

CITY COUNCIL MINUTES

City Council Chambers
May 18, 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 Rasmussen.

CONSENT AGENDA

Approval of the minutes of the regular meeting of May 11, 1982.

RESOLUTIONS:

Resolution No. 27426

Setting Monday, June 14, 1982 at 5:00 p.m. as the date for hearing by the Hearings Examiner L.I.D. 5631 for the construction of water mains and fire hydrants in East "D" and East "E" Streets from 93rd to 96th Streets and in East 93rd Street from East "D" to East "E" Streets.

Resolution No. 27427

Setting Tuesday, June 1, 1982 at 6:00 p.m. as the date for a public hearing for the purpose of considering and adopting the Six Year Comprehensive Street Program for 1983 through 1988.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner's agenda for May 18, 1982.
- b. Minutes of the meeting of the Affirmative Action Advisory Committee, April 8, 1982.
- c. Minutes of the meeting of the Civil Service Board, May 3, 1982.
- d. Minutes of the meeting of the Public Utilities Board, April 28, 1982.
- e. Minutes of the meeting of the Tacoma Planning Commission, April 19, 1982.
- f. Budget Analysis of the Department of Public Utilities, First Quarter of 1982.

Councilwoman Bichsel moved that the Consent Agenda, including Resolution Nos. 27426 and 27427, be approved. Seconded by Deputy Mayor Nielsen. Voice vote was taken and carried. The Consent Agenda was declared approved.

REGULAR AGENDA

FINAL READING OF ORDINANCES:

Ordinance No. 22687 (Continued from the meeting of May 4, 1982)

Amending Chapter 13.06 of the Official Code regarding nonconforming uses.

Mayor Sutherland moved to suspend the rules to consider all Substitute Ordinances. Seconded by Councilman Hyde.

Councilman Kirby moved to suspend the rules to consider Substitute Ordinance No. 22687, Draft No. 5. Seconded by Councilman Hawkins.

Mayor Sutherland stated the motion now before them was to suspend the rules to consider all Substitute Ordinances and Draft No. 5. Voice vote was taken on the motion and carried.

Councilman Hyde withdrew his proposal in favor of Councilman Strege's amendment, Draft No. 5.

Deputy Mayor Nielsen moved to amend Page 4, Line 16, of Draft No. 5, under Section F - ALTERATIONS OR EXPANSIONS OF NONCONFORMING BUILDING, language that is underlined at the end of Line 16 and running through Line 18 be amended as follows "A building which is nonconforming as to use shall only be enlarged or extended within the confines of the lot occupied by said building as of the date of passage of this provision." Seconded by Councilwoman Bichsel.

Councilwoman Bichsel moved to set the Ordinance over for one week. Seconded by Councilman Rasmussen. Roll call vote was taken, resulting as follows: Ayes: 3 - Bichsel, Nielsen and Rasmussen. Nays: 6 - Hawkins, Hyde, Kirby, Ladenburg, Strege and Mayor Sutherland. The motion failed.

Voice vote was taken on Deputy Mayor Nielsen's amendment and failed.

Speaking in favor of Substitute Ordinance, Draft No. 5, was Gus Carlson, 8802 South Ainsworth, United Neighborhoods of Tacoma.

Roll call vote was taken on Substitute Ordinance, Draft No. 5, resulting as follows:

Ayes: 7 - Hawkins, Hyde, Kirby, Ladenburg, Rasmussen, Strege and Mayor Sutherland.

Nays: 1 - Nielsen.

Abstaining: 1 - Bichsel.

The Ordinance was declared passed.

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Ordinance No. 22656

Amending Chapter 13.06 of the Official Code to reclassify the west side of Steele Street between South 40th and South 41st Streets from an "R-2" to a "C-1" District. (George Barber)

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. 22674

Amending Chapter 13.06 of the Official Code to reclassify the area between South Steele Street and I-5 Freeway and between South 40th Street and South 43rd Street extended east, from an "R-2" to a "C-2" District. (Realbon Corporation)

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.

Substitute Ordinance No. 22696

Appropriating \$176,588.10, or so much thereof as may be necessary, from the Cumulative Reserve for Replacement of Fire Equipment Fund to purchase one 1500 GPM Triple Combination Pumper with a fifty-foot Telesqurt.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Abstaining: 1 - Hawkins.

The Ordinance was declared passed.

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Ordinance No. 22697

Amending Section 2.02.380 of the Official Code relating to the Building Code.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Abstaining: 1 - Hawkins.

The Ordinance was declared passed.

Ordinance No. 22698

Providing for the improvement of L.I.D. 5626 for the construction of water mains and fire hydrants in South "I" Street from South 94th to South 96th Streets.

Councilman Hyde moved to defer action on this Ordinance until July 27, 1982. Seconded by Mayor Sutherland. Voice vote was taken and carried. The Ordinance was set over until July 27, 1982.

Ordinance No. 22699

Providing for the improvement of L.I.D. 8337 for permanent paving and two-inch asphalt surface treatment on various streets in Northeast Tacoma.

Speaking in opposition to the Ordinance were Thomas H. Oldfield, Attorney, 1650 Interstate Plaza and James Lingo, 6402 21st Street NE.

Roll call vote was taken, resulting as follows:

Ayes: 5 - Bichsel, Hawkins, Nielsen, Rasmussen and Mayor Sutherland.

Nays: 4 - Hyde, Kirby, Ladenburg and Strege.

The Ordinance was declared passed.

Councilman Hawkins moved to recess for five minutes. Seconded by Mayor Sutherland. Voice vote was taken and carried. The Council called a recess at 6:02 p.m.

PUBLIC HEARINGS OR APPEALS: (6:15 p.m.)

This is the date set for a joint public hearing with the Tacoma Planning Commission to consider proposed amendments to the Official Code regarding the appropriate locations for, and regulation of, video games.

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Mayor Sutherland introduced members of the Planning Commission present at the Public Hearing: Paul Gray, Chairman; Matt Cleary, Rick Brown, Mike Wheeler and Deputy Mayor Nielsen.

Tom Dolan, Planning Department, gave a presentation regarding the locations for, and regulation of, video games.

Speaking on the proposed amendments were:

John Trevis, 3850 South "G" Street,
Del Callman, President of Vectonix Corp., P.O. Box 313, Tacoma,
Tim Faker, 2718 South Melrose Street, and
John Yancey, 9519 East "G" Street.

Councilman Hyde asked that staff look into having language regarding square footage be inserted in the Ordinance.

Mayor Sutherland declared the hearing closed at 6:45 p.m.

FIRST READING OF ORDINANCES:

Ordinance No. 22700

Amending Chapter 13.06 of the Official Code to reclassify the property located at the west side of Union Avenue, approximately 89 feet south of South 15th Street from an "R-2" to an "R-2-T" District. (Walter D. Widmeyer)

Mayor Sutherland stated that at the request of staff he has been asked to hold this Ordinance over for one week and so moved. Seconded by Councilman Hyde. Voice vote was taken and carried. The Ordinance was set over for first reading next week.

Ordinance No. 22701

Authorizing the execution of a grant award contract with the Washington State Arts Commission of \$1,500; accepting a donation of \$175 from Brown & Haley; depositing said sums in the Miscellaneous Grants Summary Fund; authorizing the transfer of \$1,500 from the General Fund Non-Departmental Account to the Miscellaneous Grants Summary Fund; appropriating the sum of \$3,175, or so much thereof as may be necessary, from the Miscellaneous Grants Summary Fund to provide funding for a series of temporary art installation for Art Bowl; 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. 22702

Amending Section 1.06.226 of the Official Code relating to the cancellation of amounts due to increase the authority of the City Manager and the Director of Utilities to write-off uncollectable accounts and claims.

The Ordinance was set over for final reading next week.

Ordinance No. 22703

Amending the Pay and Compensation Plan to implement rates for the International Brotherhood of Electrical Workers, Local 483, Light Division, and for Sludge Program Supervisor; amending certain job titles; and creating three new classifications.

The Ordinance was set over for final reading next week.

Ordinance No. 22704

Authorizing the execution of a grant award contract with the Economic Development Administration of \$18,510.00; appropriating said sum, or so much thereof as may be necessary from this Fund for economic development planning; 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.

RESOLUTIONS:

Resolution No. 27424 (Continued from the meeting of May 11, 1982)

Expressing the desire of the Tacoma City Council to conduct a structural analysis/feasibility study to consider possible transportation, retail and other uses of the Union Station and directing the City Manager to determine the eligibility of using Community Development Block Grant funds for such purpose.

Mayor Sutherland stated that motion to adopt this Resolution was made at last weeks' Council meeting.

Mayor Sutherland read a letter from Burlington Northern discussing their intentions regarding the Union Station.

Mayor Sutherland moved to table Resolution No. 27424. Seconded by Councilwoman Bichsel. Roll call vote was taken, resulting as follows: Ayes: 4 - Bichsel, Nielsen, Rasmussen and Mayor Sutherland. Nays: 5 - Hawkins, Hyde, Kirby, Ladenburg and Strege. The motion was declared failed.

Councilman Rasmussen moved to amend Page 2 by removing Lines 1, 2 and 3. Seconded by Councilwoman Bichsel.

Speaking to the Resolution, in general, was Eileen M. Lawrence of 1004 North Adams.

Speaking on the Resolution and the amendment were:
Katherine Van Wagenen, Allied Arts of Tacoma, 909 Broadway
Plaza,
Tim Faker, 2718 South Melrose, and
Gene Grulich, 615 North Starr.

Roll call vote was taken on Mr. Rasmussen's amendment, resulting as follows: Ayes: 4 - Bichsel, Nielsen, Rasmussen and Mayor Sutherland. Nays: 5 - Hawkins, Hyde, Kirby, Ladenburg and Strege. The motion was declared failed.

Councilman Ladenburg moved to amend Page 2 as follows: On Line 2, remove the words "such a study be conducted" and insert "Union Station be preserved," on Line 7, remove the words "such purpose" and insert "a structural analysis/feasibility study of Union Station," and add a new paragraph to read "BE IT FURTHER RESOLVED that the Urban Policy Committee, or any committees that they authorize, review and approve the scope and specifications of such a structural analysis/feasibility study, if the same be eligible for Community Development Funds, and, through the established consultant selection process recommend a consultant to the City Council to carry out the study and preserve and improve the Union Station and the surrounding property." Seconded by Councilman Strege. Roll call vote was taken, resulting as follows: Ayes: 5 - Hawkins, Hyde, Kirby, Ladenburg and Strege. Nays: 4 - Bichsel, Nielsen, Rasmussen and Mayor Sutherland. The amendment was declared adopted.

Roll call vote was taken on the Resolution, as amended, resulting as follows: Ayes: 5 - Hawkins, Hyde, Kirby, Ladenburg and Strege. Nays: 4 - Bichsel, Nielsen, Rasmussen and Mayor Sutherland. The Resolution, as amended, was declared adopted.

Purchase Resolution No. 27428

Awarding contracts to:

1. Case Underground Equipment on their bid of \$28,649.86 for one trencher - Specification No. G-65-82;
2. Woodworth and Company, Inc., on their bid of \$74,439.55 for L.I.D. No. LD2543 for two-inch asphalt surface treatment on various South End streets - Specification No. G-61-82;
3. Cavanaugh Lumber Company, on their bid of \$10,062.66 for wood sign posts - Specification No. G-66-82;
4. Oberbillig Enterprises, Inc. on their bid of \$27,575.28 for L.I.D.No. LD3839 for sanitary sewers on East 88th Street from "A" Street to East "B" Street and on 56th Avenue N.E. from 29th Street N.E. to 600 feet north - Specification No. G-54-82; and
5. General Repairs Co. on their bids for home repair - Specification No. G-68-82.

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. 27429

Authorizing the setting and charging of booth fees for Art Bowl.

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. 27430

Authorizing the installation of the Tacoma Bicentennial photograph exhibit in the Tacoma Municipal Building.

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. 27431

Authorizing the execution of Amendatory Agreement No. 1 to the Bonneville Power Administration Exportable Agreement.

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

Resolution No. 27432

Authorizing and fixing a new interest rate on outstanding General Obligation Stadium Warrants for the Tacoma Dome.

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. 27433

Authorizing the execution of a project prospectus and the submission of additional documentation for the Pacific Avenue, South 11th Street to South 14th Street project, and further authorizing the execution of an agreement for said project under the Urban Arterial Program.

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. 27434

Authorizing the execution of an amendatory agreement to the Contract for Sale with the Cornerstone Development Corporation.

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

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Resolution No. 27435

Approving the assignment of the Contract of Sale for the property located at the northwest corner of South 13th and Market Streets to the Young Men's Christian Association of Tacoma/Pierce County and further approving the redevelopment of such property as an athletic facility.

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

Resolution No. 27436

Authorizing the execution of a collective bargaining agreement with the International Brotherhood of Electrical Workers, Local 483, Light Division.

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

COMMENTS AND COMMITTEE REPORTS BY MEMBERS OF THE CITY COUNCIL:

Councilman Hawkins gave a report on his trip to Dallas of the American Planning Association Convention.

Deputy Mayor Nielsen stated that the Planning Commission has met regarding the Video Game Ordinance and following is a draft of what the Planning Commission is recommending: "The Planning Commission recommends that the Ordinance should not be acted on until there is a demonstration of fact that would show a need for additional land use regulations concerning the operation of video game centers within the City of Tacoma. According to the City Attorney, there should be a clear demonstration of fact and a reasonable connection between the proposed video game amendments and the health, safety and general welfare of the citizens of Tacoma.

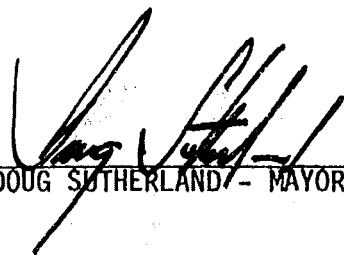
The Commission is also concerned about the equal protection issue described by the City Attorney in that there be some rational basis for regulating video games and other small devices.

In the event any regulations are deemed necessary, that such regulation would more appropriately come under licensing provision rather than Land Use Regulatory Code."


Mayor Sutherland moved to recess into Executive Session for purposes of discussing litigation. Seconded by Deputy Mayor Nielsen. Voice vote was taken and carried. Council recessed into Executive Session at 8:10 p.m. and reconvened at 8:24 p.m.

Mayor Sutherland moved to authorize settlement of claim of George R. and Sylvia M. Chapman as recommended by the City Attorney. Seconded by Deputy Mayor Nielsen. Voice vote was taken and carried.

On proper motion, the meeting adjourned at 8:25 p.m.



DOUG SUTHERLAND - MAYOR

Attest: 

H. B. BOND - CITY CLERK