

## CITY COUNCIL MINUTES

City Council Chambers  
September 10, 1985

The meeting was called to order at 5:06 p.m.

Present on roll call: 8 - Bichsel, Hyde, Kirby, Ladenburg, Rasmussen, Stenger, Warrnick, and Mayor Sutherland.

The Flag Salute was led by Council Member Stenger.

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### CONSENT AGENDA

Approval of the minutes of the regular meeting of September 3, 1985.

#### RESOLUTIONS:

##### Resolution No. 28894

Setting Tuesday, October 1, 1985 at 6:00 p.m. as the date for hearing by the City Council for a proposed use hearing for revenue sharing funds for the 1986 fiscal year.

#### ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner Agendas for Tuesday, September 10, 1985 and Thursday, September 12, 1985.
- b. Public Utility Board Agenda for Wednesday, September 11, 1985.
- c. Minutes of the meeting of the Public Utility Board, August 14, 1985.
- d. Amended minutes of the meeting of the Retirement Board, June 27, 1985.
- e. Minutes of the meeting of the Retirement Board, July 25, 1985.
- f. Minutes of the special meeting of the Retirement Board, August 15, 1985.
- g. Minutes of the meeting of the Tacoma-Pierce County Board of Health, July 3, 1985.
- h. Tacoma Employees' Retirement System - reports on purchases and sales of investments, July 1985.
- i. Monthly Financial Reports of the Belt Line Division, Data Processing Division, Fleet Services Fund, Light Division, Self-Insurance Claim Fund, and Water Division, July 1985.
- j. Report of the Director of Finance, July 1985.
- k. Draft South Tacoma Plan, September 1984 and Addendum dated August 26, 1985.

Council Member Bichsel moved that the Consent Agenda, including Resolution No. 28894, be approved. Seconded by Council Member Rasmussen. Voice vote was taken and carried. The Consent Agenda was declared approved.

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REGULAR AGENDA

ANNOUNCEMENTS, PRESENTATIONS, AND APPOINTMENTS:

Resolution No. 28895

Appointing members to various committees, boards, and commissions.

Mayor Sutherland 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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Mayor Sutherland moved to suspend the rules to allow Council Member Rasmussen to present a communication item. Seconded by Council Member Hyde. Voice vote was taken and carried. The motion was declared adopted.

Council Member Rasmussen reminded the Council of the September 14, 1985 All America City Run and distributed entry forms to the Council members.

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COMMUNICATIONS:

- a. Hearings Examiner submitting the request of Realbon Corporation for modification of a previously approved site plan to increase the square footage of a retail building by 500 square feet and increase the number of parking stalls for a development located on the southwest corner of the intersection of South 40th Street extended and Ferry Street extended. (Realbon Corporation; File Nos. 120.1103 and 127.221)

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

- b. Hearings Examiner recommending denial of the requests for the vacation of a portion of the scenic view point area abutting Narrows Drive and for variances on the west side of Narrows Drive between North 31st and North 35th Streets (extended west). (Russell I. and Barbara Walsh; File Nos. 124.782 and 130.2419A)

Gary Sullivan, Hearings Examiner, stated that an appeal was filed on this matter and that a hearing would be set for a future date. He stated that this item could be removed from the agenda.

Council Member Rasmussen moved to remove Communication Item b. from the agenda. Seconded by Council Member Rasmussen. Voice vote was taken and carried. The motion was declared adopted.

Communication Item b. was removed from the agenda.

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FINAL READING OF ORDINANCES:

Substitute Ordinance No. 23337

Amending Chapters 1.36, 12.06, 12.08, and 12.10 of the Official Code to establish a uniform schedule for miscellaneous utility customer charges and late payment fees.

Mayor Sutherland moved to suspend the rules to consider Second Substitute Ordinance No. 23337. Seconded by Council Member Hyde. Voice vote was taken and carried. The motion was declared adopted.

Mayor Sutherland stated that the Council would hear public testimony on Second Substitute Ordinance No. 23337.

Speaking to the Council were:

Howard R. Smith

1032 East 62nd Street

Council Member Hyde stated that the L.I.D. situation in regard to storm drains was confused and is subject to some litigation, and he felt it would be prudent not to levy penalties in that situation.

Robert J. Backstein, City Attorney, agreed with Council Member Hyde that until the matter was resolved in court, and since it was subject to interpretation, it would be prudent not to levy penalties.

Mozella Pooley

8041 East Sherwood

Roll call vote was taken, resulting as follows:

Ayes: 8 - Bichsel, Hyde, Kirby, Ladenburg, Rasmussen, Stenger, Warrick, and Mayor Sutherland.

Nays: 0.

The Second Substitute Ordinance was declared passed.

Ordinance No. 23406

Vacating the east 12 feet 4 inches of Tyler Street, south 120 feet from North 35th Street. (Kenneth S. Kessler; File No. 124.788)

Roll call vote was taken, resulting as follows:

Ayes: 7 - Bichsel, Hyde, Kirby, Ladenburg, Rasmussen, Warrick, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Stenger.

The Ordinance was declared passed.

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Substitute Ordinance No. 23462

Amending Chapter 5.26.010 of the Official Code to add a new subsection defining a "vicious dog."

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Stenger.

The Ordinance was declared passed.

Ordinance No. 23463 (Continued from meeting of September 3, 1985.)

Authorizing the execution of a grant agreement with the State of Washington in the amount of \$69,000.00; depositing said sum in the Miscellaneous Grants Summary Fund; transferring \$1,000.00 from the General Fund to the Miscellaneous Grants Summary Fund to match the grant; appropriating \$70,000.00 from the Miscellaneous Grants Summary Fund; and authorizing a temporary interest bearing loan of \$25,000.00 from the General Fund to the Miscellaneous Grants Summary Fund for the construction of a heliport at the Tacoma Dome.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Bichsel, Hyde, Kirby, Ladenburg, Rasmussen, Stenger, Harnick, and Mayor Sutherland.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 23469

Amending Section 1 of Ordinance No. 23451 to authorize the payment of \$22,500.00 for a downtown retail study to be conducted by the American City Corporation and the execution of an agreement with Tacoma-Pierce County Economic Development Board for the study.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Bichsel, Hyde, Kirby, Ladenburg, Stenger, Harnick, and Mayor Sutherland.

Nays: 0.

Abstaining: 1 - Rasmussen.

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The Ordinance was declared passed.

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FIRST READING OF ORDINANCES:

Substitute Ordinance No. 23465 (Continued from meeting of August 27, 1985.)

Amending Title 10 of the Official Code relative to the "1% For Art" Program.

Council Member Warrick moved to suspend the rules to consider Ordinance No. 23465-Substitute No. 2. Seconded by Council Member Rasmussen. Voice vote was taken and carried. The motion was declared adopted.

Council Member Kirby moved to amend Ordinance No. 23465-Substitute No. 2 on page 3, line 12, to read: "E. The City Council shall approve all purchases of artworks having a purchase price exceeding One Thousand Dollars (\$1,000.00)."

The motion failed due to lack of a second.

Council Member Kirby moved to amend Ordinance No. 23465-Substitute No. 2 on page 3, line 16, to read: "F. Henceforth, no single contract for the purchase of artwork shall exceed a total purchase of Fifty Thousand Dollars (\$50,000.00)." Seconded by Council Member Ladenburg. Voice vote was taken and carried. The motion was declared adopted.

Mayor Sutherland moved that Ordinance No. 23465-Substitute No. 2, as amended, be moved to second reading. Seconded by Council Member Warrick.

Council Member Ladenburg suggested, as a friendly amendment, that the Ordinance be moved to second reading and to allow public testimony on this before the Council votes on it, and also to combine it with the two Resolutions proposed for later in the meeting after the Library Awards Program.

Mayor Sutherland stated that further discussions would be had on the Ordinance after completion of the Library Summer Reading Program Awards.

Mayor Sutherland moved to suspend consideration of the Resolutions, pending completion of the awards ceremony. Seconded by Council Member Hyde. Voice vote was taken and carried. The motion was declared adopted.

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PRESENTATION OF LIBRARY SUMMER READING PROGRAM AWARDS. (Began at 6:00 p.m.)

Mayor Sutherland and members of the City Council presented certificates to children receiving awards for their participation in the Tacoma Public Library Summer Reading Program.

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Mayor Sutherland stated that Council was still in the process of considering Substitute Ordinance No. 23465 - Substitute No. 2, as amended.

Mayor Sutherland stated that the Council would next consider the two Resolutions relative to this same issue and then come back to Substitute Ordinance No. 23465 - Substitute No. 2, as amended.

Mayor Sutherland moved to suspend the rules to consider Resolution No. 28903 and Resolution No. 28904. Seconded by Council Member Stenger. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 28903

WHEREAS a petition signed by registered voters equal in number to at least ten percent of the total votes cast at the last preceding councilmanic election has been transmitted to the City Council pursuant to the provisions of Tacoma City Charter Section 2.19, and

WHEREAS it is the collective judgment of the City Council that said initiative should be referred to a vote of the people; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the initiative petition presently before the Council, the purpose of which, generally stated, is to repeal City of Tacoma Code Chapter 10.28, generally known as the city of Tacoma One Percent for the Arts Program, shall be and is hereby submitted to the qualified electors of the City of Tacoma for their consideration under the following ballot title:

SHALL TACOMA CITY CODE CHAPTER 10.28, ENTITLED "ART IN CITY CONSTRUCTION PROJECTS", AND COMMONLY KNOWN AS THE ONE PERCENT FOR THE ARTS PROGRAM, BE REPEALED IN ITS ENTIRETY?

BE IT FURTHER RESOLVED that the proper officers of the City of Tacoma be and they are hereby directed and authorized to transmit the ballot measure herein described to the Pierce County Auditor and request that the same be placed on the upcoming general municipal election ballot for a vote of the people on November 5, 1985.

Mayor Sutherland moved to adopt Resolution No. 28903. Seconded by Council Member Hyde.

Roll call vote was taken, resulting as follows: Ayes: 8 - Bichsel, Hyde, Kirby, Rasmussen, Stenger, Warnick, and Mayor Sutherland. Nays: 0. The Resolution was declared adopted.

Mayor Sutherland moved to adopt Resolution No. 28904. Seconded by Council Member Bichsel.

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Resolution No. 28904

WHEREAS there has been proposed for adoption Second Substitute Ordinance No. 23465, which proposed ordinance makes certain amendments to Tacoma City Code Chapter 10.28, entitled "Art in City Construction Projects", commonly known as the One Percent for the Arts Program, and

WHEREAS it is the collective judgment of the Council that such proposed ordinance should be submitted to the qualified electors of the City of Tacoma for their approval or rejection, pursuant to the provisions of Tacoma City Charter Section 2.23; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That proposed Second Substitute Tacoma City Ordinance No. 23465 shall be submitted to a vote of the people in the next upcoming general election, pursuant to Tacoma City Charter Section 2.23 under the following ballot title:

SHALL TACOMA CITY ORDINANCE NO. 23465 (AN ORDINANCE WHICH CREATES A REVISED "ONE PERCENT FOR THE ARTS" PROGRAM), PROVIDING FOR APPROPRIATIONS OF 1% OF THE VALUE OF CITY CONSTRUCTION PROJECTS FOR ART WORKS AND SETTING FORTH PROCEDURES AND LIMITATIONS, BE ENACTED?

BE IT FURTHER RESOLVED that the proper officers of the City of Tacoma be and they are hereby directed and authorized to submit the ballot measure herein described to the Pierce County Auditor and request that said measure be placed on the next upcoming general election ballot for a vote of the people on November 5, 1985.

Speaking to the Council were:

Beth Jensen

President, Tacoma Arts  
Commission

Janet Ash  
Beverly Spry

Tacoma Arts Commission  
9233 South Fawcett

Council Member Stenger moved to amend Resolution No. 28904 on line 17 to insert the word "spending" between the words "and" and "limitations." Seconded by Council Member Rasmussen. Voice vote was taken and carried. The motion was declared adopted.

Roll call vote was taken on the Resolution, as amended, resulting as follows: Ayes: 4 - Bichsel, Rasmussen, Stenger, and Mayor Sutherland. Nays: 4 - Hyde Kirby, Ladenburg, and Warnick.

Mayor Sutherland stated that the vote was a tie and the Resolution therefore failed.

Council Member Warnick changed his vote from "Nay" to "Aye."

Council Member Hyde requested clarification by the City Attorney regarding changing of a vote.

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Robert J. Backstein, City Attorney, stated that this was permissible under Council rules.

Mayor Sutherland stated that, with the vote change, to five "ayes" and three "nays," the Resolution was adopted as amended.

Mayor Sutherland moved to suspend the rules to consider further testimony on Substitute Ordinance No. 23465-Substitute No. 2, as amended. Seconded by Council Member Hyde. Voice vote was taken and carried. The motion was declared adopted.

Council Member Bichsel moved to set over for final reading on November 12, 1985, Ordinance No. 23465-Substitute No. 2, as amended, and to allow for public testimony at that time. Seconded by Council Member Rasmussen. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 23465-Substitute No. 2, as amended, will have final reading at the regular City Council meeting of November 12, 1985.

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Ordinance No. 23470

Vacating portions of North 2nd and "E" Streets in the vicinity of Stadium High School to combine the abutting properties to allow addition and/or improvement to the Stadium High School site. (Tacoma School District No. 10; File No. 124.795)

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

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RESOLUTIONS:

Purchase Resolution No. 28896

Awarding contracts to:

1. Tucci & Sons, Inc. on their bid of \$30,070.80 for an access roadway to traffic signal shop in the vicinity of South 34th Street and Orchard Street - Specification No. G-136-85;
2. Woodworth & Company, Inc., on their bid of \$41,282.00 for roadway construction on North 29th Street from White Street to Steele Street - Specification No. G-132-85
3. Woodworth & Company, Inc. on their bid of \$138,810.20 for street paving on South 85th Street from "J" Street to Thompson Avenue on South 88th Street from Sheridan Avenue to "M" Street - L.I.D. Nos. LD8428 and LD5664 - Specification No. G-122-85;
4. M. A. Segale, Inc., on their bid of \$50,051.00 for street paving on South Lawrence Street from Center Street to South 35th Street - L.I.D. No. LD2598 - Specification No. G-116-85;

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5. Modern Builders, Inc. on their bid of \$56,400.96 for remodeling of the Eastside Recreation Center - Specification No. G-111-85; and
6. Rejecting all bids for safety supplies - Specification No. G-104-85.

Council Member Hyde 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. 28897

Authorizing execution of an agreement with the Pierce County Juvenile Court in the amount of \$16,000.00 to provide part-time supervisors and in-kind support services for the Community Services by Youth Project.

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

Resolution No. 28898

Authorizing execution of an agreement with the Pierce County Community Action Agency in the amount of \$38,737.00 to provide budget counseling for low and moderate income individuals experiencing mortgage or rental delinquencies.

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

Resolution No. 28899

Authorizing execution of an Extension of Lease agreement with The Good-Ward Corporation for space at 1925 Commerce Street for the Home Repair Section of the Community Development Department from October 1, 1985 to September 30, 1986.

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. 28900

Authorizing the acquisition of two parcels of property in the China Lake Open Space area.

Council Member Rasmussen moved to suspend the rules to consider Substitute Resolution No. 28900. Seconded by Council Member Stenger. Voice vote was taken and carried. The motion was declared adopted.

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

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Resolution No. 28901

Authorizing execution of an agreement with Block Bros. Industries (USA) Inc., Western Savings and Loan Association, and Tacoma Land Co. to investigate the feasibility of forming a local improvement district to construct an arterial roadway with storm drainage from Brown's Point Boulevard at 51st Street Northeast to Hoyt Road at 340th Street Southwest in King County and further authorizing the execution of an agreement with Washington Appraisal Services, Inc. to perform appraisal services in connection with the proposed local improvement district.

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

Resolution No. 28902

Authorizing the execution of an agreement with Pierce County to discharge sanitary sewage from University Place into Tacoma's Western Slopes Sewer System.

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

  
DOUG SUTHERLAND, MAYOR

ATTEST:

  
GENELLE BIRK, CITY CLERK

WPC.3611G

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