

CITY COUNCIL MINUTES

City Council Chambers
April 3, 1973

The meeting was called to order at 7:05 p.m.

Present on roll call: 9 - Egan, Herrmann, Jarstad, Maule, Moss, Nalley, Schroeder, Sonntag and Mayor Johnston. Absent: 0.

The Flag Salute was led by Dr. Herrmann.

CONSENT AGENDA

Approval of the minutes of the meeting of March 27, 1973.

RESOLUTIONS:

Resolution No. 22132 Fixing Monday, April 23, 1973 at 4:00 p.m. as the date for hearing L.I.D. 8009 for paving along East 86th from East "F" to McKinley Avenue, also storm drains in East 91st and East 86th from East "D" to East "F" St.

Resolution No. 22133 Fixing Monday, April 23, 1973 at 4:00 p.m. as the date for hearing L.I.D. 8015 for paving along South "I" from 76th to 78th; South 78th from "I" to Yskima Avenue and other nearby streets; also storm drains only in 78th from Fawcett Avenue to South "D" and other nearby streets.

Resolution No. 22134 Fixing Tuesday, May 1, 1973 at 7:00 p.m. as the date for hearing the request for vacation of Alder and Lawrence between South 47th and 48th Streets and alleys between Alder and Lawrence from South 47th to 48th and between Lawrence and Warner from South 47th to 48th Streets. (Tacoma Cemetery, Inc. et al)

Resolution No. 22137 Fixing Monday, April 23, 1973 at 4:00 p.m. as the date for hearing L.I.D. 8016 for paving along North Mullen from North 7th to North 8th and Warner from 6th Avenue to North 9th Street.

APPEALS:

Elizabeth Sodon appealing the Planning Commission's decision to grant a Special Use Permit to Southside Tabernacle for a church and off-street parking area on the northwest corner of South 96th and Sheridan Avenue. (3-19-73 Planning Commission approved Special Use Permit 6-2, 1 absent)

Last day to file an appeal was April 2, 1973 and an appeal was filed.

Suggested date for hearing is May 1, 1973.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Minutes of Citizens Arterial Committee meeting of March 5, 1973.
- b. Minutes of Human Relations Commission meeting of March 15, 1973.
- c. Minutes of City Planning Commission meeting of March 19, 1973.
- d. Dept. of Public Works filing Update Cost Estimate for UAB 8-1-128(36) and 8-1-128(41).
- e. 1972 Annual Report, Police Department.
- f. Monthly report, Finance Director, January, 1973.

Dr. Herrmann moved that all of the items listed on the Consent Agenda, including Resolution Nos. 22132, 22133, 22134 and 22137 be approved. Seconded by Mr. Schroeder. Voice vote was taken and carried. The items were declared approved.

REGULAR AGENDA

COMMUNICATIONS:

- a. Shoreline Management Permit Application - Port of Tacoma - terminal wharf and warehouse.
- b. Shoreline Management Permit Application - Port of Tacoma - marina development.
- c. Shoreline Management Permit Application - John Meaker marina development.

The communications were placed on file.

PUBLIC HEARINGS:

- a. This is the date set for hearing the request for rezoning the area on the west side of Mildred Street between South 15th and South 17th Street from an "R-P" to an "R-3-PRD" District. (3-5-73 Planning Commission recommended approval 4-1, 4 absent) (Weyerhaeuser Real Estate Company)
- b. This is the date set for hearing the request for rezoning the area approximately 950 feet west of Mildred Street between South 15th and 17th Street extended east from an "R-P" to an "R-3-PRD" District. (3-5-73 Planning Commission recommended approval 4-1, 4 absent) (Weyerhaeuser Real Estate Co)

Since both of the Public Hearing items related to the same particular area, the City Council considered both items at the same time for discussion purposes.

City Planning Department Director, Russell Buehler, reviewed each proposal, reviewing the reasons for the Planning Commission's recommendation of the two items and also the conditions that were attached to the approval of the proposed development of the property.

Mr. Helmut Wallenfel, Attorney representing the Weyerhaeuser Real Estate Company, reviewed the company's plans for the properties concerned in the two petitions.

Mrs. Thelma Darsow, 1531 South MacArthur, presented petitions bearing signatures of approximately 125 persons objecting to the two rezonings. She indicated she represented citizens from the Mt. Narrow Addition No. 1 and No. 2.

Mr. Tom Fitz, commercial real estate salesman, also spoke in objection to the rezonings.

Following additional discussion, Mr. Moss moved that the petition for rezone under item a be denied. Seconded by Mr. Nalley. Voice vote was taken and carried.

Mr. Moss moved that the petition for rezone under item b be denied. Seconded by Mr. Sonntag. Voice vote was taken and carried.

FINAL READING OF ORDINANCES:

Ordinance No. 19776 Amending Chapter 1.12 of the Official Code by repealing Section 1.12.628 and reenacting the same as Section 1.12.626 and adding a new section to be known as Section 1.12.627 relative to Training Classifications.

City Manager, Bill Donaldson, pointed out that the opposition to the ordinance on the part of the unions was not on the concept of the proposal but rather how the program would be funded. He indicated he was confident the opposition could be resolved to the satisfaction of all parties concerned.

Roll call was taken, resulting as follows:

Ayes: 9 - Egan, Herrmann, Jarstad, Maule, Moss, Nalley, Schroeder, Sonntag and Mayor Johnston.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 19777 Appropriating the sum of \$200,000.00 or so much thereof as may be necessary from the 1973 Federal Shared Revenue Fund for the purpose of implementing a Summer Youth Employment Program.

Mr. Maule gave a report to the Council as Chairman of the Mayor's Committee for summer youth activities, in which the Committee recommended the City allocate \$150,000 for youth activities from the general revenue sharing monies and this dollar amount would go to the Management Team and they would recommend what programs are to be funded with it. He stated their report to the Council should be made no later than May 1, 1973.

Mr. Maule moved that the ordinance be removed from the Agenda. Seconded by Mrs. Egan.

Roll call was taken, resulting as follows:

Ayes: 5 - Egan, Herrmann, Maule, Schroeder, Mayor Johnston

Nays: 4 - Jarstad, Moss, Nalley, Sonntag

The Ordinance was removed from the Agenda.

Ordinance No. 19787 Granting a franchise to Dr. Lewis G. Despain and Beverly L. Despain d/b/a Stellar Industries, to place bus benches with advertising on designated streets and sidewalks in the City.

The City Clerk read into the record an opinion from Chief Assistant City Attorney, F. H. Chapin, Jr., which indicated that the franchise ordinance in question could not be adopted until 15 days after its first introduction which would mean that the ordinance could not be adopted until the meeting of April 17, 1973.

Mr. Maule moved that final reading of this ordinance be continued for two weeks. Seconded by Dr. Herrmann. Voice vote was taken and carried.

Final Reading of Ordinance No. 19787 was continued to April 17, 1973.

Ordinance No. 19788 Providing for the improvement of L.I.D. 3740 for sanitary sewers in East 75th from East "F" to McKinley Avenue.

Roll call was taken, resulting as follows:

Ayes: 8 - Egan, Herrmann, Jarstad, Maule, Moss, Nalley, Schroeder, Mayor Johnston

Nays: 0

Temporarily Absent: 1 - Sonntag

The Ordinance was declared passed.

Ordinance No. 19789 Providing for the improvement of L.I.D. 8010 for paving on "A" Street from East 56th to East 60th Street.

Mr. George Pritchard, 5617 "A" Street and Mr. R. A. Miller, 5830 "A" Street, spoke against the ordinance.

Speaking in favor of the ordinance were Mrs. Edward Greer, 5815 "A" Street and Mrs. Anthony Pantley, 105 East 60th.

Roll call was taken, resulting as follows:

Ayes: 9 - Egan, Herrmann, Jarstad, Maule, Moss, Nalley, Schroeder, Sonntag, Mayor Johnston

Nays: 0

The Ordinance was declared passed.

Ordinance No. 19790 Approving and confirming the Assessment Roll for L.I.D. 3732 for sanitary sewers in East "I" from East 66th to East 72nd Street.

Roll call was taken, resulting as follows:

Ayes: 9 - Egan, Herrmann, Jarstad, Maule, Moss, Nalley, Schroeder, Sonntag and Mayor Johnston.

Nays: 0

The Ordinance was declared passed.

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Mayor Johnston then made a motion, in compliance with the executive sessions provisions of the open meetings law, to recess the Council Meeting for the purpose of discussing a replacement for Councilman Maule, who has announced his intention to resign. Seconded by Mr. Sonntag. Voice vote was taken and carried. The meeting was temporarily recessed at 9:20 p.m.

The meeting reconvened at 10:10 p.m.

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FIRST READING OF ORDINANCES:

Ordinance No. 19791 Amending Chapter 13.06 of the Official Code relative to off-street parking, conditional use permits, recreational vehicle sales in "C-2" Districts, and other zoning changes.

The ordinance was set over for final reading next week.

Ordinance No. 19792 Amending Chapter 13.06 of the Official Code to add the north side of South 84th Street approximately 300 feet west of Alaska Street from an "R-2" to an "R-4-L" District. (Darrell H. Wilber)

The Ordinance was set over for final reading next week.

Ordinance No. 19793 Amending Section 1.19.010 of the Official Code to increase the salaries of City Councilmen from \$25.00 per meeting with maximum of \$1,200 per year to \$25.00 for each official meeting attended without any annual limitation.

Mr. Maule reviewed the many hours spent in meetings by members of the City Council and indicated that the ordinance was just and fair compensation for council members to properly compensate them for their increasing duties and responsibilities, as well as time spent in connection with the performance of their duties.

In response to a question by Mrs. Egan, Assistant City Attorney Chapin indicated there are two questions that have arisen which will require some investigation. He said the questions regard the definition of an "official meeting" and an opinion on whether continuation of a meeting from one day to the next would constitute a single meeting or two separate meetings. Mr. Chapin said he will study these two questions and have a clarification for next week's meeting.

Mr. Maule also pointed out that the compensation recommended in the ordinance would not be for this Council but for the Council to be elected next fall.

Mr. Marvin Kaye, 5207 North 10th, spoke in favor of the ordinance.

The Ordinance was set over for final reading next week.

Ordinance No. 19794 Amending Chapter 2.05 of the Official Code by adding a new section 2.05.275 relative to political signs.

As sponsor of the ordinance, Mr. Maule indicated he felt very strongly that some provisions should be made to regulate political signs which litter the City right-of-way and lawns during election times. He stated perhaps the main thrust of the ordinance concerns the area of prohibiting erection of signs 30 days prior to an election and the removal of said signs 7 days after the election. Also, he said campaigners would have to seek permission from property owners in order to display their signs.

Mr. Maule moved that in Sub-Paragraph c under Section 2.05.275 the following language be added: "That this restriction does not apply to legally licensed outdoor advertising displays". Seconded by Mrs. Egan. Voice vote was taken and carried.

Mr. Nalley made a motion to postpone first reading of the ordinance for one week to allow more time for council information. The motion failed for lack of a second.

Mr. Sonntag asked the City Manager to forward copies of the proposed ordinance to elected officials in the County, schools, parks, and port district for their comments and observations which could be forwarded to the Council prior to next week's meeting.

Mr. Moss moved to amend the ordinance to omit the provision in Sub-Paragraph b under Section 2.05.275 which prohibits more than four political signs located at any residence or on any lot. Seconded by Mr. Sonntag.

Roll call vote was taken, resulting as follows:

Ayes: 5 - Herrmann, Moss, Nalley, Sonntag, Mayor Johnston

Nays: 3 - Egan, Jarstad, Maule

Absent: 1 - Schroeder

The amendment was declared passed.

Mr. Dave DeForest, 1116 East 44th, suggested that Council seek out previous court decisions in which there was an adverse ruling against the City in its attempts to limit the size of signs.

Mayor Johnston instructed the City Attorney's Office to investigate.

The amended ordinance was set over for final reading next week.

RESOLUTIONS:

Resolution No. 22135 Awarding contract to Duncan Industries on its bid of \$10,196.55 for the furnishing of twenty fare boxes for new transit coaches.

Mr. Sonntag moved that the Resolution be adopted. Seconded by Mr. Moss.

Transit Director, Doug Hendry, reviewed the need to replace some 20 year old fare boxes with the new equipment. He pointed out that parts for the old boxes are no longer available.

Mayor Johnston made a motion, seconded by Mr. Nalley, that the requirement that the bid be signed in this particular instance be waived. Voice vote was taken and carried.

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

Resolution No. 22136 Awarding contract to Lige Dickson Company on its bid of \$1,099,793.47 for Improvement 4988 Unit "A" and 4993 Unit "A".

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

Resolution No. 22138 Authorizing the execution of an amendment to Mutual Fire Protective Assistance Agreement between City of Tacoma and Bates Vocational Technical Institute.

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

Resolution No. 22139 Authorizing the proper officers of the City to execute an agreement for employment of survey crews from various engineering firms and agencies for the purpose of assisting in the City's construction program.

Dr. Herrmann moved that the Resolution be adopted. Seconded by Mrs. Egan.

Public Works Director, Gilbert Schuster, briefly reviewed the need for employment of additional survey crews because of the very large construction program the City is scheduling for this summer. He also noted that on Page 2 of the agreement, Paragraph 6, line 9, the word "exclusive" should be changed to "inclusive".

Mayor Johnston made a motion, seconded by Mr. Sonntag, that the change be made in the agreement. Voice vote was taken and carried.

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

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UNFINISHED BUSINESS:

Mr. Moss made a motion, seconded by Mr. Sonntag, that the report by the Mayor's Committee for Summer Youth Activities be amended to increase the allocation for youth activities from \$150,000 to \$200,000 for referral to the City Management Team.

Roll call vote was taken, resulting as follows:

Ayes: 5 - Jarstad, Moss, Nalley, Sonntag, Mayor Johnston

Nays: 3 - Egan, Herrmann, Maule

Absent: 1 - Schroeder

The amendment was declared passed.

Mrs. Egan made a motion, seconded by Mr. Moss, that the report of the Mayor's Committee for Summer Youth Activities be adopted as amended. Voice vote was taken and carried.

Mrs. Egan requested the City Manager to prepare a resolution for next week allocating sufficient money to keep the Metropolitan Park playgrounds and swimming pools open an additional two weeks this summer.

Mr. Sonntag gave a brief report on actions taken by the City Manager's Office regarding a report of a parking problem in South Tacoma and also the concern of some citizens in the area of North 11th and Oak Street regarding a local traffic problem.

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COMMENTS BY MEMBERS OF THE CITY COUNCIL:

Mayor Johnston made a motion, seconded by Mr. Sonntag, that the City go on record as opposing Senate Bill 2813 which repeals the authority of municipalities to levy a 1 percent motor vehicle tax to support mass transit facilities.

Mayor Johnston indicated that the proposed action would result in a net loss to the City of Tacoma over the next two years of some \$750,000 and cause a severe hardship to the City.

Voice vote was taken and carried.

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Mr. Sonntag made a motion, seconded by Mr. Moss, that the City Council recess its meeting until 11:30 a.m. tomorrow morning at which time the Council will reconvene in the Public Utilities Board Room. Voice vote was taken and carried. The meeting recessed at 11:30 p.m.

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The meeting reconvened, Wednesday, April 4, 1973 at 12:10 p.m. in the Public Utilities Board Room. Present on roll call: 6 - Herrmann, Jarstad, Nalley, Schroeder, Sonntag and Mayor Johnston. Absent: 3 - Egan, Maule and Moss.

Mayor Johnston announced that the meeting was reconvened to consider Resolution No. 22140.

Resolution No. 22140 Confirming the actions of the Public Utility Board in fixing the form and details, publishing a notice of sale, and accepting a proposal for the purchase of \$24,300,000 principal amount of Light and Power refunding revenue bonds of 1973 of the City and fixing the interest rates for the same and authorizing the sale as set forth in the resolution.

A. J. Benedetti, Director of Utilities, reviewed Public Utility Board Resolution No. U-4141 and pointed out that there were five bidders. The low bid of \$23,936,061.45 at 5.488% interest submitted by Merrill Lynch, Pierce, Fenner & Smith, Inc. and Associates, was determined to be the lowest and best bid. The anticipated savings to the City by this refunding of the Light & Power Revenue Bonds, which were sold in 1970 at a rate of 7.197%, would amount to \$5,151,404.00. He complimented the bond consultants from the firm of Wood, Dawson, Love & Sabatine.

Jay Grenley, Chairman of the Public Utility Board, complimented the financial advisers from the firm of Smith, Barney & Co.

Daniel J. Donahue, Local Manager of Merrill Lynch, Pierce, Fenner & Smith, Inc. reported they were delighted to be the successful bidder.

Mr. Schroeder moved to adopt Resolution No. 22140. Seconded by Mr. Sonntag.

Roll call was taken on the resolution, resulting as follows:

Ayes: 6 - Herrmann, Jarstad, Nalley, Schroeder, Sonntag and Mayor Johnston

Nays: 0

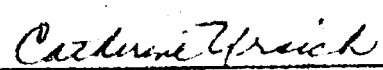
Absent: 3 - Egan, Maule and Moss

The Resolution was declared adopted.

On proper motion, the meeting adjourned at 12:20 p.m.

ATTEST:


H. B. BOND - CITY CLERK


CATHERINE URSICH - DEPUTY CITY CLERK


GORDON JOHNSTON - MAYOR