

CITY COUNCIL MINUTES

City Council Chambers  
September 6, 1983

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

Present on roll call: 8 - Bichsel, Hawkins, Hyde, Kirby, Nielsen, Rasmussen, Strege, and Mayor Sutherland. Absent: 1 - Ladenburg (Councilman Ladenburg arrived at 5:21 p.m.).

The Flag Salute was led by Mayor Sutherland.

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Mayor Sutherland read a proclamation dedicating the month of September to the memory of Senator Henry M. Jackson.

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C O N S E N T   A G E N D A

Approval of the minutes of the regular meeting of August 30, 1983.

RESOLUTIONS:

Resolution No. 28014

Setting Tuesday, October 25, 1983 at 10:30 a.m. as the date for hearing by the Hearings Examiner the request to vacate a portion of Steele Street at the northeast corner of South 41st and Steele Streets. (George Barber; File No. 124.749)

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Hearings Examiner Agenda for Tuesday, September 6, 1983.
- b. Minutes of the meeting of the Data Processing Coordinating Committee, July 14, 1983.
- c. Minutes of the meeting of the Public Utility Board, August 10, 1983.
- d. Report of the Director of Finance, July 1983.
- e. Monthly Report of the Tacoma Police Department, July 1983.
- f. Monthly Financial Reports of the Belt Line Division, Data Processing Division, Light Division, Self-Insurance Claim Fund, and Water Division, July 1983.

- g. 1982 Annual Report of Applications Operated External to the Data Processing Division, June 1983.

Councilwoman Bichsel moved that the Consent Agenda, including Resolution No. 28014, be approved. Seconded by Deputy Mayor Nielsen. Voice vote was taken and carried. The Consent Agenda was declared approved.

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## REGULAR AGENDA

### ANNOUNCEMENTS, PRESENTATIONS, AND APPOINTMENTS

#### Resolution No. 28015

Appointing members to various committees, boards and commissions.

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

### COMMUNICATIONS:

- a. Hearings Examiner submitting Shoreline/Conditional Use Permit No. 141.297 of Hugh Barden for the construction of a 12-slip marina, drive piling, pier platform, boat shed and caretaker's quarters, concrete floats, and ramp and floating tire breakwater, to be located at 3059 Ruston Way.

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

- b. Hearings Examiner recommending approval of the requests of Leonard Rivero for a rear and front yard variance to allow two fourplex units to remain as located, and to amend certain conditions of approval limiting development to site plan submitted per Exhibit No. 3 of the Hearings Examiner's report dated September 29, 1982, and relating to certain site distance easements on the subject site located at the northwest corner of 33rd Street N.E. and 49th Avenue N.E.

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 ORDINANCES:

Ordinance No. 21432

Amending Chapter 13.06 of the Official Code to reclassify the area generally north of the intersection of Dash Point Water Works Road and High Point Drive from an "R-1" to an "R-1-PRD" District. (William H. Finkbeiner)

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Ladenburg.

The Ordinance was declared passed.

Ordinance No. 22970

Vacating the southwest corner of North 48th and Baltimore Streets. (Department of Public Works, File No. 124.737)

Roll call vote was taken, resulting as follows:

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

Nays: 0.

Absent: 1 - Ladenburg.

The Ordinance was declared passed.

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 an "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)

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Councilman Ladenburg arrived at 5:21 p.m.

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Roll call vote was taken, resulting as follows:

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

Nays: 0.

Abstaining: 1 - Ladenburg.

The Ordinance was declared passed.

Ordinance No. 23005

Amending Chapter 1.42 and Chapter 13.07 of the Official Code to designate the Pacific Avenue Historic District and the Union Depot/Warehouse Historic District as Special Review Districts, and adopting facade maintenance and sign control regulations for the Pacific Avenue Historic District.

Councilman Ladenburg moved to amend page 12, line 17 and page 26, line 18, to read "six months" in place of "90 days." Voice vote was taken and carried. The motion was declared adopted.

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

Ayes: 9 - Bichsel, Hawkins, Hyde, Kirby, Ladenburg, Nielsen, Rasmussen,  
Strege, and Mayor Sutherland.

Nays: 0.

The Ordinance, as amended, was declared passed.

Mayor Sutherland stated that Council had received from Mr. Gilbert Levy, attorney representing A. J. Films, correspondence which would be included as part of the record.

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Mayor Sutherland proclaimed September 13 - November 17, 1983 as United Way Campaign Days, 1983, and presented the proclamation to Mr. Jim Tuttle.

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FIRST READING OF ORDINANCES:

Ordinance No. 23006

Amending Chapter 13.06 of the Official Code to reclassify the property located between South 66th Street and American Lake Boulevard, approximately 90 feet east of Stevens Street extended south, from an "R-2" to a "C-1" District. (Holly Roofing Company; File No. 120.1059)

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

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

Ordinance No. 23007

Amending Chapter 13.06 of the Official Code to reclassify the property located at the southeast corner of North 26th and Pearl Streets from a "C-1" to a "C-2" District. (Texaco, Inc.; File No. 120,1060)

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.

Ordinance No. 23008

Amending Chapter 13.06 of the Official Code by amending Table No. 2 of Section 13.06.350 relative to the reduction of parking requirements in "C-P-R" Districts.

The Ordinance was set over for final reading next week.

Ordinance No. 23009

Appropriating \$131,035.00, or so much thereof as may be necessary, from the Performing Arts Center Grant Fund for the payment of interest expense on the General Fund loan for the Pantages construction project, and for the purchase and installation of speakers in the Pantages Performing Arts Center, 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. 23010

Authorizing the permanent closure of South Winnifred Street to through vehicular traffic at a point 165 feet more or less south of the south right-of-way line of Sixth Avenue.

Mayor Sutherland moved to suspend the rules to consider Substitute Ordinance No. 23010. Seconded by Councilman Hyde.

After discussion, the motion was withdrawn by Mayor Sutherland with the concurrence of Councilman Hyde.

Speaking on the Ordinance were:

Anita Thompson	625 South Winnifred
Charles Jenkins	616 South Winnifred
Lyle Crain	5101 South Tenth
Pat Simonsen	629 South Winnifred
Tom Pinckney	821 South Winnifred
Van Victor	802 South Winnifred
Milton Thompson	625 South Winnifred
Wayne Hart	815 South Winnifred

The Ordinance was set over for final reading next week.

Ordinance No. 23011

Authorizing the transfer of \$81,457.00 from various bond funds to the Arterial Street Fund, and appropriating said sum from the Arterial Street Fund, or so much thereof as may be necessary, for the Ruston Way project, North 40th Street to 1,200 feet southeast, 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. 23012

Appropriating \$1,100,000.00, or so much thereof as may be necessary, from the Self Insurance Claim Fund to pay potential settlements, judgments and defense costs relating to claims and lawsuits against the City required to be expended during the balance of 1983, 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. 23013

Authorizing an amendment to the Banking Services Agreement with Puget Sound National Bank relative to the issuance of not to exceed \$2,500,000.00 of short-term obligations.

The Ordinance was set over for final reading next week.

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Mayor Sutherland moved to suspend the rules to consider Resolution No. 28025. Seconded by Councilman Rasmussen. Voice vote was taken and carried. The motion was declared adopted.

Resolution No. 28025

Referring the application for a building permit by Columbia Energy Company to the Hearings Examiner for an expedited hearing.

Mayor Sutherland moved to amend page 1, line 26 by adding the words "and whether the plan should be approved as submitted," and to amend page 2, lines 2 and 3 by adding the words "and to provide not less than ten days written notice thereof," after the words "as rapidly as possible." Seconded by Deputy Mayor Nielsen. Voice vote was taken and carried. The motion was declared adopted.

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

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Mayor Sutherland moved that the Council consider Public Hearings and Appeals. Seconded by Deputy Mayor Nielsen. 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.)

This is the date set for hearing the appeal of Thomas J. Beritich and Gary D. Baumgardner regarding the decision of the Hearings Examiner on his request for the vacation of Steele Street south from North 31st Street, 120 feet.

Mr. Robert Backstein, Hearings Examiner, made a presentation to the Council regarding the appeal.

Councilman Rasmussen stated that he had been contacted by persons involved in the area of the appeal, but felt he could be unbiased in the proceedings since he had advised them he could not express his opinions outside of this forum.

Mr. John Nagel, representing Mr. Beritich and Mr. Baumgardner, stated the reasons for the appeal.

Ms. Patricia Fetterly, Attorney at Law representing Mr. and Mrs. Kuljis, made a presentation to the Council in support of the Examiner's decision.

Ms. Catherine Ursich, representing the Old Tacoma Improvement Club, made a presentation in support of the Examiner's decision.

Mayor Sutherland moved to concur in the findings, conclusions, and recommendations of the Hearings Examiner and deny the appeal. Seconded by Councilman Rasmussen. Roll call vote was taken, resulting as follows: Ayes: 5 - Bichsel, Hyde, Kirby, Rasmussen and Mayor Sutherland. Nays: 3 - Hawkins, Ladenburg, and Nielsen. Absent: - 1 Strege. The motion was declared adopted.

The appeal was denied.

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Resolution No. 27995 (Continued from the meeting of August 30, 1983.)

Authorizing the execution of an agreement with the Puget Sound Legal Assistance Foundation in the amount of \$25,291.00 for the continuation of the Housing Counseling Service.

Councilwoman Bichsel moved that the Resolution be adopted. Seconded by Mayor Sutherland.

Speaking on the Resolution were:

Mark Anderson  
Howard Graham

President, Tacoma Municipal Authority  
Executive Director, Puget Sound Legal Assistance Foundation

Roll call vote was taken, resulting as follows:

Ayes: 5 - Hawkins, Kirby, Ladenburg, Rasmussen, and Mayor Sutherland.

Nays: 3 - Bichsel, Hyde and Nielsen.

Absent: 1 - Strege.

The Resolution was declared adopted.

Mayor Sutherland then moved to amend Resolution No. 27995 on paragraph 11 to add the following language: "None of the funds hereunder shall be used in any sort of action against the City, its agencies or departments, including the Municipal Authority or any other authority in any legal action nor shall any attorney or intern nor the unit funded hereby whose compensation consists of monies paid hereunder, represent any individual or group of individuals in any civil action against the City of Tacoma and its agencies, said authorities, or employees."

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

Ayes: 5 - Bichsel, Hyde, Nielsen, Rasmussen, and Mayor Sutherland.



Nays: 3 - Hawkins, Kirby, and Ladenburg.

Absent: 1 - Strege.

The motion was declared adopted.

Councilman Ladenburg changed his vote from "nay" to "aye" for purposes of reconsideration.

Purchase Resolution No. 28016

Awarding contracts to:

1. W. H. Buzzell Construction Company on their bid of \$6,415.18 for home roof repair - Specification No. G-126-83;
2. Carl T. Madsen, Inc. on their bid of \$38,805.50 for traffic signalization - Specification No. G-136-83;
3. Jones Concrete Company on their bid of \$9,976.00 for L.I.D. 2585 - Specification No. G-133-83;
4. Transport Equipment Company on their bid of \$36,998.41 for a front-end loading compactor body - Specification No. G-128-83;
5. Tacoma Dodge on their bid of \$96,027.85 for thirteen compact automobiles, and Ash Motors, Inc. on their bid of \$7,756.25 for one small/compact pickup truck - Specification No. G-105-83; and
6. Rejecting all bids for streetlighting underground circuits - Specification No. G-115-83.

Councilwoman Bichsel moved to adopt the Purchase Resolution. Seconded by Deputy Mayor Nielsen.

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

Purchase Resolution No. 28016 - Substitute Exhibit "A"

Awarding contracts to:

1. W. H. Buzzell Construction Company on their bid of \$6,415.18 for home roof repair - Specification No. G-126-83;
2. Carl T. Madsen, Inc. on their bid of \$38,805.50 for traffic signalization - Specification No. G-136-83;
3. Jones Concrete Company on their bid of \$9,976.00 for L.I.D. 2585 - Specification No. G-133-83;
4. Transport Equipment Company on their bid of \$36,998.41 for a front-end loading compactor body - Specification No. G-128-83;
5. Tacoma Dodge on their bid of \$96,027.85 for thirteen compact automobiles, and Ash Motors, Inc. on their bid of \$7,756.25 for one small/compact pickup truck - Specification No. G-105-83; and

- 6. Rejecting all bids for streetlighting underground circuits - Specification No. G-115-83.
- 7. Reinhard Dist. Co., Inc. on their bid of \$.91 per gallon (truck and trailer, regular) and \$.94 per gallon (truck and trailer, unleaded) for gasoline supply.

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

Resolution No. 28017

Authorizing the granting of utility easements to One Pacific Associates in vacated "A" Street and South 7th Street.

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. 28018

Authorizing the removal of the nonexclusive taxicab stand at 1502 Pacific Avenue.

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

Resolution No. 28019

Authorizing the execution of an Operation and Use Agreement with F.O.R.C.E. and an Easement and Agreement with Eastside Community Church relative to the implementation of the Alpha House Project.

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

Resolution No. 28020

Amending Article III, Section 3.8 of the Charter of the City of Tacoma relative to the City Planning Commission and providing for the composition of the membership of that body.

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

Roll was called to determine if there was a quorum present to consider the Resolution. Present on the roll call: 7 - Hawkins, Hyde, Kirby, Ladenburg, Nielsen, Rasmussen, and Mayor Sutherland. Absent: 2 - Bichsel and Strege. Councilwoman Bichsel returned to the Council Chambers following the roll call.

Deputy Mayor Nielsen moved to amend Resolution No. 28020 on line 10 to change "eight" to "seven" members, delete the words "seven remaining" on line 12, delete the words "voting members, shall be" on line 13, and delete the word "voting" on line 15. Seconded by Councilman Rasmussen.

Speaking on the proposed amendment was:

Gus Carlson Charter Review Committee Member

Roll call vote was taken on the amendment, resulting as follows: Ayes: 2 - Nielsen and Rasmussen. Nays: 6 - Bichsel, Hawkins, Hyde, Kirby, Ladenburg, and Mayor Sutherland. Absent: 1 - Strege. The motion was declared failed.

Roll call vote was taken on the Resolution, resulting as follows: Ayes: 7 - Bichsel, Hawkins, Hyde, Kirby, Ladenburg, Rasmussen, and Mayor Sutherland. Nays: 1 - Nielsen. Absent: 1 Strege.

The Resolution was declared adopted.

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Councilwoman Bichsel moved to suspend the rules to move to "Citizen's Request to Be Heard." Seconded by Councilman Kirby. Voice vote was taken and carried. The motion was declared adopted.

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CITIZEN'S REQUEST TO BE HEARD:

Becky Fitzsimmons requesting to speak regarding a ban on firecrackers within the City of Tacoma.

Becky Fitzsimmons, of 221 South G, spoke to the Council on this matter.

Councilman Hyde requested the Legal Department to investigate the possibility of banning firecrackers within the Tacoma city limits.

Councilman Kirby moved to set aside a study session within the next two months to discuss the firecracker problem. Seconded by Councilman Hyde. Voice vote was taken and carried. The motion was declared adopted.

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Resolution No. 28021

Amending Article VI, Section 6.3 of the Charter of the City of Tacoma relative to eligibility for employment, and providing for the qualifications of persons appointed to positions in the City service.

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

Resolution No. 28022

Amending Article VI, Section 6.7 of the Charter of the City of Tacoma relative to discriminatory actions, and providing for the elimination of discrimination through affirmative action.

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

Roll call vote was taken, resulting as follows: Ayes: 7 - Bichsel, Hawkins, Hyde, Kirby, Ladenburg, Nielsen, and Rasmussen. Nays: 1 - Mayor Sutherland. Absent: 1 - Strege. The Resolution was declared adopted.

Resolution No. 28023

Amending Article VI, Section 6.8 of the Charter of the City of Tacoma relative to political activity, and providing for the right of classified civil service employees to fully participate in all phases of the election process.

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

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

Resolution No. 28024

Amending Article VI of the Charter of the City of Tacoma by adding a new section to be designated as Section 6.19 relative to an Ethics Code and providing for adherence to such by all elected and appointed officials of City government.

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

Roll call vote was taken, resulting as follows: Ayes: 5 - Hawkins, Hyde, Kirby, Rasmussen, and Mayor Sutherland. Nays: 3 - Bichsel, Ladenburg, and Nielsen. Absent: 1 - Strege. The Resolution was declared adopted.

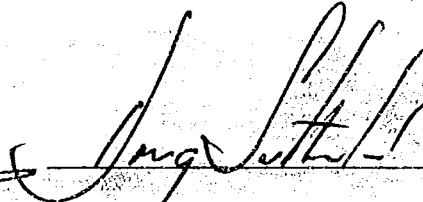
Resolution No. 28026

Retaining Preston, Thorgrimson, Ellis and Holman, attorneys at law, to perform services relative to the issuance and sale of not to exceed \$2,500,000.00 of short term obligations.

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


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On proper motion, the meeting adjourned at 8:03 p.m.



DOUG SUTHERLAND, MAYOR

ATTEST:

  
GENELLE BIRK, CITY CLERK

WPC.2613R