

CITY COUNCIL MINUTES

City Council Chambers
May 31, 1983

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

Present on roll call: 7 - Bichsel, Hawkins, Hyde, Kirby, Nielsen, Strege, and Mayor Sutherland.

Absent: 2 - Ladenburg and Rasmussen. (Councilmen Ladenburg and Rasmussen arrived at 5:04 p.m.)

The Flag Salute was led by Councilman Hawkins.

Mayor Sutherland moved to recess into Executive Session to discuss personnel litigation. Seconded by Deputy Mayor Nielsen. Voice vote was taken and carried. Council recessed at 5:05 p.m. and reconvened at 5:55 p.m.

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

Approval of the minutes of the regular meeting of May 24, 1983.

RESOLUTIONS:

Resolution No. 27890

Setting Tuesday, June 7, 1983 at 6:00 p.m. as the date for a public hearing on the 1983-84 Additional Community Development Block Grant Statement.

Resolution No. 27891

Setting Monday, July 11, 1983 at 5:00 p.m. as the date for hearing by the Hearings Examiner L.I.D. 5645 for the construction of water mains in East "E" Street from East 75th Street to approximately 560 feet south.

167

Resolution No. 27892

Setting Monday, June 20, 1983 at 5:00 p.m. as the date for hearing by the Hearings Examiner L.I.D. 2585 for the construction of sidewalks abutting the west side of North Orchard Street from 6th Avenue north 585 feet, more or less, and the north side of 6th Avenue from North Orchard Street west 500 feet, more or less; the west side of South Union Avenue from South 28th Street north 150 feet, more or less; and the west side of South Union Avenue from a point 480 feet, more or less, north of South 28th Street to a point 350 feet, more or less, south of South 23rd Street.

Resolution No. 27893

Setting Monday, June 20, 1983 at 5:00 p.m. as the date for hearing by the Hearings Examiner L.I.D. 3861 for the construction of sanitary sewers in 33rd Street N.E. from 44th Avenue N.E. east 240 feet, more or less; and in 43rd Place N.E. from 550 feet, more or less, to 650 feet, more or less, northeast from 33rd Street N.E.

Resolution No. 27894

Setting Monday, June 20, 1983 at 5:00 p.m. as the date for hearing by the Hearings Examiner L.I.D. 3862 for the construction of sanitary sewers in South Mason Avenue from South 60th Street south 260 feet, more or less.

Resolution No. 27895

Setting Tuesday, July 19, 1983 at 10:30 a.m. as the date for hearing by the Hearings Examiner the request to vacate the alley between East 26th and 27th Streets from Portland Avenue West to "N" Street. (Tacoma Hotels, Inc.; File No. 124.720)

Resolution No. 27896

Setting Tuesday, July 19, 1983 at 10:30 a.m. as the date for hearing by the Hearings Examiner the request to vacate a portion of 6th Avenue right-of-way on the south side, west of Sprague Avenue. (COM-IND Realty; File No. 124.741)

APPEALS:

David Roberts appealing the denial of his application for a Security Officer license by the Department of Tax & License. Setting Tuesday, June 7, 1983 at 2:00 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, May 31, 1983.
- b. Minutes of the meeting of the Charter Review Committee, May 9, 1983.

2

- c. Minutes of the meeting of the Citizens Energy Conservation Advisory Committee, May 16, 1983.
- d. Minutes of the meeting of the Human Relations Commission, April 21, 1983.
- e. Minutes of the meeting of the Public Utility Board, May 11, 1983.
- f. Minutes of the meeting of the Tacoma Employees' Retirement System Board, April 28, 1983.
- g. Minutes of the meeting of the Urban Policy Committee, May 18, 1983.
- h. Monthly Report of Tacoma Police Department, April 1983.
- i. Monthly Financial Reports of the Belt Line Division, Data Processing Division, Light Division, Self-Insurance Claim Fund and the Water Division, April 1983.

Councilwoman Bichsel moved that the Consent Agenda, including Resolution Nos. 27890, 27891, 27892, 27893, 27894, 27895, and 27896, be approved. Seconded by Councilman Ladenburg. Voice vote was taken and carried. The Consent Agenda was declared approved.

REGULAR AGENDA

COMMUNICATIONS:

- a. Hearings Examiner recommending that Mrs. Lily Rose and Mr. James Miller be given an opportunity to speak at this time regarding L.I.D. 8363.

Hearings Examiner Gary Sullivan discussed his recommendation. Mayor Sutherland called for Mrs. Rose and Mr. Miller to speak. No one appeared to speak and the Mayor requested that the next item be read.

- b. Hearings Examiner recommending approval of the request of Pearl Street Associates for the modification of the site plan for the property located on the southeast corner of North 11th and Pearl Streets, approved January 28, 1981.

Mayor Sutherland moved to concur in the recommendations of the Hearings Examiner. Seconded by Councilwoman Bichsel. Voice vote was taken and carried.

- c. Hearings Examiner recommending approval of the request of Bruce L. Wheeler for the removal of Conditions 2(c) and 2(h) relating to the vacation of East 57th and East 58th Streets, and the improvement of East 58th Street; and further recommending site plan approval for the property located on the west side of Portland Avenue between East 57th and East 58th Streets.

Councilman Rasmussen announced that he was abstaining from any discussion on this matter and left the Council Chambers.

Mayor Sutherland moved to concur in the recommendations of the Hearings Examiner. Seconded by Deputy Mayor Nielsen. Voice vote was taken and carried with Councilman Rasmussen abstaining.

FINAL READING OF ORDINANCES:

Ordinance No. 22864

Vacating the west 12 feet of 58th Avenue N.E. from 29th Street N.E. north to the north line of 32nd Street N.E. (William L. Phillips)

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. 22930

Amending Section 13.12.380(4)(e) of the Official Code relative to the notice requirements on appeals of SEPA Threshold Determinations and the Adequacy of Final Environmental Impact Statements.

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.

Mayor Sutherland moved to consider Public Hearings and Appeals at this time. Seconded by Councilman Hyde. Voice vote was taken and carried.

PUBLIC HEARINGS AND APPEALS: (Began at 6:05 p.m.)

This is the date set for hearing the appeal of the Department of Tax & License regarding the decision of the Hearings Examiner in the matter of the appeal of Seattle First National Bank Audit Assessment Notice AD1747.

Hearings Examiner Gary Sullivan made a presentation regarding his decision in this matter.

Mike Smith, City Attorney representing the Department of Tax and License, discussed the appeal.

Mr. Judson, Attorney at Law representing Seattle First National Bank, made a presentation regarding the bank's position.

Councilman Hyde moved to overrule the Hearings Examiner and direct the City Attorney's office to proceed to Superior Court. Seconded by Councilwoman Bichsel.

Councilman Hawkins moved to recess for five minutes. Seconded by Councilman Hyde. Roll call vote was taken, resulting as follows: Ayes: 5 - Hawkins, Kirby, Ladenburg, Nielsen, Rasmussen. Nays: 3 - Bichsel, Strege, and Mayor Sutherland. Abstaining: 1 - Hyde.

The Council recessed at 6:59 p.m. and reconvened at 7:05 p.m.

Councilman Hawkins made a substitute motion to refer this matter back to the Department of Tax and License and request the City Attorney's office to file an action for a declaratory judgment or other appropriate relief. Seconded by Councilman Rasmussen. Roll call vote was taken, resulting as follows: Ayes: 7 - Bichsel, Hawkins, Kirby, Nielsen, Rasmussen, Strege, and Mayor Sutherland. Nays: 2 - Hyde and Ladenburg. The motion was declared approved.

FIRST READING OF ORDINANCES:

Ordinance No. 22931

Amending Sections 11.12.040 and 11.12.050 of the Official Code relating to traffic enforcement to clarify the area applicable for reckless driving and negligent driving offenses.

The Ordinance was set over for final reading next week.

Ordinance No. 22932

Vacating Whitman Place in the vicinity of South 38th and Pine Streets. (Michael Sterbick, et al; File No. 124.733)

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

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

RESOLUTIONS:

Purchase Resolution No. 27897

Awarding contracts to:

1. Ceccanti, Inc. on their bid of \$22,625.17 for sanitary sewer replacement in the alley between North Oakes and North Fife Streets and in North 17th to North 19th Streets - Specification No. G-075-83;
2. Hooper Electric Company on their bid of \$3,377.93 for aisle seat lights at the Pantages Theatre - Specification No. G-124-81;
3. H. D. Baker Company on their bid of \$14,918.60 for the purchase of additional Westinghouse panels for the Tacoma Municipal Building; and
4. Ray Bock Equipment Company on their bid of \$18,676.35 for a four-wheel drive tractor loader - Specification No. G-053-83.

Councilman Hyde moved that the Resolution, including waivers of formal bidding procedures for Purchase Items Nos. 1 and 2, be adopted. Seconded by Councilwoman Bichsel. Voice vote was taken and carried. The Resolution, including waivers of formal bidding procedures for Purchase Items Nos. 1 and 2, was declared adopted.

Resolution No. 27898

Authorizing the issuance of a Special Development Permit to Leonard Davis for the construction of a one-story, two-bedroom duplex in a "R-2SRD" Special Review District at the property located on the east side of East "E" Street at East 36th Street.

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. 27899

Releasing the pedestrian walkway easement near North 45th and Warner Streets.

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

UNFINISHED BUSINESS:

Mayor Sutherland announced that at the last meeting the Council had passed Ordinance No. 22925 and that an error in the legal description had been discovered. As he had voted on the prevailing side last week, he moved to reconsider Ordinance No. 22925 as corrected. Seconded by Deputy Mayor Nielsen. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 22925

Providing for the formation of L.I.D. 2578 for the placement of two-inch asphalt surface treatment on various streets in South Tacoma.

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, as corrected, was declared passed.

COMMENTS AND COMMITTEE REPORTS BY MEMBERS OF THE CITY COUNCIL:

Councilman Hawkins stated that there was an error in the back-up material and the Agenda title for Resolution No. 27899, and the street identified should have been North 35th rather than North 45th Street. Staff was directed to make the necessary corrections.

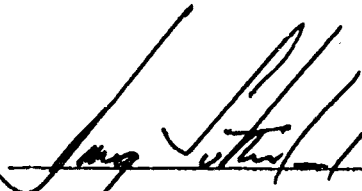
Mayor Sutherland announced that Kaiser Aluminum had a 25 minute presentation regarding energy, and he asked if the Council would be interested in viewing this at a future workshop.

Mayor Sutherland moved that the City Council authorize the City Attorney to negotiate and settle the claims of Theresa Adams and Richard Senesi vs. the City of Tacoma; and also the claims of O. C. Moore, Dhevin Moore and Mary L. Moore, et al, vs. the City of Tacoma in accordance with the recommendations made by the City Attorney to the Council. Seconded by Councilwoman Bichsel. Voice vote was taken and carried. The motion was declared adopted.

Mayor Sutherland moved to recess to Executive Session for purposes of discussing litigation. Seconded by Deputy Mayor Nielsen. Voice vote was taken and carried. Council recessed at 7:25 p.m. and reconvened at 7:54 p.m.

City Council Minutes - Page 8 - May 31, 1983

On proper motion, the meeting adjourned at 7:55 p.m.



DOUG SUTHERLAND, MAYOR

ATTEST: 

GENELLE BIRK, CITY CLERK

WPC.2352R