

CITY COUNCIL MINUTES

City Council Chambers
April 30, 1985

The meeting was called to order at 5:05 p.m.

Present on roll call: 8 - Bichsel, Hyde, Ladenburg, Rasmussen, Stenger, Strege, Warrnick, and Mayor Sutherland. Absent: 1 - Kirby. (Council Member Kirby arrived at 5:57 p.m.)

The Flag Salute was led by Council Member Bichsel.

CONSENT AGENDA

Approval of the minutes of the regular meeting of April 23, 1985.

RESOLUTIONS:

Resolution No. 28745

Setting Tuesday, June 4, 1985 at 6:00 p.m. as the date for public hearing by the City Council on the South Tacoma Plan.

Resolution No. 28746

Setting Tuesday, June 25, 1985 at 1:30 p.m. as the date for hearing by the Hearings Examiner the request to vacate Ferry Street between South 19th and South 23rd Streets, South 21st Street between State Street and Sprague Avenue and adjacent alleys; also, small portions of Steele and South 25th Streets, and of an adjacent alley, all south of Tribune Business Park Addition No. 1. (Tribune Communication Company; File No. 124.793)

Resolution No. 28755

Setting Tuesday, June 18, 1985 at 9:30 a.m. as the date for hearing by the Hearings Examiner the request to vacate portions of Kitsap Place, Rainier Place North, Rainier Place South, Montana Avenue, California Avenue, and King Place in Lincoln Heights. (Lincoln Center Associates; File No. 124.794)

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APPEALS:

A. J. Films d/b/a Rex Theatre appealing the decision of the Hearings Examiner to uphold the jeopardy assessment of the Tacoma Department of Tax and License Audit-Assessment Notice No. T-30888.

Setting Tuesday, May 7, 1985 at 6:00 p.m. as the date for hearing by the City Council.

ASSESSMENT ROLLS:

The Director of Public Utilities presents the Assessment Roll for the following:

L.I.D. No. 5649 for a water main in East 54th and East 55th Streets from McKinley Avenue to East "G" Street and in East "G" Street from East 54th Street to East 55th Street.

Setting Monday, June 24, 1985 at 5:00 p.m. as the date for hearing by the Hearings Examiner.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner Agenda, Tuesday, April 30, 1985.
- b. Minutes of the meeting of the Appointments Committee, April 15, 1985.
- c. Minutes of the meetings of the City - Park District Advisory Committee, February 13, 1985.
- d. Minutes of the meeting of the Human Rights Commission, March 21, 1985.
- e. Minutes of the meeting of the Landmarks Preservation Commission, April 10, 1985.
- f. Minutes of the meeting of the Tacoma Beautification Committee, March 20, 1985.
- g. Minutes of the meeting of the Tacoma Employees' Retirement System Investment Committee, March 14, 1985.
- h. Municipal Research & Services Center of Washington Information Bulletin No. 430, "Washington Model Traffic Ordinance," January 1985.
- i. Monthly Report of Tacoma Police Department, March 1985.

Deputy Mayor Strege moved that the Consent Agenda, including Resolution Nos. 28745, 28746, and 28755, be approved. Seconded by Council Member Bichsel.

Mayor Sutherland moved to amend Resolution No. 28746 on page 1, line 21, by striking the time of "1:30 p.m." and inserting the time of "10:30 a.m." Seconded by Council Member Rasmussen. Voice vote was taken and carried. The motion was declared adopted.

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Voice vote was taken and carried on the Consent Agenda, including Resolution Nos. 28745, 28746 (as amended), and 28755. The Consent Agenda, as amended, was declared approved.

Mayor Sutherland proclaimed the month of May, 1985, to be "Better Hearing and Speech Month," and presented the proclamation to Ms. Ruth Rhody of the Quota Club.

Mayor Sutherland moved to recess to Executive Session to discuss pending litigation. Seconded by Council Member Harnick. Voice vote was taken and carried. The motion was declared adopted.

Council recessed to Executive Session at 5:16 p.m. and reconvened at 5:57 p.m.

Council Member Kirby arrived at 5:57 p.m.

REGULAR AGENDA

ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS:

Presentation of suggestion award.

Mayor Sutherland presented a certificate and a cash award to Mr. Glenn J. Nigh, of the Public Works Department, for his suggestion to make rubber wear flighting for the grit auger at Treatment Plant #3 from raw materials instead of purchasing them.

COMMUNICATIONS:

- a. Hearings Examiner submitting Shoreline Management Substantial Development Conditional Use Permit No. 141.356 to allow construction of an outside over-water deck addition to an existing over-water restaurant (The Bay Company, formerly Clinkerdaggers) and to allow the repositioning and reconstruction of an existing gangway and float located on the northerly side of Ruston Way adjacent to Warner Street extended (3327 Ruston Way). (C. W. Brasier; File No. 141.356)

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: 9 - Bichsel, Hyde, Kirby, Ladenburg, Rasmussen, Stenger, Strege, Warnick, and Mayor Sutherland. Nays: 0. The motion was declared adopted.

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- b. Hearings Examiner recommending approval of the request of Vyzis Company for modification of a site plan for a project to be located at the Sixth Avenue Plaza shopping center on the north side of Sixth Avenue between Shirley Street extended north and a line approximately 500 feet west of Orchard Street. (Vyzis Company; File Nos. 120.1074, 127.202 & 130.2329)

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.

FINAL READING OF ORDINANCES:

Ordinance No. 23379 (Continued from the meeting of April 16, 1985.)

Providing for the formation of L.I.D. No. 8428 for the placement of permanent paving on South 88th Street from South "M" Street to Sheridan Avenue and South 85th Street from Thompson Avenue to South "J" Street.

Council Member Ladenburg stated that he has both a personal and professional relationship with Mr. Peter Kram, Hearings Examiner, but that this would not affect his decision on this matter.

Speaking to the Council was:

Lee Sorensen

1062 South 88th Street

Council Member Kirby moved to vote on the two L.I.D. segments separately. Seconded by Deputy Mayor Strege. Voice vote was taken and carried. The motion was declared adopted.

Roll call vote was taken on L.I.D. No. 8428 - Segment No. 1, resulting as follows:

Ayes: 7 - Bichsel, Hyde, Ladenburg, Rasmussen, Stenger, Warnick, and Mayor Sutherland.

Nays: 2 - Kirby and Strege.

Roll call vote was taken on L.I.D. No. 8428 - Segment No. 2, resulting as follows:

Ayes: 9 - Bichsel, Hyde, Kirby, Ladenburg, Rasmussen, Stenger, Strege, Warnick, and Mayor Sutherland.

Nays: 0.

L.I.D. No. 8428 - Segment Nos. 1 and 2 were declared approved and the Ordinance was declared passed.

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Ordinance No. 23381 (Continued from the meeting of April 23, 1985.)

Appropriating \$7,000,000.00 from the Cumulative Reserve Fund for Supplemental Purchases of Electric Energy for the purpose of paying the increased costs of purchasing Electric Energy to serve the needs of the customers of the Light Division of the Department of Public Utilities for the year 1985, and declaring an emergency making necessary the passage of this ordinance.

Deputy Mayor Strege moved to suspend the rules to consider Substitute Ordinance No. 23381. Seconded by Council Member Hyde. Voice vote was taken and carried. The motion was declared adopted.

Roll call vote was taken on the Substitute Ordinance, resulting as follows:

Ayes: 9 - Bichsel, Hyde, Kirby, Ladenburg, Rasmussen, Stenger, Strege, Warrick, and Mayor Sutherland.

Nays: 0.

The Substitute Ordinance was declared passed.

Mayor Sutherland stated that the Council would consider the Citizen's Request to be Heard next.

CITIZEN'S REQUEST TO BE HEARD:

Mr. Randolph Carter requesting to speak regarding the subject of apartheid in South Africa.

Mr. Carter of the American Friends' Service Committee spoke to the Council regarding this matter.

Council Member Ladenburg requested an opinion from the City Attorney as to whether or not the City can pass an Ordinance that would restrict the ability of the City to purchase goods and materials from certain organizations or businesses that are involved in South Africa.

Ordinance No. 23361

Amending Chapter 13.06 of the Official Code to reclassify the property located on the northeast corner of North 11th Street and Pearl Street from an "R-2" One-Family Dwelling District to a "C-1" Commercial District to allow an existing service station to be remodeled to include a convenience store. (Mid Oil Company; File No. 120.1106)

Roll call vote was taken, resulting as follows:

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Ayes: 9 - Bichsel, Hyde, Kirby, Ladenburg, Rasmussen, Stenger, Strage, Warrick, and Mayor Sutherland.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 23368

Amending Chapter 13.06 of the Official Code to reclassify the property located on the northeast corner of South 76th Street extended and South Tacoma Way (7455 South Tacoma Way) from an "R-2" One-Family Dwelling District to a "C-2" Commercial District. (South Tacoma Nissan, Inc.; File No. 120.1108)

Speaking to the council was:

Tom Krilich

Attorney representing
South Tacoma Nissan, Inc.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Bichsel, Hyde, Kirby, Ladenburg, Rasmussen, Stenger, Strage, Warrick, and Mayor Sutherland.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 23382

Amending Chapter 2.04 of the Official Code to revise the Electrical Codes to incorporate changes in the State and National Electrical Codes.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Bichsel, Hyde, Kirby, Ladenburg, Rasmussen, Stenger, Strage, Warrick, and Mayor Sutherland.

Nays: 0.

The Ordinance was declared passed.

Ordinance No. 23386

Renaming of South 10th Street from Yakima Avenue east to the County-City Building, Nollmeyer Lane in honor of Police Patrol Officer Craig Nollmeyer who was killed in the line of duty on January 24, 1985.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Bichsel, Hyde, Kirby, Ladenburg, Rasmussen, Stenger, Strage, Warrick, and Mayor Sutherland.

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Nays: 0.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 23387

Vacating a portion of East Division Lane, easterly of East "T" Street, retaining and reserving therein an easement for the construction, repair and maintenance of public utilities and services to expand and modernize the existing Roosevelt Elementary School. (Tacoma School District No. 10; File No. 124.789)

Mayor Sutherland 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.

Ordinance No. 23388

Accepting a contribution of \$9,150.00 from the Tacoma Community College Foundation and appropriating the sum of \$18,300.00 from the Miscellaneous Grants Summary Fund for a series of ten concerts as part of Tacoma's First International Sister City Music Festival.

The Ordinance was set over for final reading next week.

Ordinance No. 23389

Amending the Pay & Compensation Plan to implement 1985 rates of pay in accordance with collective bargaining agreements with the International Federation of Professional and Technical Engineers Local 17, and Teamsters, Chauffeurs, Warehousemen and Helpers Union Local 313, and establishing the classifications of Road Use Compliance Officer and Sewer Equipment Operator.

The Ordinance was set over for final reading next week.

RESOLUTIONS:

Resolution No. 28732 (Continued from the meeting of April 16, 1985.)

Authorizing the execution of an agreement with the South King County Regional Water Association and four associated utilities for the purchase of 15 million gallons of water per day from the Water Division's proposed second Green River diversion, the Pipeline 5 Project, and for assistance with the funding of the City's financing costs for the Project.

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

Deputy Mayor Strege requested clarification of a section of a legal opinion pertaining to the Resolution, provided by the law firm of Preston, Thorgrimson, Ellis and Holman, which links the gross earnings tax with necessary utilities operating expenses as opposed to other costs. He requested a legal opinion that stated whether or not the City would be in compliance when the 8% tax is assessed on the total costs of utilities operations.

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

Purchase Resolution No. 28747

Awarding Contracts to:

1. C. E. & C. Construction, Inc. on their bid of \$2,500.00 for Tacoma Police Department/County-City Building construction - Specification No. G-086-84;
2. Union Oil on their bid of \$15,992.82 and Griffin Galbraith Fuel Company on their bid of \$2,808.18 for chassis lube, gear oil and transmission fluid - Pierce Transit Specification No. PT-08-85;
3. Woodworth & Company, Inc. on their bid of \$573,314.80 for arterial street widening on Portland Avenue from Fairbanks to East 29th Street - Specification No. G-047-85;
4. DJR Contractors, Inc on their bid of \$66,750.00 for Spring 1985 type "A" catch basin replacement program - Specification No. G-050-85; and
5. Norris Paint on their bid of \$12,318.04 for traffic line paint - Washington State Contract No. 41-85.

Deputy Mayor Strege moved that the Purchase Resolution, including waiving the formal bidding procedures on Item No. 1, be adopted. Seconded by Council Member Stenger.

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

Resolution No. 28748

Authorizing the execution of Amendment No. 2 to the Urban Development Action Grant Agreement with the U.S. Department of Housing and Urban Development for completion of the Tacoma Holiday Inn Project.

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

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Resolution No. 28749

Authorizing the execution of a change order to increase the maximum total compensation by the sum of \$100,000.00 to be paid to PRC Engineering for design of secondary treatment facilities.

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

Resolution No. 28750

Authorizing the execution of an agreement with Pierce County for the construction of a storm sewer in portions of South 19th Street and Crystal Springs Drive.

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

Resolution No. 28751

Authorizing the execution of an agreement with the City of Puyallup for utilization of Tacoma's Equipment Rental fund Automated Self-service Fuel Dispensing System.

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

Resolution No. 28752

Authorizing the execution of a revised agreement with Energy Products of Idaho for the renovation and operation of the Light Division's Steam Plant No. 2 as a cogeneration facility.

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

Resolution No. 28753

Authorizing the execution of a collective bargaining agreement with the International Federation of Professional and Technical Engineers, Local 17 effective January 1, 1985 through December 31, 1986.

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

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Resolution No. 28754

Authorizing the execution of a Memorandum of Agreement with the Teamsters, Chauffeurs, Warehousemen and Helpers Union Local 313 effective January 1, 1985 through December 31, 1986.

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

Mayor Sutherland moved to suspend the rules to consider Resolution No. 28756. Seconded by Deputy Mayor Strege. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 28756

Appointing Councilman Peter Rasmussen to the Pierce Transit Board of Commissioners for a term expiring on April 30, 1988.

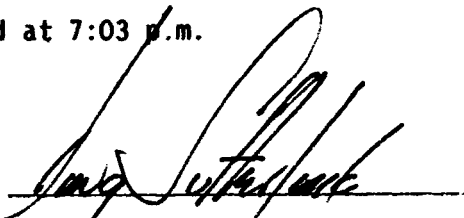
Voice vote was taken and carried. The Resolution was declared adopted.

COMMENTS AND COMMITTEE REPORTS BY MEMBERS OF THE CITY COUNCIL:

Council Member Warnick requested information from the City Manager as to the administrative authority of the Public Works Department to deny building permits.

Council Member Kirby moved to excuse Council Member Rasmussen from the Council meeting of April 23, 1985. Seconded by Council Member Rasmussen. Voice vote was taken and carried. The motion was declared adopted.

On proper motion, the meeting adjourned at 7:03 p.m.



DOUG SUTHERLAND, MAYOR

ATTEST:



GENELLE BIRK, CITY CLERK

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