m. as the date for hearing by the Hearings Examiner the request to vacate South 30th Street between Orchard and Huson Streets. (E. Albert Morrison)

Resolution No. 27388

Setting Tuesday, June 8, 1982 at 9:30 a.m. as the date for hearing by the Hearings Examiner the request to vacate a portion of Sprague Avenue south of Center Street. (Gene LaBerge)

APPEALS:

Jardeen Brothers, Inc., appealing the recommendation of the Hearings Examiner regarding an audit assessment by the Department of Tax & License.

Setting Tuesday, May 4, 1982 at 6:00 p.m. as the date for hearing.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner's agenda for April 20, 1982.
- b. Minutes of the meeting of the City-Park District Advisory Committee, March 10, 1982.
- c. Minutes of the meeting of the Civil Service Board, April 5, 1982.
- d. Minutes of the meeting of the Human Relations Commission, February 18, 1982.
- e. Minutes of the meeting of the Public Utility Board, March 24, 1982.
- f. Minutes of the meeting of the Tacoma Arts Commission, March 17, 1982.
- g. Minutes of the meeting of the Tacoma Planning Commission, March 15, 1982.
- h. Department of Public Utilities Financial Reports of the Self-Insurance Claim Fund, Belt Line Railway Division, Data Processing Division, Light Division and Water Division, January and February, 1982.

Mayor Sutherland stated that he had been asked by staff to change the date for hearing on Resolution No. 27387 from May 25, 1982 at 9:30 a.m. to June 8, 1982 at 10:30 a.m. Deputy Mayor Nielsen moved that the Resolution be amended as indicated. Seconded by Mayor Sutherland. Voice vote was taken and carried. The Resolution was amended.

Deputy Mayor Nielsen moved that the Consent Agenda, including Resolution No. 27387 as amended and Resolution No. 27388, be approved. Seconded by Councilman Rasmussen. Voice vote was taken and carried. The Consent Agenda, as amended, was declared approved.

R E G U L A R A G E N D A

COMMUNICATIONS:

Hearings Examiner recommending approval of the request of Totem Boat Haven, Inc. for a one year extension to the five year completion date for Shoreline Management Substantial Development Permit No. 141.140 for the rehabilitation of the old Municipal Dock Building located at the easterly side of Dock Street, adjacent to and beneath the 11th Street Bridge, into a restaurant and other retail commercial purposes.

Mayor Sutherland moved to set this over for one week to allow for a response from the City Attorney with respect to the lease hold agreement with Totem Boat Haven, Inc. Seconded by Councilwoman Bichsel. Voice vote was taken and carried.

PROCLAMATION:

Mayor Sutherland proclaimed the period April 23, 1982 - May 24, 1982 as "Clean Up, Paint Up, Fix Up Month 1982" in the City of Tacoma and presented the proclamation to Gus Carlson, President of United Neighborhoods of Tacoma.

FINAL READING OF ORDINANCES:

Ordinance No. 22676

Authorizing the appropriation of \$158,947.57, or so much thereof as may be necessary, from the Employee Benefits Trust Fund for paying underwriting losses for 1981 for Pierce County Medical and Washington Dental Service; 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, Hawkins, Hyde, Kirby, Ladenburg, Nielsen, Rasmussen, Strege and Mayor Sutherland.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 22677

Amending Sections 11.12.030 and 11.12.032 of the Official Code relating to traffic enforcement, and declaring an emergency making necessary the immediate passage of this ordinance and its taking effect immediately upon publication.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Bichsel, Hawkins, Hyde, Kirby, Ladenburg, Nielsen, Rasmussen, Strege and Mayor Sutherland.

Nays: 0

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 22678

Submitting to the qualified voters of the City of Tacoma at a special municipal election on November 2, 1982 a proposition to levy an additional regular property tax levy for the operation, maintenance and enhancement of emergency medical care and services in the City of Tacoma.

Speaking in favor of the Ordinance were the following:
Jack Cvitanovic, Department of Social and Health Services,
Emergency Medical Services Section in Olympia;
David Vance, Administrator of the EMS Medical Control Project
with the Medical Society of Pierce County;
Chuck Jenkins, President of Tacoma Professional Fire Fighters
Local #31;
Tom Loomis, Concerned Citizen; and
Don Erberg, Private Citizen.

The Ordinance was set over for final reading next week.

RESOLUTIONS:

Resolution No. 27375 (Continued from the meeting of April 13, 1982)

Expressing the intent of the City Council to review and study prospective policies and guidelines relative to executive sessions.

Motion to adopt this Resolution was made at the Council meeting of April 13, 1982. Roll call vote was taken, resulting as follows:
Ayes: 5 - Hawkins, Hyde, Kirby, Ladenburg and Strege. Nays: 3 - Bichsel, Rasmussen and Mayor Sutherland. Abstaining: 1 - Deputy Mayor Nielsen.
The Resolution was declared adopted.

Resolution No. 27376 (Continued from the meeting of April 13, 1982)

Expressing the intent of the City Council to analyze, review, and revise, as appropriate, the job description of the City Manager of the City of Tacoma.

Motion to adopt this Resolution was made at the Council meeting of April 13, 1982.

Councilman Ladenburg moved to consider Substitute Resolution No. 27376. Seconded by Councilman Hawkins. Roll call vote was taken, resulting as follows: Ayes: 9 - Bichsel, Hawkins, Hyde, Kirby, Ladenburg, Nielsen, Rasmussen, Strege and Mayor Sutherland.

Voice vote was taken and carried on Substitute Resolution No. 27376, with Councilwoman Bichsel voting No. The Substitute Resolution was declared adopted.

Mayor Sutherland moved to suspend the rules to have the Public Hearing at this time. Seconded by Councilman Hyde. Voice vote was taken and carried.

PUBLIC HEARING: (6:00 P.M.)

This is the date set for a public hearing on proposed amendments to Chapter 13.06 of the Official Code relating to nonconforming uses.

Tom Dolan, Planning Department, gave a presentation to the Council and answered questions of Councilmembers relating to Chapter 13.06 of the Official Code regarding nonconforming uses.

Deputy Mayor Nielsen stated that he has an amendment to the Ordinance, which he will be bringing up at the time the Ordinance is considered.

Testifying regarding the proposed text amendments were:
Inez Taylor, President of Eastside Improvement Club,
Joanne Phillips, United Neighborhoods of Tacoma, and
Earl Robinson, 3506 South Ainsworth.

There being no further public testimony, Mayor Sutherland declared the hearing closed at 6:20 P.M.

Purchase Resolution No. 27389

Awarding Contracts to:

1. American Equipment & Tool Company and Star Machine Company on their bids for Engine Lathe, Drill Press and Horizontal Vertical Bandsaw - Specification No. G-34-82;
2. Pennwalt Corporation on their bid of \$6,839.90 for emergency purchase of sodium chloride;
3. Emerson G. M. Diesel, Inc. on their bid of \$4,354.10 for an injector comparator;
4. Emerson G. M. Diesel, Inc. on their bid of \$4,422.67 for special service tools - Specification No. G-32-82;
5. Slyter Chair Company on their bid of \$4,301.96 for day room chairs - Specification No. G-52-82;
6. George Madsen Company on their bid of \$77,215.00 for replacing Type 'A' catch basins - Specification No. G-49-82; and
7. Rejecting all bids for one Trencher - Specification No. G-33-82.

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

Resolution No. 27390

Authorizing the execution of Modification of Contract to the McChord Air Force Base Electrical Service Contract.

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

Resolution No. 27391

Authorizing the execution of an amendatory agreement with Hart/Crowser and Associates for \$2,724.00 for the design of the East 23rd Street Bridge.

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

Resolution No. 27392

Authorizing the filing of a petition for the acquisition of a right-of-way over public lands for the 15th Street Bridge Replacement Project.

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

Resolution No. 27393

Authorizing the execution of an amendatory agreement to the contract for the sale of property located within the Center Street Urban Renewal Project.

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

Resolution No. 27394

Authorizing the execution of a grant agreement with the Washington State Interagency Committee for Outdoor Recreation for \$297,130.00 for the Eastside Neighborhood Pool Project, and resolving that no construction contract be let until a use, operation and maintenance agreement has been executed.

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

Resolution No. 27395

Authorizing the execution of a contract with the Washington State Department of Transportation for \$7,500.00 for the removal of abandoned railroad track across Wakefield Drive at Pacific Avenue.

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

Resolution No. 27396

Urging that the Board of Directors of the Washington Public Power Supply System not authorize the issuance of additional bonds for Projects 1 and 3 until after the draft cost-effectiveness study is completed and an opportunity is provided for conducting public hearings on the advisability of further bond issues.

Councilman Hawkins moved that the Resolution be adopted. Seconded by Councilman Hyde.

Mayor Sutherland moved that the Resolution be set over for further consideration until May 18, 1982. Seconded by Deputy Mayor Nielsen. Roll call vote was taken, resulting as follows: Ayes: 3 - Nielsen, Rasmussen and Mayor Sutherland. Nays: 6 - Bichsel, Hawkins, Hyde, Kirby, Ladenburg and Strege. The motion was declared failed.

Speaking in favor of the Resolution were the following:

Coleen Kulsick, 515 North 2nd, Apt. 108,
Joe Fisher, 1520 South Fife,
Bob Anderson, 7601 - 44th Street West,
Norma Hamilton, 5811 South Sheridan and
Peter G. Birmingham, 1701 So. Mason.

Also speaking to the Resolution was Ed Hudson, 4810 Five Views Road.

Councilman Hyde moved to amend the Resolution on Page, to delete Lines 11 - 14. Seconded by Councilman Hawkins. Voice vote was taken and carried.

Roll call vote was taken on the Resolution, as amended, resulting as follows: Ayes: 6 - Bichsel, Hawkins, Hyde, Kirby, Ladenburg and Strege. Nays: 0. Abstaining: 3 - Nielsen, Rasmussen and Mayor Sutherland. The Resolution, as amended, was declared adopted.

COMMENTS AND COMMITTEE REPORTS BY MEMBERS OF THE CITY COUNCIL:

Councilwoman Bichsel advised the Council that because of the Council Work Shop last evening the Appointments Committee did not have a meeting. She stated that the Appointments Committee would make recommendations to the Council on May 11, 1982 rather than May 4, 1982.

Councilwoman Bichsel stated that tonight, the Bonneville Power Administration is receiving testimony on their proposed billing credit policy which was an integral portion of the Northwest Power Act.

My purpose for speaking tonight is to publically indicate our support for the policy positions of the Association of Washington Cities and the Washington State Association of Counties which will be presented by our staff at that hearing.

The purpose of the billing credit portion of the Northwest Power Act was to encourage local independent action to implement conservation activities and develop resources. The current BPA proposal frustrates that intent by not mandating the pass through of billing credits to local government and consumers who initiate these activities, by not providing billing credits to utilities on the basis of the costs of thermal

generating plants that would be deferred by these billing credit actions, and by not guaranteeing that those billing credits will be firm for the life of the activity. In fact, it is possible that a utility could have a billing credit become a negative billing credit or a debit should BPA rates increase.

In conclusion, BPA has proposed a policy that will discourage rather than encourage local initiative to implement conservation activities and develop resources.

She stated that Jake Fey, Energy Office of Office of Intergovernmental Affairs, will be presenting testimony at that meeting tonight and everyone will be receiving copies of that testimony.

Deputy Mayor Nielsen stated that there was an article in the Lewiston Morning Tribune regarding the problems that the University of Idaho is having with the roof of their Dome after five years. He asked that the City Manager review this article and report back to the City Council as to whether or not any of the same problems exist between our proposed facility and the one that is having problems just 400 miles east of us.

Mayor Sutherland brought before the Council the issue of doing verbatim minutes of the City Charter Review Committee and asked for a consensus of the Council regarding this matter.

Deputy Mayor Nielsen moved that the meeting of the City Charter Review Committee be electronically recorded and a synopsis of minutes be prepared. Seconded by Councilman Hawkins. Voice vote was taken and carried.

Councilwoman Bichsel asked that copies of all correspondence relating to the City Charter Review Committee be forwarded to all Councilmembers. Mayor Sutherland stated that this will be done.

Councilman Hyde asked for information, and a legal opinion, about the Ordinance that restricts public access as to business license holders.

Councilman Hawkins stated that in connection with Councilman Hyde's request he would like to find out what the compatibility of that Ordinance is with RCW 43.21.

CITIZENS' REQUEST TO BE HEARD:

Edward G. Hudson, Clyde H. Hupp, Raymond Ray and Thomas Dixon requesting to speak regarding the City Charter Review Committee.

Mayor Sutherland stated that he had received a request today that Mr. Carl Virgil would like to speak in lieu of Edward Hudson.

Mayor Sutherland moved to suspend the rules so that Carl Virgil would be allowed to speak in lieu of Edward G. Hudson. Seconded by Councilman Hyde. Voice vote was taken and carried.

Carl Virgil, 1116 North Cedar, representing the Tacoma Pierce County Chamber of Commerce stated that the Chamber strongly urges preservation of the existing City Charter and that includes preserving the autonomy of the Public Utilities Department as it now exists. He stated that the Chamber feels that a Charter review at this time is not necessary however, if a Charter Review must be conducted the Chamber urges disbandment of the Charter Review Committee of the Council and in its' stead appointment of a Citizens' Review Committee of some 13 people.

Also speaking were Clyde H. Hupp, Secretary Treasurer of Pierce County Central Labor Council; Raymond Ray, President of Municipal League; and Thomas Dixon, President of Tacoma Urban League; all voicing their desires for citizen participation on the City Charter Review Committee.

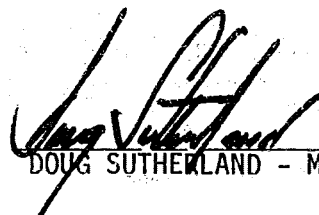
Councilman Hawkins stated that the first meetings of the City Charter Review Committee were to review the historical development of the Charter, then to prepare an outline of proposals of possible changes and after that public testimony would be heard.

The following is a tentative scheduled for City Charter Review Committee meetings: May 6, 1982 - Work Session; and May 17, 20 and 24, 1982 - Public Hearing.

Mayor Sutherland asked for a poll of the Council as to Councilwoman Bichsel's term on Pierce Transit Board and indicated that he would introduce a Resolution extending her term on said Board for a three-year term.

Deputy Mayor Nielsen moved to recess into Executvie Session for purposes of discussing personnel matters. Seconded by Councilman Hyde. Voice vote was taken and carried. Council recessed into Excutive Session at 8:12 p.m. and reconvened at 8:29 p.m.

On proper motion, the meeting adjourned at 8:30 p.m.


DOUG SUTHERLAND - MAYOR

Attest: 
H. B. BOND - CITY CLERK