

CITY COUNCIL MINUTES

City Council Chambers
June 12, 1984

The meeting was called to order at 5:03 p.m.

Present on roll call: 5 - Hyde, Ladenburg, Stenger, Warnick, and Deputy Mayor Stenge. Absent: 4 - Bichsel, Kirby, Rasmussen and Mayor Sutherland (Council Member Kirby arrived at 5:04 p.m.; Council Member Rasmussen arrived at 5:11 p.m.).

The Flag Salute was led by Council Member Stenger.

CONSENT AGENDA

Approval of the minutes of the regular meeting of June 5, 1984.

PETITIONS:

- a. Financial Insights, Inc. requesting the reclassification of the property located at the easterly side of North 'G' Street approximately 50 feet north of Sixth Avenue from a "R-5" Multiple Family Dwelling District to a "R-5-T" Residential Commercial Transitional District.
- b. Michael Healy requesting the reclassification of the property located at the northerly side of South 72nd Street between I-5 Freeway and Alaska Street from a "CVF" Freeway Commercial Vehicular Services District and "R-2" One-Family Dwelling District to a "CPC" Planned Community Shopping Center District.
- c. Robert H. Johnson requesting the reclassification of the property located at the westerly side of Fawcett Avenue approximately 110 feet northerly of South 23rd Street from a "C-3" Commercial District to a "M-1" Light Industrial District.

For referral to the Hearings Examiner.

RESOLUTIONS:

Resolution No. 28383

Setting Monday, July 9, 1984 at 5:00 p.m. as the date for hearing by the Hearings Examiner L.I.D. 5657 for the construction of water mains in East 51st Street from McKinley Avenue to East 'E' Street and in East 'E' Street from East 51st to East 52nd Street.

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ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner Agenda for Tuesday, June 12, 1984.
- b. Minutes of the meeting of the Civil Service Board, May 21, 1984.
- c. Minutes of the meeting of the Citizen's Transportation Advisory Committee, May 17, 1984.
- d. Minutes of the meeting of the Landmarks Preservation Commission, May 23, 1984.
- e. Minutes of the meeting of the Public Utility Board, May 23, 1984.
- f. Department of Public Utilities Budget Analysis, First Quarter, 1984.
- g. Tacoma Employees' Retirement System Board Report of Purchases and Sales of Investments, April 1984.

Council Member Ladenburg moved that the Consent Agenda, including Resolution No. 28383, be approved. Seconded by Council Member Hyde. Voice vote was taken and carried. The Consent Agenda was declared approved.

REGULAR AGENDA

COMMUNICATIONS:

- a. City Attorney submitting the Findings of Fact and Conclusions of Law of the City Council on Berry & Berry's appeal of the decision of the Hearings Examiner regarding certain conditions related to the proposed apartment and condominium project located at the northeast corner of North 37th and Pearl Streets.

Council Member Kirby moved to approve the Findings, Conclusions and Decision as submitted by the City Attorney. Seconded by Council Member Stenger. Voice vote was taken and carried. The motion was declared adopted.

- b. Hearings Examiner submitting the request of Wilhelm Ellwanger for the Modification of Condition 5.B of the Examiner's Report and Recommendation of August 20, 1981 relative to Street Vacation File No. 124.700 to allow an exchange of property as payment for the land to be vacated at East 29th Street and the alley between East 29th and East 30th Streets, east from East 'M' Street.

Council Member Warnick moved to concur in the recommendations of the Hearings Examiner. Seconded by Council Member Ladenburg. Voice vote was taken and carried. The motion was declared adopted.

Deputy Mayor Strege proclaimed the week of June 11-17, 1984, to be "Flash Flood Awareness Week," and presented the proclamation to Mr. David Vance of the Pierce County Emergency Services Department.

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Council Member Rasmussen arrived at 5:11 p.m.

FINAL READING OF ORDINANCES:

Ordinance No. 22530

Vacating portions of East 29th Street and the alley between East 29th and East 30th Streets, east from East 'M' Street. (Wilhelm K. Ellwanger; File No. 124.700)

Roll call vote was taken, resulting as follows:

Ayes: 7 - Hyde, Kirby, Ladenburg, Rasmussen, Stenger, Warnick, and Deputy Mayor Strege.

Nays: 0.

Absent: 2 - Bichsel and Mayor Sutherland.

The Ordinance was declared passed.

Ordinance No. 23177

Amending Chapter 13.06 of the Official Code to reclassify the property located at the east side of Sprague Avenue between South 62nd and South 64th Streets from an "R-2" One-Family Dwelling District to an "R-2-T" Transitional District. (Ray Ozanich; File No. 120.1079)

Roll call vote was taken, resulting as follows:

Ayes: 7 - Hyde, Kirby, Ladenburg, Rasmussen, Stenger, Warnick, and Deputy Mayor Strege.

Nays: 0.

Absent: 2 - Bichsel and Mayor Sutherland.

The Ordinance was declared passed.

Ordinance No. 23196

Amending Title 9 of the Official Code by adding a new chapter to be titled Chapter 9.40 relative to the vending of food, flowers and non-alcoholic beverages on certain sidewalks and public streets of the City.

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Roll call vote was taken, resulting as follows:

Ayes: 7 - Hyde, Kirby, Ladenburg, Rasmussen, Stenger, Warnick, and Deputy Mayor Strege.

Nays: 0.

Absent: 2 - Bichsel and Mayor Sutherland.

The Ordinance was declared passed.

Ordinance No. 23197

Authorizing the execution of a Grant and Funding Agreement with the Department of Housing and Urban Development for the Tenth Year Community Development Block Grant Program, and appropriating \$2,808,000.00 from the Community Development Grants Summary Fund for the provision of specified programs within the City of Tacoma, 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: 7 - Hyde, Kirby, Ladenburg, Rasmussen, Stenger, Warnick, and Deputy Mayor Strege.

Nays: 0.

Absent: 2 - Bichsel and Mayor Sutherland.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 23198

Vacating the westerly five feet of 54th Avenue N.E. between 25th and 27th Street N.E. (Richard P. Raymond; File No. 124.760)

Council Member Hyde moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Ladenburg. 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. 23199

Vacating the northwesterly side of Narrows Drive southerly from North 26th Street. (City of Tacoma; File No. 124.759)

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Council Member Ladenburg moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Council Member Hyde. 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. 23200

Amending Chapter 2.02 of the Official Code relative to the adoption of the Uniform Building Code.

The Ordinance was set over for final reading next week.

Ordinance No. 23201

Authorizing the execution of Amendment No. 2 the Memorandum of Understanding with the Metropolitan Park District; appropriating \$10,500.00 for maintenance and operational costs associated with the Les Davis Fishing Pier; 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. 23202

Amending Chapter 6.76 of the Official Code relative to the sale and discharging of fireworks.

Council Member Kirby requested that City staff contact the Pierce County Prosecutor's Office regarding the County's enforcement of the State fireworks law.

Speaking to the Council were:

Helmut (Brownie) Braunsteiner
Joanne Phillips
Gus Carlson

Robert Richardson
Jim Wolcott
Jim Hatch
Karen Gower
Jim Ferris
Rosalie Gianelli
Raleigh McIlvenna
Robert Hunt
Floyd Oles
Bob Hoover
Jerry Farley

3715 South Alaska
Tacoma Southeast Lions Club
President, Tacoma Southeast Lions
Club
8201 South Bell Street
614 East 64th Street
8521 - 46th Street West
910 North G Street
3570 Sunset Drive West
1209 North Yakima
4810 North 12th Street
2307 North Fremont
Representing Tacoma Lodge of Elks
Lincoln Lions Club
Lobbyist for Washington State
Pyrotechnics Association

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Council Member Kirby requested of staff that there be amendments to the Ordinance prior to final reading next week to include: eliminating the age restriction entirely; eliminating anything prohibited in the City Ordinance that is allowed by state law; and revising all time frames to comply with state law. Council Member Kirby also requested comments from the Fire Department regarding the provision that a trailer, camper or vehicle cannot be located within 25 feet of the stand.

Council Member Ladenburg requested information as to whether there is an actual need to improve the safety of the fireworks stands and the fireworks sold. He also suggested meeting with the Puyallup Tribal Nation regarding excluding sales of certain dangerous fireworks.

Council Member Hyde requested that staff review a proposed amendment regarding open flames near fireworks stands prior to final reading.

The Ordinance was set over for final reading next week.

RESOLUTIONS:

Purchase Resolution No. 28384

Awarding a contract to:

Fryer Noble Company on their bid of \$14,913.05 for five rolling steel doors in Equipment Rental Shop No. 3 - Specification No. G-046-84.

Council Member Warnick moved that the Purchase Resolution be adopted. Seconded by Council Member Rasmussen.

Voice vote was taken and carried on the Purchase Resolution. The Purchase Resolution was declared adopted.

Resolution No. 28385

Adopting the Six-Year Comprehensive Street Program for 1985-1990 and the amended 1984 Street Program.

Council Member Hyde moved that the Resolution be adopted. Seconded by Council Member Warnick.

Speaking to the Council were:

Paul Rising
Tom Piefer

811 South Stevens
801 South Stevens

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

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Deputy Mayor Strege proclaimed the day of June 14, 1984, to be "Flag Day," and presented the proclamation to Mr. Jim Walton, Assistant City Manager.

Resolution No. 28386

Authorizing the execution of an agreement in the amount of \$419,938.00 with the State Department of Transportation relative to design and construction costs of a pedestrian overcrossing of SR-16 at Skyline Drive.

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

Resolution No. 28387

Authorizing the execution of an indemnity and hold harmless agreement with the Pierce County Sheriff relative to the commissioning of Tacoma Police Department personnel by the County Sheriff.

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

COMMENTS AND COMMITTEE REPORTS BY MEMBERS OF THE CITY COUNCIL:

Council Member Ladenburg stated that he was a delegate to the Democratic State Convention at the Tacoma Dome and noted that there were problems due to a lack of adequate food service at the Dome. He had received numerous complaints and requested that the concessionaire, Alpine-Burtco Company, be contacted regarding this problem.

Deputy Mayor Strege stated that he also was at that convention and indicated that the possibility of an overflow system for busy days should be investigated.

Council Member Warnick stated that Council had received from the Director of Finance the finance statements for January through April; however, since this was mid-June, he felt that this was late for receiving this information and asked that staff provide this information on a more timely basis.

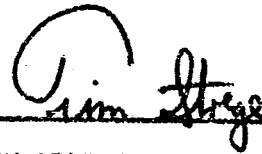
Council Member Hyde stated that he and Council Member Ladenburg had met with staff regarding the Secondary Waivers for the Sewage Treatment Application and asked that the City Manager's Office schedule a study session in July regarding this issue.

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Council Member Rasmussen stated that at the last Council workshop there were questions regarding the Economic Development Board's activities. He indicated that he would be available to review the activity schedule with anyone interested.

Council Member Rasmussen moved to excuse Council Member Bichsel and Mayor Sutherland from the Council meeting of June 12, 1984. Seconded by Council Member Ladenburg. Voice vote was taken and carried. The motion was declared adopted.

On proper motion, the meeting adjourned at 7:09 p.m.



TIM STREGE, DEPUTY MAYOR

ATTEST:



GENELLE BIRK, CITY CLERK

WPC.7812G.

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