

CITY COUNCIL MINUTES

City Council Chambers  
August 9, 1983

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

Present on roll call: 7 - Bichsel, Kirby, Ladenburg, Nielsen, Rasmussen, Strege, and Mayor Sutherland. Absent: 2 - Hawkins and Hyde (Councilman Hawkins arrived at 5:09 p.m.).

The Flag Salute was led by Councilman Rasmussen.

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CONSENT AGENDA

Approval of the minutes of the regular meeting of August 2, 1983.

PETITIONS:

Dr. Hsushi Yeh, M.D. requesting the reclassification of the property located at the northeast corner of South 14th Street and Union Avenue from a "R-2" to a "R-2-T" District.

For referral to the Hearings Examiner.

RESOLUTIONS:

Resolution No. 27978

Setting Tuesday, October 4, 1983 at 9:30 a.m. as the date for hearing by the Hearings Examiner the request to vacate the southwest corner of North 30th and McCarver Streets. (Bert H. Paul; File No. 124.748)

Resolution No. 27979

Setting Tuesday, October 4, 1983 at 9:30 a.m. as the date for hearing by the Hearings Examiner the request to vacate the southeast corner of North 36th Street and Union Avenue. (Ellen Pinto; File No. 124.747)

Resolution No. 27987

Authorizing the submittal of a grant application of \$74,000.00 to the Bonneville Power Administration for implementation of energy-saving land use policies and implementation costs for the Northwest Power Council's model conservation standards.

APPEALS:

Thomas J. Beritich and Gary D. Baumgardner appealing the recommendations of the Hearings Examiner regarding their request for the vacation of Steele Street south from North 31st Street 120 feet.

Setting September 6, 1983 at 6:00 p.m. as the date for hearing.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner Agendas for Tuesday, August 9, and Thursday, August 11, 1983.
- b. Public Utility Board Agenda for Wednesday, August 10, 1983.
- c. Minutes of the meeting of the Tacoma Landmarks Preservation Commission, July 27, 1983.
- d. Minutes of the meeting of the Board of Trustees of the Tacoma Public Library, June 14, 1983.
- e. Minutes of the meeting of the Public Utility Board, July 13, 1983.
- f. Quarterly Report of the Human Rights Department, July 21, 1983.
- g. Tacoma Employees' Retirement System report of purchases and sales of investments, June 13 through July 19, 1983.
- h. Monthly Financial Reports of the Belt Line Division, Data Processing Division, Self-Insurance Claim Fund, Light Division, and the Water Division, June 1983.

Councilwoman Bichsel moved that the Consent Agenda, including Resolution Nos. 27978, 27979 and 27987, be approved. Seconded by Councilman Ladenburg. Voice vote was taken and carried, with Councilman Rasmussen abstaining on Resolution No. 27978. The Consent Agenda was declared approved.

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Councilman Hawkins arrived at 5:09 p.m.

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R E G U L A R   A G E N D A

COMMUNICATIONS:

- a. Hearings Examiner recommending denial of the request of Tacoma Boys (Robert Jones) to reclassify the property located on the north side of South 8th Street between Winnifred and Highland Streets from a "R-2" to a "C-1" District; recommending approval of a Special Use Permit to allow an accessory off-street parking area at the same location; and recommending approval of a Temporary Use Permit to allow a Christmas tree sales lot for a period of three years at said location.

Mayor Sutherland moved to concur in the recommendations of the Hearings Examiner. Seconded by Councilwoman Bichsel. Voice vote was taken and carried.

- b. Hearings Examiner submitting revisions to Shoreline Management Substantial Development Permit Nos. 141.193, 141.193A, and 141.193B of Michael Ebert to allow a seawall to remain at 3207 Ruston Way.

Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Councilman Kirby.

Councilman Rasmussen stated he had business dealings in the past with Mr. Ebert, but this would not interfere with his ability to make proper judgment on the case and he would be voting on the matter.

Roll call vote was taken, resulting as follows: Ayes: 8 - Bichsel, Hawkins, Kirby, Ladenburg, Nielsen, Rasmussen, Strege, and Mayor Sutherland. Nays: 0. Absent: 1 - Hyde.

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FINAL READING OF ORDINANCES:

Ordinance No. 22922

Amending Chapter 13.06 of the Official Code to reclassify the property located on the easterly side of South "G" Street between South 3rd and South 4th Streets from a "R-5" to a "R-5-T" District. (Linn E. Larsen; File No. 120.1048)

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Hyde.

The Ordinance was declared passed.

Ordinance No. 22975

Authorizing the execution of a contract of \$6,000.00 with United Way; appropriating said sum, or so much thereof as may be necessary, from the Miscellaneous Grants Summary Fund for the provision of data processing assistance for social services.

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Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Hyde.

The Ordinance was declared passed.

Ordinance No. 22976

Authorizing the execution of a grant award contract of \$1,276,000.00 with the Department of Housing and Urban Development; depositing said sum in the Community Development Grants Summary Fund; appropriating said sum, or so much thereof as may be necessary, from the Community Development Grants Summary Fund for the Additional 1983-84 Community Development Block Grant funds under Public Law 98-8; 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, Kirby, Ladenburg, Nielsen, Rasmussen, Strege, and Mayor Sutherland.

Nays: 0.

Absent: 1 - Hyde.

The Ordinance was declared passed.

Ordinance No. 22978

Amending Chapter 11.36 of the Official Code to increase the speed limit on Pearl Street between North 42nd Street and the north city limits to 30 MPH.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Hyde.

The Ordinance was declared passed.

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Ordinance No. 22979

Amending Chapter 11.34 of the Official Code relative to arterial street locations and designations.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Hyde.

The Ordinance was declared passed.

Ordinance No. 22980

Creating the position of Court Commissioner for the Municipal Court of Tacoma.

Councilman Rasmussen moved to consider Amended Ordinance No. 22980. Seconded by Councilman Hawkins. Voice vote was taken and carried. The motion was declared adopted.

Ordinance No. 22980, as amended, was read into the record:

BY REQUEST OF RASMUSSEN

AN ORDINANCE amending the budget of the City of Tacoma for the year 1983, as it relates to the Municipal Court, by adding an additional position of Court Commissioner thereto, and directing that a salary survey be undertaken relating to said position.

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the budget of the City of Tacoma for the year 1983, as it relates to the Municipal Court, be and the same is hereby amended to create an additional position of Court Commissioner.

Section 2. That the Director of Finance be and he is hereby authorized and directed to transfer the requisite and necessary funds from the maintenance and operation categories of the Municipal Court budget to the personal services category for the purpose of paying salary costs for the position.

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Section 3. That the proper officers of the City be and they are hereby authorized and directed to make a salary survey of the Court Commissioner position for the purpose of establishing the proper salary for the position, and thereafter to submit an amendment to the compensation plan ordinance if the survey indicates that the salary currently contained in the compensation plan is inappropriate.

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

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

Nays: 0.

Absent: 1 - Hyde.

The Ordinance, as amended, was declared passed.

Ordinance No. 22981

Providing for the formation of L.I.D. 5644 for the construction of water mains and fire hydrants in South 9th Street from Verde Street to Mason Avenue.

Speaking on the Ordinance were:

Edward S. Molzahn	4314 South Ninth Street
Susan Tuggle	901 South Stevens
Paul Rising	811 South Stevens

Roll call vote was taken, resulting as follows:

Ayes: 2 - Kirby and Strege.

Nays: 6 - Bichsel, Hawkins, Ladenburg, Nielsen, Rasmussen and Mayor Sutherland.

Absent: 1 - Hyde.

The Ordinance was declared failed.

Ordinance No. 22982

Approving and confirming the assessment roll for L.I.D. 5635 for the construction of water mains and fire hydrants in East 70th Street from East "B" Street to approximately 550 feet east.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Hyde.

The Ordinance was declared passed.

Ordinance No. 22983

Approving and confirming the assessment roll for L.I.D. 6958 for the installation of modern street lights on existing wood poles along North Vassault Street from Westgate Boulevard to North 23rd Street; North 24th Street from Narrows Drive to North Mildred Street, and other nearby streets.

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Hyde.

The Ordinance was declared passed.

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FIRST READING OF ORDINANCES:

Mayor Sutherland requested that Ordinance No. 22985 be read at this time.

Ordinance No. 22985

Vacating a portion of the alley and turnaround between Winnifred Street and Highland Avenue, north from South 8th Street. (Tacoma Boys; File No. 124.735)

Mayor Sutherland moved to concur in the Findings, Conclusions and Recommendations of the Hearings Examiner. Seconded by Deputy Mayor Nielsen. Voice vote was taken and carried.

Final reading of the Ordinance was set over to a date to be determined.

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Mayor Sutherland moved that the Council consider Public Hearings and Appeals. Seconded by Councilman Ladenburg. Voice vote was taken and carried. The motion was declared adopted.

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PUBLIC HEARINGS AND APPEALS: (Began at 6:05 p.m.)

- a. This is the date set for a public hearing on proposed amendments to Chapter 13.06 of the Official Code relative to the expansion of buildings which are non-conforming by reason of use.

Mr. Tom Dolan of the Planning Department made a presentation to the Council on the proposed amendments.

Mayor Sutherland called for public testimony.

Speaking at the hearing were:

Dave Davis	President, United Neighborhoods of Tacoma
Don Carmicheal	21 North Orchard Road
Inez Taylor	President, Eastside Improvement Club
Earl Robinson	3506 South Ainsworth
Chet Straw	President, Citizens' Watchdog
Gerald Van Noy	Representing Southend Neighborhood
Camilla Foreman	1010 North Yakima
Gus Carlson	past President, United Neighborhoods of Tacoma
Warren Wotton	1023 Tacoma Avenue North

Mayor Sutherland read into the record a letter from the Planning Commission on non-conforming use dated May 31, 1983.

There being no further testimony, Mayor Sutherland declared the public hearing closed at 6:38 p.m.

- b. This is the date set for hearing the appeal of Fred Roberson regarding the recommendations of the Hearings Examiner on his request for the reclassification of the property located on the north side of South 25th Street between South Yakima Avenue and South "G" Street from a "R-4" to a "C-2" District.

Hearings Examiner, Gary Sullivan, made a presentation regarding the appeal.

Mr. Fred Roberson spoke to the Council on the reasons for his appeal.

Councilman Rasmussen moved to refer the matter back to the Hearings Examiner directing him to review a "C-2" zoning use based on specific uses within the property and on certain performance standards and further directing him to return back to the Council with specific recommendations on the above. Seconded by Deputy Mayor Nielsen.



Roll call vote was taken, resulting as follows:

Ayes: 6 - Hawkins, Kirby, Nielsen, Rasmussen, Strege, and Mayor Sutherland.

Nays: 2 - Bichsel and Ladenburg.

Absent: 1 - Hyde.

The motion was declared adopted.

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Ordinance No. 22938

Amending Chapter 13.06 of the Official Code to reclassify the property located on the northeast corner of Sixth Avenue and Howard Street from a "C-1" to a "C-2" District. (Dunkin Donuts; File No. 120.1050)

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

Final reading of the Ordinance was set over to a date to be determined.

Ordinance No. 22984

Amending Chapter 13.06 of the Official Code to reclassify the property located at the northwest corner of South 66th Street and Sprague Avenue from a "R-2," "R-4-L," and "R-2-T" District to a "C-1" and "R-2" District. (C. Brent McCausland; File No. 120.1056)

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

Final reading of the Ordinance was set over to a date to be determined.

Ordinance No. 22986

Amending Section 8.20.050 and repealing Section 8.20.240 of the Official Code, and adding a new section to Chapter 11.12 to be designated as Section 11.12.015 relative to intoxicating liquor and traffic enforcement.

The Ordinance was set over for final reading on August 23, 1983.

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Ordinance No. 22987

Authorizing the transfer of \$26,253.00 from the Tacoma Dome Operating Fund to the Stadium Development Fund; appropriating said sum, or so much thereof as may be necessary, from the Stadium Development Fund to reimburse the Tacoma Dome Associates for additional retail sales tax assessments made by the State of Washington.

The Ordinance was set over for final reading on August 23, 1983.

Ordinance No. 22988

Appropriating \$1,500.00, or so much thereof as may be necessary, from the Right-of-Way Acquisition Fund for purchasing needed rights-of-way for future street improvements, 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 on August 23, 1983.

Ordinance No. 22989

Repealing and reenacting Section 1.24.430 and amending Section 1.24.620 of the Official Code relative to Personnel Rules.

Mayor Sutherland to suspend the rules to consider Substitute Ordinance No. 22989. Seconded by Councilman Hawkins. Voice vote was taken and carried. The motion was declared adopted.

Substitute Ordinance No. 22989 was set over for final reading on August 23, 1983.

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RESOLUTIONS:

Purchase Resolution No. 27980

Awarding contracts to:

1. Business Printing & Supply Company on their bid of \$3,089.61 for traffic citation forms;
2. Pacific Agro Company on their bid of \$17,201.95 for gardener supplies - Specification No. G-109-83;
3. Deering Glass Company on their bid of \$12,500.00 for plate and automobile glass - Specification No. G-107-83;
4. Lubking Petroleum, Inc. on their bid of \$3,735.27 for antifreeze;
5. Ash Motor GMC on their bid of \$62,857.49 for two hose reel trucks - Specification No. G-087-83;

- 6. Washington Liftruck on their bid of \$3,883.96 for the rental of two forklifts;
- 7. Pape & Sons Construction, Inc. on their bid of \$6,940.00 for a storm drain energy dissipating structure - Specification No. G-118-83; and
- 8. Truck Center Corporation on their bid of \$238,423.38 for 5 two-four yard and 3 five yard dump trucks - Specification No. G-086-83.

Mayor Sutherland moved to suspend the rules to consider Substitute Exhibit "A". Seconded by Deputy Mayor Nielsen. Voice vote was taken and carried. The motion was declared adopted.

Purchase Resolution No. 27980

Awarding contracts to:

- 1. Business Printing & Supply Company on their bid of \$3,089.61 for traffic citation forms;
- 2. Pacific Agro Company on their bid of \$17,201.95 for gardener supplies - Specification No. G-109-83;
- 3. Deering Glass Company on their bid of \$12,500.00 for plate and automobile glass - Specification No. G-107-83;
- 4. Lubking Petroleum, Inc. on their bid of \$3,735.27 for antifreeze;
- 5. Ash Motor GMC on their bid of \$62,857.49 for two hose reel trucks - Specification No. G-087-83;
- 6. Washington Liftruck on their bid of \$3,883.96 for the rental of two forklifts;
- 7. Pape & Sons Construction, Inc. on their bid of \$6,940.00 for a storm drain energy dissipating structure - Specification No. G-118-83; and
- 8. Truck Center Corporation on their bid of \$238,423.38 for 5 two-four yard and 3 five yard dump trucks - Specification No. G-086-83.
- 9. Chevron U.S.A. on their bid of \$.91 per gallon (truck and trailer, regular) and \$.95 per gallon (truck and trailer, unleaded) for gasoline supply.

Mayor Sutherland moved that the Purchase Resolution be adopted. Seconded by Councilman Strege.

Deputy Mayor Nielsen moved to waive the formal bidding procedures on Purchase Item Nos. 1 and 6. Seconded by Councilman Rasmussen. Voice vote was taken and carried. The motion was declared adopted.

Voice vote was taken and carried on the Purchase Resolution, as amended, with Councilman Ladenburg abstaining from voting on Purchase Item No. 1. The Purchase Resolution, as amended, was declared adopted.

Resolution No. 27981

Authorizing the sale of surplus real property located south of the asphalt plant at South Center and Cedar Streets to West Coast Door, Inc.

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

Resolution No. 27982

Authorizing the release of a sanitary sewer line easement for the property abutting the Tacoma Dome Hotel in the vicinity of East 26th and "E" Streets.

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

Resolution No. 27983

Authorizing the execution of Amendment No. 3 to the agreement with Bert Paul, Bruce Steel and Robert Emery for the sale of the property located at 600 Commerce Street to include additional purchasers and amend the legal description of said property.

Councilman Rasmussen stated that he would be abstaining on Resolution No. 27983 and left the Council Chambers.

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

Resolution No. 27984

Authorizing the transfer of \$100,000.00 from the Project Need Account to the Reserve for Loans, Encumbrances, Working Fund Advances, and Expenditure Designation Account of the General Fund.

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

Resolution No. 27985

Authorizing amendments to the Rules and Regulations regarding towing and storage services.

Councilman Kirby moved to adopt Substitute Resolution No. 27985. There being no second to the motion, the motion was declared failed.

Councilman Kirby moved that the Resolution be adopted. Seconded by Councilwoman Bichsel.

Speaking on the Resolution was:

Patrick A. Daly Attorney, representing tow company owners

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

Resolution No. 27986

Authorizing the allocation of Community Development Block Grant funds for public parking on Court "A" in the vicinity of South 7th Street and One Pacific Building.

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

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COMMENTS AND COMMITTEE REPORTS BY MEMBERS OF THE CITY COUNCIL:

Mayor Sutherland stated that on August 16 and 18 at 7:00 p.m. at Wilson Senior High School there will be a workshop sponsored and chaired by the Environmental Protection Agency on the arsenic issues.

Councilman Hawkins stated that he had requested that the City Manager schedule a light agenda on August 30, 1983, so that Councilmembers may attend the ASARCO formal public hearings.

Councilman Strege asked that the City Manager's designees be in attendance at these workshop meetings so that proper officials in Planning and other backgrounds could provide information to the Council following the workshops, in addition to answering any questions that are directed to the City at the workshops.

Councilwoman Bichsel stated that the Appointments Committee would meet on Monday, August 15, 1983.

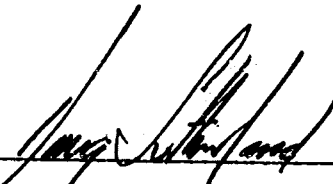
Mayor Sutherland moved to recess to Executive Session for purposes of discussing litigation. Seconded by Councilman Rasmussen. Voice vote was taken and carried. The motion was declared adopted.

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Council recessed to Executive Session at 7:45 p.m. and reconvened at 7:54 p.m.

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On proper motion, the meeting adjourned at 7:55 p.m.

  
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DOUG SUTHERLAND, MAYOR

ATTEST:

  
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GENELLE BIRK, CITY CLERK