

CITY COUNCIL MINUTES

City Council Chambers
February 26, 1985

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

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

The Flag Salute was led by Deputy Mayor Strege.

CONSENT AGENDA

Approval of the minutes of the regular meetings of February 13 and February 19, 1985.

RESOLUTIONS:

Resolution No. 28668

Setting Tuesday, March 12, 1985 at 6:00 p.m. as the date for a public hearing by the City Council on the issuance of Industrial Revenue Bonds by the Economic Development Corporation of Pierce County in the amount of \$6 million to Atlas Foundry for acquisition of the existing facilities from the parent company.

Resolution No. 28669

Setting Tuesday, March 12, 1985 at 6:00 p.m. as the date for a public hearing by the City Council on the 1985-86 Proposed Statement of Community Development Objectives and Projected Use of Funds for the Eleventh Year Community Development Block Grant Program and the proposed Three Year Community Development Plan (1985-88).

APPEALS:

Kenneth J. Daniels appealing the denial of his application for a For-Hire Vehicle Drivers License by the Department of Tax and License.

Setting Thursday, March 7, 1985 at 11:00 a.m. as the date for hearing by the Hearings Examiner.

R. W. Specialties, Inc., d/b/a Western Turnings and Stair Company appealing Audit-Assessment Notice AD5289 from the Department of Tax and License.

Setting Thursday, April 4, 1985 at 10:00 a.m. as the date for hearing by the Hearings Examiner.

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General Electric Company (File No. T-05203-8) appealing the denial of their request for tax refund by the Department of Tax and License.

Setting Thursday, April 4, 1985 at 1:30 p.m. as the date for hearing by the Hearings Examiner.

U. S. Oil and Refining Company appealing Audit-Assessment Notices AD5285 and AD5286 of the Department of Tax and License.

Setting Thursday, April 18, 1985 at 10:00 p.m. as the date for hearing by the Hearings Examiner.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner agenda for Tuesday, February 26, 1985.
- b. Minutes of the meetings of the City-Park District Advisory Committee, November 14, 1984.
- c. Minutes of the meeting of the Public Utility Board, January 23, 1985.
- d. Minutes of the meeting of the Tacoma Public Library Board of Trustees, December 19, 1984.
- e. Public Utility Board Agenda, February 27, 1985
- f. Department of Public Utilities Annual Budget, 1985.

Mayor Sutherland moved to amend Resolution No. 28668 on line 12 by deleting the date of "March 12" and inserting the date of "March 19, 1985." Voice vote was taken and carried. The motion was declared adopted.

Council Member Bichsel moved that the Consent Agenda, including Resolution Nos. 28668, as amended, and 28669, be approved. Seconded by Deputy Mayor Strege. Voice vote was taken and carried. The Consent Agenda, as amended, was declared approved.

REGULAR AGENDA

COMMUNICATIONS:

Hearings Examiner submitting Shoreline Management Substantial Development Permit No. 141.349 of Pennwalt Corporation to allow the construction of two pipelines, a brine clarifier tank, and two mixing tanks as part of a new membrane-type cell process for the manufacture of chlorine and caustic soda. (Continued from the meeting of February 19, 1985)

Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Hyde. Roll call vote was taken, resulting as follows: Ayes: 8 - Bichsel, Hyde, Kirby, Ladenburg, Rasmussen, Strege, Warnick, and Mayor Sutherland. Nays: 0. Absent: 1 - Stenger. The motion was declared adopted.

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FINAL READING OF ORDINANCES

Ordinance No. 23350

Amending the Pay and Compensation Plan by implementing the provisions of the collective bargaining agreement negotiated between the City of Tacoma and the Joint Labor Committee.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Stenger.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES

Ordinance No. 23351

Amending Chapter 11.16 and 11.32 of the Official Code relative to updating the equipment requirements and size, weight and load restrictions to reflect current State law.

The Ordinance was set over for final reading next week.

RESOLUTIONS:

Resolution No. 28670

Adopting the 1984 Standard Specifications for Road, Bridge, and Municipal Construction of the Washington State Department of Transportation and the Washington State Chapter of the American Public Works Association.

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

Resolution No. 28671

Approving the 1985 Affirmative Action Goals of the City of Tacoma.

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

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Resolution No. 28672

Authorizing the execution of an agreement in the amount of \$12,000.00 with John G. Feild for expert services in the administration and expediting of certain federal programs.

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

Mayor Sutherland stated that, since it was not yet 6:00 p.m., Council would consider the remainder of the order of business and then return to Public Hearings and Appeals.

COMMENTS AND COMMITTEE REPORTS BY MEMBERS OF THE CITY COUNCIL:

Mayor Sutherland moved to excuse Council Member Stenger from tonight's meeting. Seconded by Council Member Hyde. Voice vote was taken and carried. The motion was declared adopted.

Council Member Harnick requested information on the stability of the federal funds for the Secondary Wastewater Treatment Facilities.

Erling O. Mork, City Manager, stated that staff would review the President's proposed federal budget to determine the future status of the funding.

Ray Corpuz, Office of Intergovernmental Affairs Director, stated that the federal commitment is to finish those projects that are currently funded.

Deputy Mayor Strege stated that Tacoma's Wastewater Treatment Program was one of the projects funded at the 75% funding level. He said that future grant applications would be funded at a much lower level.

Mayor Sutherland stated that he had been asked to sit on a liaison committee of local representatives concerned with ground water problems. He would be attending the first meeting on March 8, 1985. The committee will be discussing ground water problems throughout the U. S. and how those problems are impacted and affected by decisions of the U. S. Environmental Protective Agency. He further stated that this would be an ongoing committee for several years that would attempt to ensure ground water quality for future years.

Deputy Mayor Strege requested that staff review the job projection figures of the local economic development projects. He specifically requested a review and analysis of the actual new jobs created in the community and how many jobs were transferred from other areas.

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Mayor Sutherland requested that the exit sign over the Council Chambers door be repaired.

Mayor Sutherland moved to take a 15-minute recess. Seconded by Council Member Hyde.

Council recessed at 5:31 p.m. and reconvened at 5:43 p.m.

Mayor Sutherland moved to recess to Executive Session to discuss personnel matters. Seconded by Council Member Hyde. Voice vote was taken and carried. The motion was declared adopted.

Council recessed to Executive Session at 5:44 p.m. and reconvened at 6:02 p.m.

PUBLIC HEARINGS AND APPEALS: (Began at 6:03 p.m.)

This is the date set for hearing the appeal of Donald F. Rudy regarding the decision of the Hearings Examiner to deny his request for a For-Hire Vehicle License.

Hearings Examiner, Gary Sullivan, made a presentation regarding the appeal.

Mr. Donald F. Rudy spoke to the Council concerning the reasons for his appeal.

Mayor Sutherland read into the record three letters of recommendation submitted by Mr. Rudy. The first letter was submitted by Russell L. Kolbo, Chiropractor and Naturopathic Physician:

February 21, 1985

RE: Donald Rudy

To Whom It May Concern:

I first became acquainted with the above individual in October 1974 when he first became a patient of mine. I saw Mr. Rudy on various occasions through June of 1977. He was once again seen in my office in 1980 and has presently been under active care since 1984 for injuries he sustained in an automobile accident while driving taxi.

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Although, Don was involved in an unfortunate incident in 1977 and served time for his mistake I do feel that this is not typical of this man's character. I feel that Don is a very sincere, honest and upright citizen and that his privileges to drive taxi have unfortunately been interrupted.

He has paid his dues for his mistake and at this time is trying to earn a living by driving cab. Having been involved with Don on and off over the last 11 years I feel that I know him to the point that I or anyone else would be very safe and comfortable in his singular presence. It is also my understanding that he has not had any claims filed against him with the cab company.

I am hopeful that in doing your review of this case that consideration will be given to renew his privileges to once again resume driving cab and earning his way in life.

Thank you in advance for your positive consideration regarding the above individual.

Sincerely,

Russell L. Kolbo, D.C., N.D.

The second letter was from Richard and Margo Elliott:

Dear Sir:

We have known Don since Sept. 1980. He was engaged to our oldest Daughter for a while. Even though they broke up we have kept in touch (sic) with him. We still like him and think quite a lot of him.

Don is a good hard worker. Even when he is ill he will still try to work to the best of his ability. He is always trying to help other people, even when he doesn't have enough for himself. In fact he lets people take advantage of him to (sic) much.

If there is anything else we can tell you or do for Don. Please let us know.

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The third letter was from Don Barnes, Yellow Cab Company:

Dear Council Members,

Mr. Rudy has operated as an independent Lease Taxicab Operator for our Company several times. His first experience with our Company started in October 1979. He continued with our firm through May 1981. At that time he was in a work release program from Progress House.

Again, Mr. Rudy returned to our Company in December 1984 and operated until his license was denied in January 1985. Upon Mr. Rudy's return to our Company in December 1984, he entered our Lease Driver training program to refresh his skills and acquaint (sic) himself with our current operating procedures. He has met our requirements to present himself to the public as a qualified Lease Taxicab Operator for Tacoma Yellow Cab Company. He has placed our required refundable lease deposit of \$ 50.00 into his driver account.

His current driving record from the Department of Licenses indicates no driving infractions. He is registered with our insurance carrier as an acceptable driver. Upon satisfactorily obtaining his for hire license from the City of Tacoma we will accept Mr. Rudy as an independent Lease Operator.

Mr. Rudy then introduced Mr. Mike Rothermel, Yellow Cab Company supervisor, who spoke on Mr. Rudy's behalf.

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

The appeal was denied.

Mayor Sutherland requested that the City Attorney review the existing statutes pertaining to this matter for possible revisions and bring back to the Council for consideration.

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On proper motion, the meeting adjourned at 6:45 p.m.



DOUG RUTHERLAND, MAYOR

ATTEST:


GENELLE BIRK, CITY CLERK

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