

CITY COUNCIL MINUTES

City Council Chambers
July 10, 1973

The meeting was called to order at 7:06 p.m.

Present on roll call: 8 - Egan, Herrmann, Jarstad, Moss, Nalley, Schuur, Sonntag and Mayor Johnston. (One Council Vacancy)

The Flag Salute was led by Councilwoman Egan.

Prior to the start of the regular agenda, Mayor Johnston called forward former Councilman Phil Schroeder, and on behalf of members of the Council and all citizens of Tacoma, presented him with a plaque for his outstanding service during his term as a councilman.

CONSENT AGENDA

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Minutes of the Tacoma Employees' Retirement System meeting of May 31, 1973 and Special meeting of June 25, 1973.
- b. Minutes of the Tacoma City Planning Commission meeting of June 18, 1973.
- c. Minutes of the Human Relations Commission meeting of June 21, 1973.
- d. Minutes of the Board of Park Commissioners meeting of June 25, 1973.
- e. Tacoma Employees' Retirement System Report of Sales and Investments, June, 1973.
- f. Program Management System Quarterly Report, 2nd Quarter, 1973, City Planning Department.

Mr. Nalley moved that all of the items listed on the Consent Agenda be approved. Seconded by Dr. Herrmann. Voice vote was taken and carried. The items were declared approved.

REGULAR AGENDA

COMMUNICATIONS:

- a. Shoreline Management Permit Application - Port of Tacoma

City Planning Director, Russell Buehler, reviewed the proposed permit for Council, pointing out that all conditions stipulated have been fulfilled and that the permit is in proper form.

The communication was placed on file.

b. Shoreline Management Permit Application - Pacific Northwest Bell Telephone Co.

Russell Buehler reviewed the contents of the permit, pointing out that it was for wires and girders on the 11th Street bridge, since they fall within the 200 feet requirement for Shoreline Management Applications. He said no applications against the permit have been received.

The communication was placed on file.

PUBLIC HEARINGS AND APPEALS:

- a. (Continued from the meeting of June 26th)
This is the date set for hearing Martin A. Hollesen's appeal of the Board of Adjustment's denial of request for a 4 foot side yard variance on the southeast corner of So. 46th & Bell Streets. (5-10-73 Board of Adjustment denied variance 4-0, 1 absent).

Communication received from Alan Rasmussen, Attorney for Martin Hollesen requesting withdrawal of variance appeal.

Dr. Herrmann made a motion to concur in the request of Attorney Alan Rasmussen to withdraw the variance appeal of Mr. Martin Hollesen. Seconded by Mr. Sonntag. Voice vote was taken and carried.

- b. This is the date set for hearing the request for rezoning the northwest corner of South 19th Street and Union Avenue from an "R-2" to an "R-2-TM" District. (6-4-73 Planning Commission recommended approval, 6-0, 3 absent) (Daun E. Olson)

Dr. Herrmann moved to concur in the recommendation of the Planning Commission. Seconded by Mr. Sonntag. Voice vote was taken and carried.

FINAL READING OF ORDINANCES:

- Ordinance No. 19849 (Continued from the meeting of June 26th)
Providing for the improvement of L.I.D. 8018 for paving along So. Monroe from So. 12th to So. 13th Street, So. 7th from So. Mullen to So. Verde and other nearby streets; also storm drains only in So. Washington from So. 8th to So. 11th and other nearby streets.

Roll call was taken, resulting as follows:

Ayes: 8 - Egan, Herrmann, Jarstad, Moss, Nalley, Schuur, Sonntag, Mayor Johnston
Nays: 0 (One Council Vacancy)

The Ordinance was declared passed.

Ordinance No. 19850

(Continued from the meeting of June 26th)
Providing for the improvement of L.I.D. No. 8020 for paving along East 61st from East "I" to East "K", East "I" from East 64th to East 65th and other nearby streets.

Mr. Sonntag made a motion that because of the 50.2 percent remonstrance against one portion of the L.I.D. that this section on "D" Street between 61st and 64th Street be deleted. Seconded by Mr. Nalley. Voice vote was taken and carried.

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

Ayes: 8 - Egan, Herrmann, Jarstad, Moss, Nalley, Schuur, Sonntag, Mayor Johnston

Nays: 0 (One Council Vacancy)

The Ordinance was declared passed.

Ordinance No. 19867

Authorizing the transfer of the sum of \$9,109 from the Contingency Fund No. 143 to the General Fund for the purpose of providing money to employ a Beautification Planner to act as full-time secretary to the Beautification Committee.

Roll call was taken, resulting as follows:

Ayes: Egan, Jarstad, Moss, Mayor Johnston

Nays: Herrmann, Nalley, Schuur, Sonntag

By virtue of the tie vote, the Ordinance was declared lost by Mayor Johnston.

Ordinance No. 19868

Amending the pay and compensation plan to add the position of Beautification Planner.

Mr. Moss made a motion that the Ordinance be removed from the Agenda. Seconded by Mr. Nalley. Voice vote was taken and carried. The ordinance was removed from the Agenda.

Ordinance No. 19869

Amending the pay and compensation plan to add the position of Police Property Clerk.

Roll call was taken, resulting as follows:

Ayes: 8 - Egan, Herrmann, Jarstad, Moss, Nalley, Schuur, Sonntag, Mayor Johnston

Nays: 0 (One Council Vacancy)

The Ordinance was declared passed.

Ordinance No. 19870

Accepting the sum of \$2,500 from the State of Washington Law & Justice Grant No. 1015 for deposit in Fund No. 586, authorizing the transfer of the sum of \$333 from the Non-departmental account to Fund No. 586 and appropriating from Fund No. 586 the sum of \$2,833 for the purpose of providing specialized training for certain law enforcement personnel.

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Roll call was taken, resulting as follows:

Ayes: 8 - Egan, Herrmann, Jarstad, Moss, Nalley, Schuur, Sonntag, Mayor Johnston

Nays: 0 (One Council Vacancy)

The Ordinance was declared passed.

Ordinance No. 19871 Authorizing the execution of a grant award agreement with the U.S. Dept. of Economic Opportunity for Recreation Support Program for 1973 in the sum of \$53,000, appropriating from "Fund No. 583" the sum of \$53,000 for operation costs for the Recreation Support Program and declaring an emergency making necessary the passage of this ordinance and its taking effect immediately upon publication.

Roll call was taken, resulting as follows:

Ayes: 8 - Egan, Herrmann, Jarstad, Moss, Nalley, Schuur, Sonntag, Mayor Johnston

Nays: 0 (One Council Vacancy)

The Ordinance was declared passed.

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FIRST READING OF ORDINANCES:

Ordinance No. 19872 Amending Title 11 of the Official Code relative to parking on certain streets.

Yoshio Kosai, Traffic Engineer, Public Works Department, reviewed the contents of the Ordinance for Council, pointing out that the primary purpose was to bring the City's Parking Ordinance up to date.

The Ordinance was set over for final reading next week.

Ordinance No. 19873 Amending the Official Code of the City relating to tax and licenses by adding Chapter 6.89 relating to gambling and declaring an emergency and the taking effect thereof immediately upon publication.

City Manager, William Donaldson, introduced Police Major Dale Deskins who served as Chairman of the City Management Team making recommendations on the proposed new gambling ordinances.

Major Deskins reviewed the activities of his Team and expressed the following concerns outlined by the Team:

1. The Team opposed any system of franchise or method whereby only one distributor would be named to handle gambling devices;
2. The Team recommended that pull tabs must be of the type that is licensable and preferably welded at the bottom and the top. He said the Team frowned

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on the postage type machines that issue tabs;

3. The Team recommended that a high fee be set for distributors to eliminate "fly by night" operators;
4. The Team disapproved of money boards. He said prizes should be merchandise and food only;
5. Cigarette boards should be restricted to five cent punches;
6. Dollar amounts should be restricted on punch boards in terms of merchandise prizes. He said the Team suggested a top of \$125 wholesale cost;
7. He said the Team recommended that no one under 18 be allowed to play pin balls; and
8. He said the Team would endorse the imposition of a maximum tax possible, but had no recommendation.

He indicated that the Tax & License Department has estimated that the 10 percent maximum tax for gambling would produce approximately \$150,000 in revenue for the City.

Councilwoman Egan requested that the following amendments be brought in at next week's meeting so that the Council can vote on each one separately:

1. An amendment eliminating money boards;
2. An amendment limiting cigarette punch boards to 10 cents a punch;
3. Adopting the Management Team's recommendation regarding the configuration of pin ball machines;
4. An amendment preventing juveniles under 18 from playing pin ball machines; and
5. An amendment placing a maximum of \$125 on merchandise prizes.

Councilman Sonntag indicated the City should not make a profit on providing services to administer the gambling ordinances, and therefore requested an amendment be brought in next week setting a limit of five percent tax and that the amendment list each amusement as being charged the five percent tax rate.

Councilman Moss requested an amendment be brought in next week stating in effect that a ten percent tax rate be imposed on gambling locations where the gross exceeds \$20,000.

In response to questions by members of the Council, City Attorney, Robert Hamilton, stated that the State Gambling Law does go into effect July 16, 1973. He stated, however, that the Governor still has not named a Gambling Commission and that no one may commence gambling without a license from the Commission. He stated that in all likelihood there will be some time between the appointment of the Commission and the actual beginning of issuance of licenses by the State. He indicated it could be as long as three months before the State could begin issuing licenses and that in the meantime, there would be no gambling of any kind during the interim.

Speaking in favor of the Ordinance were:

- John C. Frai, 1423 South 43rd Street;
- John Messina, representing the Sons of Italy;
- Mark Jarvis, tavern owner;
- Bill Bottcher, distributor;
- Mr. Alvarez, Club operator;
- Tony Pasinetti, representing the Bartenders Local of Pierce County;
- H. M. Tollefson, Attorney.

Speaking in opposition to the Ordinance were:

- Reverend Eddie Carnes
- Fred Rabai, 1611 North Madison.

Councilman Sonntag asked that an additional amendment be brought in next week establishing a bingo limit of \$800 per session.

Mayor Johnston asked that an amendment be brought in next week to amend the second sentence of Section 8.100.070, Ordinance No. 17874, as follows: "Said punchboards or pull-tabs shall be taxed on a basis which shall reflect the gross income derived from said punchboards or pull-tabs of the business in which such punchboards or pull-tabs are displayed."

The Ordinance was set over for final reading next week.

Ordinance No. 19874 Amending the Official Code of the City by repealing and reenacting Chapter 8.100 relating to gambling and declaring an emergency and the taking effect thereof immediately upon publication.

The Ordinance was set over for final reading next week.

The Council recessed at 9:45 p.m., reconvening at 10:05 p.m.

RESOLUTIONS:

Resolution No. 22273 Awarding contract to Morris Construction, Inc. on its bid of \$55,256.75 for Work Order No. 57766 Fawcett Urban Renewal Area Wash. R-3.

Mr. Nalley moved that the Resolution be adopted. Seconded by Mrs. Egan. Voice vote was taken and carried. The Resolution was declared adopted.

Resolution No. 22274 Authorizing the sale of used surplus automotive equipment by public auction or sealed bids and services of a qualified auctioneer at not less than the minimum price listed.

City Finance Director, Earl Mittelstaedt, reviewed the purpose of the resolution, noting that the Resolution would provide three methods in which the City could dispose

of 196 vehicles.

Following a lengthy discussion, Mayor Johnston made a motion to continue the Resolution one week and that the City Staff bring back some recommendations encompassing the desires of the Council to hold any possible auction within Tacoma and that the minimum prices of the vehicles be reviewed. Seconded by Mr. Moss. Voice vote was taken and carried.

The Resolution was continued to July 17, 1973.

Resolution No. 22275 Authorizing the extension of City sewer service to certain property located outside the City limits.

Mr. Sonntag moved that the Resolution be adopted. Seconded by Dr. Herrmann.

City Manager, William Donaldson, reviewed the current problem of the petitioner, and stated that a serious attempt had been made to annex to the City but could not do so because of the new provisions of the Boundary Review Board. He said this is an area where the Council needs to determine a policy on how it will service petitioners for utility services outside the City limits.

Mr. Jack Johnson, Mutual Properties, Inc., who is requesting the services, pointed out that the new County U.L.I.D. has virtually left out his area in its coverage and that the City is the closest municipal entity from which he could receive services.

Mayor Johnston stated that a vote on this particular resolution would not set any precedent by the Council and suggested a Study Session be held in the very near future to determine a policy of this matter. It was also suggested that members of the Boundary Review Board be present at the Study Session to discuss the problem.

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

Resolution No. 22276 Authorizing the execution of agreements with certain public and private parties to perform services pursuant to the 1973 Recreation Support Program.

Mrs. Egan moved that the Resolution be adopted. Seconded by Mr. Moss.

Mr. Richard Hayes, Assistant Director of the Human Development Department, stated that there are two technical changes that should be made to the Resolution, one dealing with the proper legal name of the organization, which should be the "Salishan Alliance for Community Services"; and noting that this organization will operate at the Grace Methodist Church.

Mr. Sonntag moved that the changes be made. Seconded by Mrs. Egan. Voice vote was taken and carried. The amendment was adopted.

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

Resolution No. 22277 Authorizing extension of Model Cities Second Action Year contract with Dept. of Housing & Urban Development in the amount of \$630,000.

Mrs. Egan moved that the Resolution be adopted. Seconded by Mr. Moss.

Resolution No. 22278 Authorizing the proper officers of the City to execute an agreement with United Way of Pierce County in conjunction with the Youth Activity Coalition Program.

Mr. Sonntag moved that the Resolution be adopted. Seconded by Mrs. Egan. Voice vote was taken and carried. The Resolution was declared adopted.

Resolution No. 22279 Approving the revised preliminary plat of Westgate's Wedgewood Park, North 37th to 39th Streets between Pearl and Shirley Streets. (Fred F. Lawrence, P.E.)

City Planning Director, Russell Buehler, reviewed the proposed plat, noting in particular that the Planning Commission has recommended only right turns in and right turns out off of Pearl Street for the proposed development.

Mr. Kurt Mayer, developer, pointed out that his group could live with the plat as approved, but suggested the breaking of the median strip in front of the development on Pearl Street would allow left hand turns and help to relieve future traffic problems. He noted too that similar breaks were provided other apartment developments elsewhere on Pearl Street.

Mr. Sonntag moved that the Resolution be continued for three weeks for further study and reports by the staff. Seconded by Mr. Nalley. Voice vote was taken and carried.

The Resolution was continued to July 31, 1973.

Resolution No. 22280 Authorizing the street closure of North "E" Street between North 1st and 3rd Streets under the provision of Chapter 11.38.020. (Tacoma School District #10)

Dr. Herrmann moved that the Resolution be adopted. Seconded by Mr. Moss.

City Planning Director, Russell Buehler, reviewed the purpose of the Resolution, which was to initiate a temporary closure of "E" Street between North 1st and 3rd Streets to determine how such a closure would affect the neighborhood. He said the closure would be for a period of approximately six weeks.

Speaking in opposition to the proposed temporary closure was Mrs. Dabroe, 318 North "E" Street.

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

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Mr. Sonntag made a motion to suspend the rules to consider Resolution No. 22281, Seconded by Mrs. Egan. Voice vote was taken and carried.

Resolution No. 22281 Authorizing the execution of Agreement No. S-3048-53 with the U.S.A. Department of Labor for implementation of a Summer Neighborhood Youth Corps Employment Program.

Mr. Sonntag stated that the Resolution would return funds appropriated from the Revenue Sharing Fund by virtue of the fact that the Federal Government has provided additional funds for the summer work program for youths.

Mr. Sonntag made a motion that the Resolution be adopted. Seconded by Mrs. Egan. Voice vote was taken and carried. The Resolution was declared adopted.

UNFINISHED BUSINESS:

Mr. Jarstad asked for a status report on the enforcement of our present laws in view of the U. S. Supreme Court's recent decision regarding obscenity and pornography. He stated he felt the Council should indicate to the Police Department and City Manager that the Council wants a stiff enforcement of the laws.


City Attorney, Robert Hamilton, briefly reviewed the Supreme Court decisions. He noted that the City has two cases upon on appeal at the present time. He stated the new tests handed down by the high court involve different procedures, one of which involves a determination of each individual magazine and/or movie that is thought to be pornographic and that implementation of this type of enforcement would be indeed expensive and take a great amount of time to adjudicate.

Police Chief Lyle Smith indicated his department is pursuing a present policy of enforcement under the existing guidelines and will continue to do so until a different policy is handed down by the City Council.

Mr. Nalley made a motion, seconded by Mr. Sonntag, that a verbatim of Mr. Hamilton's and Chief Smith's comments be made available to him as soon as possible. Voice vote was taken and carried.

Mayor Johnston then recessed the meeting to Executive Session to discuss a personnel matter before the Council at 11:50 p.m. The Council reconvened at 11:55 p.m.

Dr. Herrmann moved that the meeting be adjourned. Seconded by Mr. Sonntag. Voice vote was taken and carried. The meeting adjourned at 11:56 p.m.


GORDON JOHNSTON - MAYOR

ATTEST: 
H. B. BOND - CITY CLERK