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CITY COUNCIL MINUTES

City Council Chambers
February 24, 1981

The meeting was called to order at 5:09 p.m.

Present on roll call: 7 - Bichsel, Hyde, Kirby, Nielsen, Rasmussen, Strege, Sutherland. Absent: 2 - Hawkins, Mayor Parker. Councilman Hawkins arrived at 5:11 p.m.

The Flag Salute was led by Deputy Mayor Nielsen.

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

Approval of the minutes of the regular meetings of February 10 and 17, 1981.

APPEALS:

DentiCare of Washington, Inc., appealing assessment notices A 14723 and AD 1663 of the Department of Tax and License.

Setting Thursday, March 12, 1981, at 1:30 p.m. as the date for hearing by the Hearings Examiner.

ASSESSMENT ROLLS:

The Directors of Public Works and Public Utilities present Assessment Rolls for the following:

L.I.D. No. 3824, constructing sanitary sewers in East George Street from Roosevelt Avenue east to dead end and in the alley between East George Street and East 38th Street from Roosevelt Avenue, east to dead end.

L.I.D. No. 5604, constructing water mains on Trafton Street from South 12th Street to Melrose Street.

Fixing Monday, March 23, 1981, at 5:00 p.m. as the date for hearing by the Hearings Examiner.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Minutes of the regular meeting of the Tacoma-Pierce County Board of Health, January 14, 1981.
- b. Minutes of the business meeting of the Tacoma Human Relations Commission, January 15, 1981.
- c. Minutes of the regular meeting of the Tacoma Public Library Board of Trustees, January 20, 1981.

- d. Minutes of the meeting of the Municipal Authority, January 29, 1981.

Councilwoman Bichsel moved that the Consent Agenda be approved. Seconded by Councilman Rasmussen. Voice vote was taken and carried. The Consent Agenda was declared approved.

R E G U L A R A G E N D A

COMMUNICATIONS:

- a. Hearings Examiner recommending approval of certain conditions of approval ordered by the Shorelines Hearing Board for Shoreline Management Substantial Development/Conditional Use/Variance Permit of William Hanson and O'Neill Blacker, located on the east side of Tacoma Narrows between Point Defiance Park and the Narrows Bridge (Lot 101 Salmon Beach).

Councilman Hawkins arrived at 5:11 p.m.

Councilwoman Bichsel moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Councilman Rasmussen. Roll call vote was taken, resulting as follows: Ayes: 8 - Bichsel, Hawkins, Hyde, Kirby, Nielsen, Rasmussen, Strege, Sutherland. Nays: 0. Absent: 1 - Mayor Parker.

- b. Hearings Examiner recommending approval of revision to Shoreline Management Substantial Development Permit No. 141.223 of Marine Technical Services, located on the southerly side of Marine View Drive at approx. Highline Drive (2218 Marine View Drive).

Councilman Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Councilwoman Bichsel. Roll call vote was taken, resulting as follows: Ayes: 8 - Bichsel, Hawkins, Hyde, Kirby, Nielsen, Rasmussen, Strege, Sutherland. Nays: 0. Absent: 1 - Mayor Parker.

- c. Hearings Examiner advising he has approved the request of Transcanada Enterprises for a one-year extension of Preliminary Plat for Dash Point Estates.

Deputy Mayor Nielsen advised that this is informational only and no action is required.

- d. Hearings Examiner advising that he has dismissed the appeal of Judith A. Nilsen on denial of her application for a Scrap Metal - Class 3 License.

Deputy Mayor Nielsen advised that this is informational only and no action is required.

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FINAL READING OF ORDINANCES:

Ordinance No. 22316

Amending Chapter 11.22 of the Official Code relative to parade permits and implementing a permit fee.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Mayor Parker.

The Ordinance was declared passed.

Ordinance No. 22317

Authorizing execution of an agreement with Pierce County in the amount of \$30,000 as the County's contribution to programs administered by the Civic Arts Commission; appropriating \$30,000, or so much thereof as may be necessary, from the General Fund; 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: 8 - Bichsel, Hawkins, Hyde, Kirby, Nielsen, Rasmussen, Strege, and Sutherland.

Nays: 0.

Absent: 1 - Mayor Parker

The Ordinance was declared passed.

Ordinance No. 22318

Authorizing execution of a grant award contract with the National Endowment for the Arts for \$17,500; transferring \$10,000 (representing the 1981 Pierce County appropriation) from the General Fund to the Neighborhood Arts Program; and appropriating \$27,500, or so much thereof as may be necessary, from said fund for implementing the third year of the Civic Arts Commission's Neighborhood Arts Program.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Mayor Parker

The Ordinance was declared passed.

Ordinance No. 22319

Amending the Pay and Compensation Plan to implement 1981 rates for a contract negotiated with Lodge #160 IAM and AW and establishing a part-time classification for Student Interns.

Roll call vote was taken, resulting as follows:

Ayes: 7 - Bichsel, Hyde, Kirby, Nielsen, Rasmussen, Strege, and Sutherland.

Nays: 1 - Hawkins.

Absent: 1 - Mayor Parker

The Ordinance was declared passed.

Ordinance No. 22321

Repealing Subsection 102 of Section 11.36.100 of the Official Code, relative to removing Park Avenue from the 30 mph speed limit designation.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Mayor Parker

The Ordinance was declared passed.

Ordinance No. 22322

Appropriating \$150,900, or so much thereof as may be necessary, from the Equipment Rental Capital Outlay Fund, Account "B", to purchase three items of equipment to maintain the street lighting system 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: 2 - Bichsel and Rasmussen.

Nays: 6 - Hawkins, Hyde, Kirby, Nielsen, Strege, and Sutherland

Absent: 1 - Mayor Parker.

The Ordinance was declared failed.

Ordinance No. 22323

Appropriating \$15,000, or so much thereof as may be necessary, from the Library Grant Revolving Fund to provide funding for planning and delivery of library services in future years.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Mayor Parker.

The Ordinance was declared passed.

Ordinance No. 22324

Amending Chapter 13.06 of the Official Code to reclassify 49th Avenue N.E. and 33rd Street N.E., northeast, southeast and southwest corners, from an "R-2" and "C-1" to an "R-2", "R-4-L" and "R-4-LT" District. (City of Tacoma)

Deputy Mayor Nielsen moved to continue this ordinance to March 10, 1981. Seconded by Councilman Strege. Voice vote was taken and carried. The ordinance was continued to March 10, 1981.

Ordinance No. 22325

Transferring \$8,355.07 from the Contingency Fund to the General Fund, appropriating said sum, or so much thereof as may be necessary, from the General Fund to fund a part-time position of Program Assistant in the Office of Intergovernmental Affairs, and declaring an emergency making necessary the passage of this ordinance and its taking effect immediately upon publication.

Councilman Rasmussen moved to amend the Ordinance to change the dollar amount to \$16,700 from the Contingency Fund. Seconded by Councilman Sutherland. Voice vote was taken and carried with Councilman Hawkins voting No.

Deputy Mayor Nielsen moved to further amend the Ordinance by changing the position from part-time to full-time. Seconded by Councilman Kirby. Voice vote was taken and carried.

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

Ayes: 7 - Bichsel, Hyde, Kirby, Nielsen, Rasmussen, Strege, and Sutherland.

Nays: 1 - Hawkins.

Absent: 1 - Mayor Parker.

The amended Ordinance was declared passed.

Ordinance No. 22326

Approving and confirming the assessment roll for L.I.D. 5595 for constructing water mains in East 88th from East "D" to East "F" and East "E" from East 88th to East 91st Street.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Mayor Parker.

The Ordinance was declared passed.

Ordinance No. 22327

Approving and confirming the assessment roll for L.I.D. 6955 for installing street lights on East "E" from East 72nd to 600 feet south of East 75th Street.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Mayor Parker.

The Ordinance was declared passed.

Ordinance No. 22328

Approving and confirming the assessment roll for L.I.D. 8254 for permanent paving on East 58th from McKinley Avenue to East "E", East "Q" from East 62nd to East 64th and East 63rd from Portland Avenue to East "Q" Street.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Mayor Parker

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 22314 (Continued from the meeting of February 17, 1981)

Amending Sections 8.44.020 through 8.44.050 of the Official Code relative to fines and penalties on Tacoma Public Library materials which are not returned.

The Ordinance was set over for final reading next week.

Ordinance No. 22329

Authorizing execution of a grant award contract with the Heritage Conservation and Recreation Service, Department of the Interior for \$7,500 and depositing said sum in the Miscellaneous Grants Summary Fund; transferring \$7,500 from the Medical Arts Building Construction Fund to the Miscellaneous Grants Summary Fund, and appropriating \$15,000, or so much thereof as may be necessary, for the purpose of restoring and rehabilitating the gold work in the ceilings and the three-story stairwell wall of the lobby of the Medical Arts Building.

The Ordinance was set over for final reading next week.

Ordinance No. 22330

Amending Chapter 5.20 of the Official Code by adding a new section relative to sale of refuse derived fuel.

The Ordinance was set over for final reading next week.

Ordinance No. 22331

Amending Chapter 13.06 of the Official Code to reclassify the northeast, southeast and southwest corners of 45th Street NE and Highpoint Drive (Norpoint Way NE) from a "C-1" to an "R-3-T" District. (City of Tacoma)

Councilman Hyde moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Councilwoman Bichsel. Voice vote was taken and carried.

The Ordinance was set over for final reading to a date to be determined.

Ordinance No. 22332

Amending Chapter 13.06 of the Official Code to reclassify the area 112 feet west of Pacific Avenue between South 82nd and South 84th from a "C-1" to a "C-2" District. (Benco, Inc.)

Councilwoman Bichsel moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Councilman Rasmussen. Voice vote was taken and carried.

The Ordinance was set over for final reading to a date to be determined.

Ordinance No. 22333

Amending Chapter 13.06 of the Official Code to reclassify the south-east corner of North 11th and Pearl Streets from an "R-2" and "C-1" to a "C-P-N" District. (Pearl Street Associates)

Councilman Hyde moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Councilwoman Bichsel. Voice vote was taken and carried.

The Ordinance was set over for final reading to a date to be determined.

RESOLUTIONS:

Resolution No. 26847 (Continued from the meeting of February 17, 1981)

Authorizing submission of the Seventh Year Community Development Block Grant Application to the Department of Housing and Urban Development in the amount of \$3,313,000.

Councilman Strege moved to amend the Resolution on page 2, line 6; after the word "application," insert "and including those projects on Attachment A." Seconded by Councilman Kirby. Voice vote was taken and carried.

Karen Vialle, Chairman of the Urban Policy Committee, spoke on the Resolution.

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

Resolution No. 26849

Authorizing application to the U. S. Department of Commerce Economic Development Administration for \$1,500,000 for the Pantages Theater Performing Arts Center.

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

Resolution No. 26850

Authorizing execution of agreements with John Kuhn for technical services for the Fire Department.

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

Resolution No. 26851

Authorizing execution of an agreement with John G. Feild to assist in the administration of certain federal programs.

Councilman Rasmussen moved that the Resolution be adopted. Seconded by Councilman Hyde.

After discussion by Council members, roll call vote was called for, resulting as follows:

Ayes: 6 - Bichsel, Hawkins, Hyde, Nielsen, Rasmussen, and Sutherland.

Nays: 2 - Kirby and Strege

Absent: 1 - Mayor Parker.

HEARINGS ON APPEALS:

- a. This is the date set for hearing the appeal of Rainier Pacific Industries on the recommendation of the Hearings Examiner to reclassify the area located at 29th Street NE and 59th Avenue NE, on all four corners, from a "C-1" to an "R-3" District.

David Morrison, representing Rainier Pacific Industries, distributed to the Council a letter explaining why he is appealing the decision of the Hearings Examiner, with a plan attached for the area.

Deputy Mayor Nielsen moved to recess for 10 minutes to allow Council time to read the letter and determine if this is new evidence. Seconded by Councilman Rasmussen. Voice vote was taken and carried.

Council recessed at 6:39 p.m. and reconvened at 6:45 p.m.

Deputy Mayor Nielsen moved to refer this matter back to the Hearings Examiner as the letter submitted by Mr. Morrison is new evidence and should be considered by the Hearings Examiner. Seconded by Councilwoman Bichsel. Voice vote was taken and carried. The reclassification was referred back to the Hearings Examiner.

- b. This is the date set for hearing the appeal of Boulton Insulation Company, Inc., on the recommendation of the Hearings Examiner to reclassify the area located on the northeast, southeast and southwest corners of 38th Avenue NE and Browns Point Blvd. relative to the area located at 1120 Browns Point Blvd.

Councilman Sutherland stated he has known the appellant for 15 years, but felt he could make a decision on this matter impartially.

Arthur Paulsen, representing Boulton Insulation Co., Inc., stated his reasons for appealing the decision of the Hearings Examiner.

Kevin Foley of the Planning Department, explained the reasons that the City was requesting this reclassification.

Several Council members expressed their concern that this reclassification was not consistent with the Northeast Tacoma Plan.

Deputy Mayor Nielsen moved to refer this matter back to the Hearings Examiner to consider reclassifying the appellant's property to an "R-4-LT" District and to reconsider the other three corners. Seconded by Councilman Hyde. Voice vote was taken and carried. The reclassification was referred back to the Hearings Examiner.

COUNCIL COMMENTS:


Deputy Mayor Nielsen moved that the City Manager be and he is hereby authorized and directed to give all necessary notices to terminate the lease of the City-owned building at 600 Commerce Street as of April 30, 1981. Seconded by Councilman Sutherland. Voice vote was taken and carried with Councilman Hyde voting no and Councilman Rasmussen abstaining from discussing or voting on this matter.

Deputy Mayor Nielsen advised that he had been contacted by the current tenant of the 600 Commerce Street property about the possibilities of the Appearance of Fairness Doctrine having been violated. He asked the City Manager and City Attorney to look into this and report to the Council their findings.

Councilman Strege asked for a report on the status of acquiring the Baltimore Street property.

He also advised that the Pierce Transit Authority appointed Don Monroe as the new Pierce Transit Director, effective March 17, 1981.

On proper motion, the meeting adjourned at 7:39 p.m.


HAROLD E. NIELSEN, JR.
Deputy Mayor

ATTEST:



H. B. BOND - CITY CLERK