

CITY COUNCIL MINUTES

City Council Chambers
July 17, 1979 - 5:00 P.M.

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

Present on roll call: 9 - Bichsel, Kirby, Nielsen, Schroeder, Strega, Warnick, Evans, Hudson and Mayor Parker.

The Flag Salute was led by Mayor Parker.

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

Approval of the minutes of the regular meeting of July 10, 1979.

PETITIONS:

- a. Connemara Associates requesting the rezoning of the property located on the southeasterly corner of South 18th and "K" Streets from an "R-3" to an "R-3-TM" District.
- B. Metroplex requesting the rezoning of the property located on the east side of Park Avenue between South 37th and South 38th Streets from an "R-3" to an "R-4-L" District.

For referral to the Hearings Examiner.

RESOLUTIONS:

Resolution No. 25832

Setting Friday, August 10, 1979 at 10:30 a.m. as the date for hearing by the Hearings Examiner the request for the vacation of a portion of air rights and a portion of ground rights in parts of Court "C" between 9th and 11th Streets. (U.P.S. Law School)

Resolution No. 25833

Setting Tuesday, July 31, 1979 at 5:00 p.m. as the date for public hearing concerning proposed changes to the Tacoma Shoreline Master Program and to the zoning ordinances relative to shoreline development.

Resolution No. 25834

Setting Monday, August 13, 1979 at 7:00 p.m. as the date for hearing L.I.D. 5604 for constructing water mains in Trafton Street from South 12th to Melrose Street.

Resolution No. 25835

Setting Monday, August 13, 1979 at 7.00 p.m. as the date for hearing L.I.D. 5603 for constructing water mains in East 38th from East "T" to Roosevelt Avenue; Columbia Avenue from East "T" to approximately 500 feet east; and George Street from East "T" to Roosevelt Avenue.

APPEAL:

Mr. and Mrs. Charles Van Volkenburg, d/b/a Pacific Yacht Basin, appealing the decision of the Hearings Examiner to approve a request by the Port of Tacoma to extend to February 6, 1980 the final completion date for Shoreline Management Substantial Permit No. 141.046 for filling and bulkheading Slip II in Blair Waterway.

Suggested date for hearing is July 31, 1979 at 5:00 p.m.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner Agenda for July 17, 1979.
- b. Minutes of the meeting of the Public Utility Board, June 27, 1979.
- c. Minutes of the special meeting of the Landmarks Preservation Commission, July 5, 1979.
- d. Minutes of the meeting of the Tacoma Planning Commission, June 18, 1979.
- e. Minutes of the meetings of the Board of Pierce County Commissioners, July 3, July 9 and 10, 1979.
- f. Monthly Report of the Director of Finance, March, 1979.
- g. Monthly Financial Reports for April, 1979, of Tacoma City Light, Tacoma City Water, Data Processing Division and Belt Line Railway.

Councilwoman Bichsel moved that all items on the Consent Agenda, including Resolutions Nos. 25832, 25833, 25834, and 25835, be approved. Seconded by Councilman Nielsen. Voice vote was taken and carried. The items were declared approved.

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

COMMUNICATIONS:

- a. Hearings Examiner submitting Shoreline Management Substantial Development Permit/Conditional Use Permit No. 141.202 of Mesher

Associates to construct a water-related restaurant located on the easterly side of Ruston Way, north of Marshall Street (4013 Ruston Way - Old Bayshore Marina).

Councilman Nielsen moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Councilwoman Bichsel. Roll call vote was taken, resulting in Ayes: 8 - Bichsel, Kirby, Nielsen, Schroeder, Strege, Warnick, Hudson and Mayor Parker. Nays: 1, Evans. The motion was carried.

- b. Hearings Examiner submitting Shoreline Management Substantial Development Permit No. 141.196 of Commencement Bay Marina to allow a two-part maintenance dredging operation located at 4224 Marine View Drive.

Councilman Schroeder moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Councilwoman Bichsel. Roll call vote was taken, resulting in Ayes: 9 - Bichsel, Kirby, Nielsen, Schroeder, Strege, Warnick, Evans, Hudson and Mayor Parker. The motion was carried.

- c. Hearings Examiner advising that Pete Petrich has withdrawn his reclassification request located on the southwest corner of North 21st and Fife Streets and recommending that the filing fee be refunded.

Mayor Parker moved that the filing fee be refunded. Seconded by Councilman Schroeder. Voice vote was taken and carried.

- d. City Clerk advising that the 30-day period for filing protests on L.I.D. 8264 has expired and additional protests have been filed against East 52nd Street from McKinley Avenue to East "I" Street totaling 64%; and the Department of Public Works recommending East 52nd be deleted from the project.

Mayor Parker moved to delete East 52nd Street from L.I.D. 8264. Seconded by Councilman Nielsen. Voice vote was taken and carried.

FINAL READING OF ORDINANCES:

Ordinance No. 21749

Amending Ordinance 20975 to provide revised procedures for the City Council review of rates charged by the cable television franchisee under said ordinance. (Cable TV Puget Sound)

Roll call vote was taken, resulting as follows:

Ayes: 9 - Bichsel, Kirby, Nielsen, Schroeder, Strege, Warnick, Evans, Hudson and Mayor Parker.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 21758

Granting a franchise to the Port of Tacoma for railway lines on certain port area streets.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Bichsel, Kirby, Nielsen, Schroeder, Strege, Warnick, Evans, Hudson and Mayor Parker.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 21769

Repealing and reenacting Chapter 6.71 of the Official Code to be entitled Steamfitter Certificate of Competency.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Bichsel, Kirby, Nielsen, Schroeder, Strege, Warnick, Evans, Hudson and Mayor Parker.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 21770

Repealing and reenacting Chapter 6.58 of the Official Code entitled Gas Fitter and Appliance Installer Certificate of Competency.

Roll call vote was taken, resulting as follows:

Ayes: 9 - Bichsel, Kirby, Nielsen, Schroeder, Strege, Warnick, Evans, Hudson and Mayor Parker.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 21771

Amending Chapters 9.22, 13.04 and 13.06 of the Official Code to increase the public notice requirements to a minimum of thirty days.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Bichsel, Kirby, Nielsen, Schroeder, Strege, Warnick, Evans and Hudson.

Nays: 1 - Mayor Parker

The Ordinance was declared passed.

Ordinance No. 21772

Repealing and reenacting Section 13.04.290 of the Official Code to allow fees to be charged in lieu of dedication of land for open space for subdivision.

Roll call vote was taken resulting as follows:

Ayes: 9 - Bichsel, Kirby, Nielsen, Schroeder, Strege, Warnick, Evans, Hudson and Mayor Parker.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 21773

Accepting a grant award from the State Department of Ecology in the amount of \$32,000 for continuing the work of processing the Shoreline Management Substantial Development program; depositing said funds in the Coastal Zone Management Fund; appropriating \$32,000, or so much thereof as may be necessary, for carrying out said project; and authorizing a temporary loan from the General Fund to said Coastal Zone Management Fund in the amount of \$32,000 to be repaid within 60 days after receipt of grant funds.

Roll call vote was taken resulting as follows:

Ayes: 9 - Bichsel, Kirby, Nielsen, Schroeder, Strege, Warnick, Evans, Hudson and Mayor Parker.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 21774

Authorizing the transfer of \$38,222 from the Contingency Fund to the County-City Health Revolving Fund; appropriating said sum from the County-City Health Revolving Fund for providing the operation of a Day Care Screening Program; 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: 6 - Kirby, Nielsen, Schroeder, Strege, Evans and Mayor Parker.

Nays: 3 - Bichsel, Hudson and Warnick.

The Ordinance was declared passed.

Ordinance No. 21775

Authorizing execution of a grant award agreement with the State Office of Archaeology and Historic Preservation for \$80,000 to provide for the Pantages Performing Arts Center rehabilitation; depositing said sum into the Performing Arts Center Grant Fund; and appropriating \$80,000, or so much thereof as may be necessary, from said fund.

Roll call vote was taken resulting as follows:

Ayes: 9 - Bichsel, Kirby, Nielsen, Schroeder, Strege, Warnick, Evans, Hudson and Mayor Parker.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 21776

Authorizing execution of a promissory note to the Federal Government in the amount of \$3,000,000; authorizing execution of an agreement with the Federal Financing Bank for Loan Guarantee Assistance; creating a new fund to be known as the UPS Law Center 108 Loan Guarantee Fund; specifying the purposes for which said fund is created; appropriating \$3,000,000, or so much thereof as may be necessary, for acquiring and rehabilitating certain real property owned by the City in conjunction with the development and completion of a Law Center.

Roll call vote was taken resulting as follows:

Ayes: 9 - Bichsel, Kirby, Nielsen, Schroeder, Strege, Warnick, Evans, Hudson and Mayor Parker.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 21777

Creating a new trust fund to be known as the UPS Law Center - UDAG Fund for implementing an Urban Development Action Grant; appropriating \$1,500,000, or so much thereof as may be necessary, from said fund; and authorizing implementation of the terms of an Urban Development Action Grant.

Roll call vote was taken resulting as follows:

Ayes: 9 - Bichsel, Kirby, Nielsen, Schroeder, Strege, Warnick, Evans, Hudson and Mayor Parker.

Nays: 0

The Ordinance was declared passed.

6

Ordinance No. 21780

Authorizing execution of a grant award agreement for \$1,592 with the Washington State Arts Commission for continued operation of the Neighborhood Arts Program; depositing said sum in the 1490 Neighborhood Arts Program Fund; and appropriating \$1,592, or so much thereof as may be necessary, from said fund.

Councilman Hudson said he would not be voting on this Ordinance due to possible conflict of interest. Councilman Hudson left the Council Chambers.

Roll call vote was taken resulting as follows:

Ayes: 8 - Bichsel, Kirby, Nielsen, Schroeder, Strege, Warnick, Evans, and Mayor Parker.

Nays: 0 Absent: 1 - Hudson

The Ordinance was declared passed.

Ordinance No. 21781

Providing for the improvement of L.I.D. 2488 for constructing sidewalks along Puget Sound Avenue from South 12th Street to South 16th Street.

Roll call vote was taken resulting as follows:

Ayes: 9 - Bichsel, Kirby, Nielsen, Schroeder, Strege, Warnick, Evans, Hudson and Mayor Parker.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 21782

Providing for the improvement of L.I.D. 5591 for constructing water mains in Sixth Avenue extended from Seashore Drive to Wilton Road and in Wilton Road from Sixth Avenue to approximately 700 feet south.

Roll call vote was taken resulting as follows:

Ayes: 9 - Bichsel, Kirby, Nielsen, Schroeder, Strege, Warnick, Evans, Hudson and Mayor Parker.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 21783

Providing for the improvement of L.I.D. 5601 for constructing water mains in North 41st from Shirley Street to Bennett Street.

Roll call vote was taken resulting as follows:

Ayes: 9 - Bichsel, Kirby, Nielsen, Schroeder, Strege, Warnick, Evans, Hudson and Mayor Parker.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 21784

Providing for the improvement of L.I.D. 6955 for installing street lights on East "D" from East 72nd to 600 feet east of East 75th Street.

Speaking in favor of the Ordinance was Lloyd Berg, owner of property in the area. Speaking against the Ordinance was Terry Pingel, 7609 East D Street.

Roll call vote was taken resulting as follows:

Ayes: 8 - Bichsel, Nielsen, Schroeder, Strege, Warnick, Evans, Hudson and Mayor Parker.

Nays: 1 - Kirby

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 21785

Authorizing the transfer of \$5,500.00 from the Contingency Fund to the General Fund; appropriating \$5,500.00, or so much thereof as may be necessary, from the General Fund for transferring to the Metropolitan Park District for a boat launch facility feasibility study at Titlow Beach; 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. 21786

Amending Section 1.12.555 of the Official Code relating to salary of Police Court Judge.

The Ordinance was set over for final reading next week.

Ordinance No. 21787

Accepting \$16,518 from Pierce County; authorizing transfer of \$16,518 from the Community Development Fifth Year Block Grant Fund to the County-City Historic Properties Survey Grant Fund; appropriating \$33,036, or so much thereof as may be necessary, from the County-City Historic Properties Survey Grant Fund for Providing

8

additional funding for the Tacoma-Pierce County Historic Properties Survey; 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. 21788

Authorizing the transfer of \$15,000 from the Community Development Fifth Year Block Grant Fund to the Office of Archaeology and Historic Preservation Grant Fund; appropriating \$15,000, or so much thereof as may be necessary, from said fund for providing additional funding to inventory, survey, and research the Union Depot/warehouse area; 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. 21789

Authorizing the transfer of \$41,000.00 from the Community Development Fifth Year Block Grant Fund to the Heritage Conservation and Recreation Service Project Fund and appropriating \$41,000.00 or so much thereof as may be necessary, from said fund for the purpose of developing a master plan and rehabilitating People's Park.

The Ordinance was set over for final reading next week.

Ordinance No. 21790

Vacating a portion of Junett Street next to the Burlington Northern Railroad tracks north of South Tacoma Way. (Parker Paint Company)

Councilman Schroeder moved to concur in the findings, conclusions, and recommendations of the Hearings Examiner. Seconded by Councilman Nielsen. Voice vote was taken and carried. The Ordinance was set over for final reading to a date to be determined.

Ordinance No. 21791

Amending Chapter 13.06 of the Official Code to reclassify the southeast corner of South 92nd and Hosmer Streets from an "R-3" to an "R-2" District. (S.R. Anderson Development, Inc.)

Deputy Mayor Warnick moved to concur in the findings, conclusions, and recommendations of the Hearings Examiner. Seconded by Councilman Kirby. Voice vote was taken and carried. The Ordinance was set over for final reading to a date to be determined.

Ordinance No. 21792

Authorizing condemnation of right-of-way and easements for the improvement of Portland Avenue from Norton Street to South 44th Street.

The Ordinance was set over for final reading next week.

RESOLUTIONS:

Resolution No. 25829 (Continued from the meeting of July 10, 1979)

Authorizing the purchase of an intercommunications system from Pacific Northwest Bell for the Health Department

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

Resolution No. 25830 (Continued from the meeting of July 10, 1979)

Exempting the Housing Authority from paying in lieu of taxes.

Councilman Evans moved that the Resolution be continued for one week. Seconded by Councilman Kirby. Roll call vote was taken, resulting as follows: Ayes: 5 - Evans, Kirby, Strege, Warnick and Mayor Parker. Nays: 4 - Bichsel, Hudson, Nielsen and Schroeder. The motion carried. The Resolution was continued to July 24, 1979.

Purchase Resolution No. 25836

Awarding contracts to:

1. Bergh-Griggs Company on its bid of \$58,000.00 for Jones Building/Pantages Theater Heat Conversion Project;
2. Ceccanti, Inc., on its bid of \$11,429.58 for Water Line-Browns Point Boulevard NE.;
3. Paint-A-Line, Inc., on its bid of \$148,196.40 for Imp. DH214A and DH215A - Thermoplastic Pavement Markings;
4. Wang Laboratories on its bid of \$83,924.00 for a Mini-Computer System;
5. Rejecting all bids on WO ADO41C - South Park Community Center Expansion Project.

Councilman Nielsen moved that the Resolution be adopted. Seconded by Councilwoman Bichsel. Councilman Evans moved to delete Item 4 from the Resolution. The motion failed for lack of a second. Voice vote was taken and carried. The Resolution was adopted.

Resolution No. 25837

Extending the expiration date of the the terms of all members of the Urban Policy Committee to the first day of February following the current designated term expiration dates.

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

Resolution No. 25838

Authorizing the sale of timber in the Green River Watershed to Weyerhaeuser Company for \$404,000.00.

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

Resolution No. 25839

Approving the preliminary plat for WOODLAND GLEN, located on the east side of Hosmer Street between South 92nd and South 96th Streets. (S. R. Anderson Development, Inc.)

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

Resolution No. 25840

Authorizing a contract with Xerox Corporation for the lease/purchase of a Xerox Model 3100 LDC for the Refuse Utility of the Department of Public Works and waiving the requirement for competitive bidding.

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

Resolution No. 25841

Authorizing execution of agreements with Robert R. and Jeanette Dyberg relating to "PDB" and "R-4-LT" Districts located between Union Avenue and Cedar Street, north of SR-16; and a "R-4-PRD" District located at the northeast corner of SR-16 and Cedar Street.

Councilman Nielsen moved that the Resolution be adopted. Seconded by Councilwoman Bichsel. Gary Sullivan, Hearings Examiner, asked that this Resolution be removed from the Agenda. Mayor Parker moved that the Resolution be removed from the Agenda. Seconded by Councilman Schroeder. Voice vote was taken and carried. The Resolution was removed from the Agenda.

Resolution No. 25842

Authorizing application for an Economic Development Assistance Grant to the Economic Development Administration, Department of Commerce.

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

Resolution No. 25843

Authorizing execution of an agreement with the Metropolitan Park District for construction of certain improvements to the Larchmont School Playground.

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

Resolution No. 25844

Authorizing execution of an agreement with the Metropolitan Park District to remove architectural barriers at Stewart Heights Park, McKinley Playground and Titlow Park.

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

Resolution No. 25845

Authorizing execution of an agreement with the Metropolitan Park District to construct restroom facilities and a wading pool at Lincoln Heights Playground.

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

Resolution No. 25846

Approving the implementation of the Curb Ramping Project as a Fifth Year Community Development Project.

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

Resolution No. 25847

Authorizing execution of a lease agreement with the trustees of the YWCA of Tacoma and Pierce County and an operation and use agreement with the YWCA Board of Directors pertaining to the implementation of a program relating to providing shelter for battered women and children.

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

Resolution No. 25848

Authorizing execution of an agreement with R. F. McCann & Company to provide architectural and engineering services relative to the Pantages Theatre and Illington Hotel.

12

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

Resolution No. 25849

Authorizing execution of an amendment to the Jail Modification Agreement to pay the City's portion of additional construction costs.

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

Resolution No. 25850

Authorizing execution of an agreement between the City, the Municipal Authority and the University of Puget Sound relative to the UPS Law Center.

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

PUBLIC HEARINGS & APPEALS:

- a. This is the date set for hearing the appeal of General Construction Company on the Tax and License Department's Assessment Notices T-11247A and A-13866. (Continued from the meeting of June 19, 1979)

Mayor Parker called attention to the letter from a General Construction Company in which they advise that they are withdrawing their appeal. Mayor Parker moved that the item be removed from the Agenda. Seconded by Councilman Schroeder. Voice vote was taken and carried. The Appeal was removed from the Agenda.

- b. This is the date set for public hearing on amendments to the Third Year Community Development Plan and Application.

Ms. Lynn Baugh, Assistant Director of the Community Development Department, briefly reviewed the amendments to the Fifth Year Community Development Plan and Application.

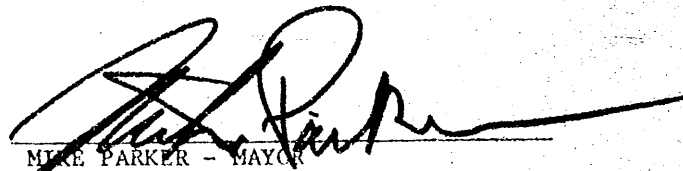
No member of the public testified at the public hearing. Mayor Parker declared the hearing closed.

COMMENTS AND COMMITTEE REPORTS BY MEMBERS OF THE CITY COUNCIL:

Councilman Nielsen inquired of Councilman Evans as to his reason for

a motion to continue Resolution No. 25830. After an explanation by Councilman Evans, Councilman Nielsen said he would change his vote from Nay to Aye if the Mayor and Clerk would allow him to. No action was taken. Mayor Parker reported that the Health Board will be considering an emergency appropriation to provide funds for installing some windows in the Health Department Building which can be used to cool off the building during hot weather.

On proper motion, the meeting adjourned at 7:00 p.m.



MIKE PARKER - MAYOR

ATTEST:



H. B. BOND - CITY CLERK