

CITY COUNCIL MINUTES

City Council Chambers
July 17, 1973

The meeting was called to order at 7:09 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 Dr. Herrmann.

CONSENT AGENDA

Approval of the minutes of the meetings of July 3rd and July 10th, 1973 and special meetings of July 9th and 12th, 1973.

PETITIONS:

Bruce H. Kelly requesting the rezoning of the property located on the northeast corner of Center and Madison Streets from an "R-3" to a "C-2" District.

For referral to the Planning Commission.

RESOLUTIONS:

Resolution No. 22282

Fixing Tuesday, August 14, 1973 at 7:00 p.m. as the date for hearing the request for vacation of Lexington and Frace Streets between South 10th and 12th Streets; also alley between Lexington and Frace Street from South 10th to 12th Streets; also alley between Frace and Whitman from South 10th to 12th Streets. (Harold Jewell, et al)

Resolution No. 22283

Fixing Monday, August 13, 1973 at 4:00 p.m. as the date for hearing L.I.D. 5533 for water mains in McKinley Avenue from East 84th Street to East 86th Street and East 86th Street from McKinley Avenue to East "G" Street.

ASSESSMENT ROLLS:

The Director of Public Utilities presents the Assessment Rolls for the following:

LID 5507 - Water mains in East 66th Street from East "I" to East "J" Street and in East "J" Street from East 66th to East 68th Street.

LID 5509 - Water mains in East 66th Street from East "J" Street to the east line of Easton Addition.

Fixing Monday, August 13, 1973 at 4:00 p.m. as the date for hearing.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Minutes of Board of Adjustment meeting of June 14, 1973.
- b. Minutes of Civil Service Board meeting of June 18, 1973.
- c. Minutes of Public Utility Board meeting of June 27, 1973.
- d. Minutes of Model Cities Land Use Review Board meeting of July 2, 1973.
- e. Monthly report, Personnel Department, May, 1973.
- f. Monthly report, Traffic Division, Police Department, May, 1973.
- g. Belt Line Division, Light Division and Water Division monthly financial reports, May 31, 1973.
- h. Public Works Department filing Update Cost Estimate for UAB Project No. 8-1-128(39) and No. 8-1-128(44).
- i. Bill's Towing & Garage, Inc. filing monthly towing report for June, 1973.
- j. Suggestion Systems City of Tacoma Joint Report, 1972.

Mrs. Egan moved that all of the items listed on the Consent Agenda, including Resolution Nos. 22282 and 22283, be approved. Seconded by Mr. Schuur. Voice vote was taken and carried. The items were declared approved.

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Prior to the start of the Regular Agenda, Mayor Gordon Johnston issued a proclamation to the Tacoma Urban League declaring the Month of July 18th through August 18th as "Voter Registration Month" in the City of Tacoma. Mrs. Luanna Lee was present to receive the proclamation.

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REGULAR AGENDA

COMMUNICATIONS:

Communication received from Planning Department requesting date of public hearing for revised preliminary plat of Westgate's Wedgewood Park.

Mayor Johnston made a motion that the public hearing be set for July 31, 1973. Seconded by Mr. Moss. Voice vote was taken and carried. The date was declared set.

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PUBLIC HEARINGS:

This is the date set for a public hearing regarding a revision to the Six-Year Comprehensive Street Program for the years 1973 through 1978.

City Manager Donaldson pointed out that the proposed amendment is necessary to provide the sum of \$87,500 from the Arterial Street Fund for the City's share to participate in a study to be made by the State Highway Department on Star Route 509 (Tacoma Spur). He said the study will consist of preliminary planning, community coordination and a social, economic, and environmental assessment of the impact of the Tacoma Spur. He said the total cost of the study is estimated to be \$500,000, with the Federal Government paying half and the State and the City sharing the remaining half.

John C. Frai, 1423 South 43rd, spoke.

Dr. Herrmann made a motion that the Street Program be amended to include the item of \$87,500 for the year 1974 for the Tacoma Spur. Seconded by Mr. Jarstad. Voice vote was taken and carried. The Program was declared amended.

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FINAL READING OF ORDINANCES:

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

Roll call was taken, resulting as follows:

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

Nays: 0 (One Council Vacancy)

The Ordinance was declared passed.

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.

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.

Mayor Johnston said the City Attorney's Office has requested an additional week to redraft Ordinance No. 19873 and No. 19874 according to the several amendments being proposed.

Mayor Johnston moved that the final reading of Ordinances Nos. 19873 and 19874 be postponed to next week. Seconded by Mrs. Egan. Voice vote was taken and carried.

In response to a question by Mayor Johnston, Police Major Dale Deskins gave a brief report on his conversation with the Deputy Director of Motor Vehicles regarding the newly appointed gambling Commission procedures. He stated it was the Deputy Director's opinion that the Commission would allow bingos and raffles sponsored by qualified organizations to proceed on a 90 day temporary permit during the interim time the Commission needs to organize itself for its regular duties. Major Deskins said that it is the feeling that all other gambling in this City, as well as the State, will be delayed for at least 90 days until such time as the proper permits can be developed and issued.

Dr. Herrmann made a motion, seconded by Mrs. Egan, to adopt alternate "B" amending the second sentence of 6.89.040 in Ordinance No. 19873 as follows:

"In addition to the payment of said fee, each applicant shall remit to the City of Tacoma and there is hereby levied a tax computed at the rate of 5% on the first \$20,000.00 of gross income received from the conduct of such activity in any one fiscal year, and a tax computed at the rate of 10% of the gross income received from the conduct of such activity in excess of \$20,000.00 in any one fiscal year."

Citizens speaking on the proposed amendment were: Tony Passanante, 4406 No. 11th, and John C. Frai, 1423 South 43rd Street.

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

Mrs. Egan made a motion, seconded by Mr. Schuur, that the Council adopt Alternate "A" to amend Section 6.89.120 by adding the following sentence:

"There is hereby levied a tax computed at the rate of 10%, based upon the gross income received or anticipated to be received in the conduct of such activity, computed by multiplying the number of chances available to be played on said board times the price or value of each individual chance or play."

Dr. Herrmann made a motion, seconded by Mr. Sonntag, to amend the amendment, inserting 5% rather than 10% as the tax rate proposed in Mrs. Egan's proposed amendment.

Speaking in favor of Dr. Herrmann's 5% tax levy were the following citizens: Tony Passanante, John C. Frei; Harold Tollefson, an attorney; Mr. Pollock, 907 South Verde, Hotel-Motel Employees Union; Roy Near, owner of the Alibi Tavern; Barny Urdahl, owner of the 48th Street Tavern; Gene Lewis, Ray & Gene's Tavern; Mr. Warbley, 1313 Fawcett, an unemployed bartender.

City Attorney, Robert Hamilton, stated that it is his opinion that the 10% tax rate limitation applies to bingo and raffles and amusement games. He said it appears the 10% limitation does not apply to pull tabs or punch boards.

Following additional discussion, roll call vote was taken on Dr. Herrmann's motion, resulting as follows:

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

Nays: 2 - Egan and Schuur

(One Council Vacancy)

The amendment was declared adopted.

The Council then voted on the original motion, as amended. Voice vote was taken and carried. The amendment was declared adopted.

Mrs. Egan made a motion, seconded by Mr. Sonntag, to adopt Amendment No. 1, amending Section 8.100.010 of Ordinance 19874 relating to punchboards and pull-tabs and restrictions thereon as follows:

"No punchboard or pull-tab

(a) May award as a prize upon a winning number or symbol being drawn the opportunity of taking a chance upon any other punchboard or pull-tab;

(b) May award as a prize upon a winning number or symbol being drawn the opportunity of taking an additional chance or chances upon the same punchboard or pull-tab;

(c) Offer as a prize thereon any cigarettes or tobacco products where the charge for a chance thereon shall exceed the sum of 10¢ per chance;

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(d) Shall be utilized or available for play unless said punchboard, pull-tab or device and all merchandise prizes connected therewith are conspicuously displayed in or upon said premises;

(e) No pull-tab or pull-tab device shall be authorized hereunder other than a spindle type pull-tab dispenser of a non-refillable or non-reusable configuration or nature, wherein all pull-tabs or chances thereon are readily available for random selection by the player."

Following a brief discussion, the question was called for on the amendment. Voice vote was taken and carried. The amendment was declared adopted.

Mrs. Egan made a motion, seconded by Mr. Schuur, to amend Section 8.100.170 of Ordinance No. 19874, changing the heading of said section by adding the words "prohibited practices" between "fraud and deceit" and "penalties", and adding two new subsections as follows:

"(4) Shall refill or add to any punchboard, pull-tab or any other device authorized hereunder any additional tabs, chances or plays subsequent to the time that said punchboard, pull-tab or device shall have been first sealed by the proper officers of the City of Tacoma.

(5) Shall give as a prize or consideration for a winning play or chance any cash, or shall redeem any prize won consisting of merchandise for cash or any other valuable consideration."

Speaking against the proposed amendment were: Barney Urdahl, tavern owner; John C. Frai; Roy Near, tavern owner; and Jim Bliss, manager of the Tacoma Greyhound Bus station.

Following additional discussion, voice vote was taken and carried. The amendment was declared adopted.

Dr. Herrmann made a motion, seconded by Mr. Sonntag, that Section 8.100.090 of Ordinance 19874 be amended to increase from \$125 to \$175 the total value of goods, wares or merchandise or chattels offered as prizes for any one punchboard. Voice vote was taken and carried. The amendment was declared adopted.

Mrs. Egan made a motion, seconded by Mr. Jarstad, to add a new section to Ordinance No. 19874 to be number 8.100.230 relating to prohibiting minors under the age of 18 from playing pin ball machines.

Speaking against the amendment were the following persons: Anon May, an attorney at 1015 South 12th; Roy Near, tavern owner; Jim Bliss, manager of the Greyhound bus station; James Amos, 4501 South 9th, taxi driver; and Merle Carlson, No. 25th & Union.

Speaking in favor of the amendment was Mr. Mark Anderson of 9020 South Hosmer.

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

Mr. Sonntag made a motion, seconded by Mrs. Egan, to amend Section 8.100.110 of Ordinance 19874, limiting the pay-offs for bingo games to \$800 in any one session.

Mr. Sonntag asked the City Attorney to review the last sentence of the proposed amendment prior to next week's final consideration to clarify the definition of session.

Citizens speaking in favor of the amendment were: Mark Anderson, 9020 South Hosmer.

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

Mayor Johnston made a motion, seconded by Mr. Sonntag, that an amendment be incorporated in both Ordinance 19873 and 19874 calling for review of the operation of the ordinances after one year. Voice vote was taken and carried. The amendment was declared adopted.

Mayor Johnston then recessed the meeting at 10:10 p.m.

Mayor Johnston reconvened the meeting at 10:35 p.m.

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FIRST READING OF ORDINANCES:

Ordinance No. 19875 Appropriating \$7,980 or so much thereof as may be necessary from Law and Justice Fund No. 569 for the purpose of increasing the appropriation to include the City's cash matching funds in accordance with Law and Justice Planning Office Grant No. 1046 and declaring an emergency making necessary the passage of this ordinance.

The Ordinance was set over for final reading next week.

Ordinance No. 19876 Authorizing the transfer of the sum of \$3,305 from Model Cities Budget account to Law and Justice Fund No. 559 and appropriating \$11,285 or so much thereof as may be necessary from Law and Justice Fund No. 559 for the purpose of increasing the appropriation from said fund to include the City's cash matching funds in accordance with Law and Justice Planning Office Grant No. 988, declaring an emergency making necessary the passage of this ordinance.

The Ordinance was set over for final reading next week.

Ordinance No. 19877 Authorizing the acceptance of the sum of \$22,500 from the Medina Foundation for the purpose of establishing and carrying out an Urban Economist Program, creating a new fund, "Urban Economist Program Fund 644" and appropriating \$22,500 from the fund to carry out the program.

The Ordinance was set over for final reading next week.

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Ordinance No. 19878 Authorizing the appropriation of the sum of \$274,370 or so much as may be received from the Dept. of Labor pursuant to Agreement No. S-3048-53 for the purpose of implementing the Summer Neighborhood Youth Corps Employment Program 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.

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RESOLUTIONS:

Resolution No. 22274 (Continued from the meeting of July 10th)
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.

Dr. Herrmann moved that the Resolution be adopted. Seconded by Mrs. Egan. Voice vote was taken and carried, with Councilman Sonntag abstaining. The Resolution was declared adopted.

Resolution No. 22284 Authorizing the execution of the Labor Management Master Agreement with the Joint Labor Committee.

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

Labor Relations Director, Hugh Judd, stated the proposed agreement is a renewal of the City's contract with the Joint Labor Committee. He said the agreement is approximately the same as earlier proposed to the City Council, except for two minor changes. He said these changes reflect the fact that the Joint Labor Committee represents only those unions which signed the agreement.

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

Resolution No. 22285 Approving a negotiation schedule between the City, the Joint Labor Committee and individual member unions.

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

Labor Relations Director, Hugh Judd, stated the Resolution sets forth a proposed negotiation schedule for the City, the Joint Labor Committee, and the individual member unions.

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

Resolution No. 22286 Appointing Mrs. Susan L. Peterson as trustee on the Library Board for the City for a term of 5 years, expiring August 3, 1978.

Mayor Johnston moved that the Resolution be adopted. Seconded by Dr. Herrmann.

Mr. Nalley asked the Council to reconsider its apparent policy of not reappointing members to boards and commissions, stressing the value of tenure achieved by members. He asked if this was the action to take in this particular appointment.

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Mayor Johnston responded it was much healthier to have as many citizens serve on boards and commissions as possible rather than one individual for a great number of years.

Voice vote was taken and carried, with Mr. Nalley voting no. The Resolution was declared adopted.

Resolution No. 22287 Awarding contract to Fischer Motor Company on its bid of \$37,467.11 for five 2½-3 yard Dump Trucks and to International Harvester on its bid of \$54,137.68 for four 4-yard Dump Trucks and \$357 for optional equipment.

Dr. Herrmann moved that the Resolution be adopted. Seconded by Mr. Moss. Voice vote was taken and carried. The Resolution was declared adopted.

Resolution No. 22288 Awarding contract to Cascade Asphalt Paving Company on its bid of \$375,330.47 for Improv. No. 4928, Unit "D", Center Street and Improv. No. 4834, Unit "D", intersection of South 38th and South Tacoma Way.

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. 22289 Authorizing the proper officers of the City to execute a supplementary agreement with the firm of Griffenhagen-Koroeger, Inc. providing for the extension of the agreement.

Dr. Herrmann moved that the Resolution be adopted. Seconded by Mr. Moss. Voice vote was taken and carried. The Resolution was declared adopted.

Resolution No. 22290 Adopting the new proposed rates for Local Improvement Projects and rescinding Resolution No. 19868.

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

Robert D. Sparling, Chief Design Engineer for the Public Works Department, stated the proposed Resolution revises the guaranteed rates for LID's to cover the cost for the increased cost and construction incurred by the improvements. He said the new rates provide the City would participate approximately 25% in the total cost of the improvements. He stated the cut off date for the imposition of the new rates would be September 1, 1973.

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

Resolution No. 22291 Authorizing the sale of 2.75 acres of Cushman Transmission line r/o/w to Anderson & Sons, Inc. for the sum of \$3,437.50.

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

Resolution No. 22292 Authorizing the execution of a renewal agreement with Harvey Singleton for services required as Program Coordinator for the 1973-1974 National Science Foundation grant.

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

REPORTS BY CITY MANAGER:

City Manager Donaldson made a request that Council grant a temporary waiver of residence to Gary Ormfield for the Joint Data Processing Operations Division. Mr. Donaldson pointed out that Mr. Ormfield has purchased a home in Tacoma and will move in as soon as possible, but that the temporary waiver would be needed.

Dr. Herrmann made a motion, seconded by Mr. Sonntag, that the waiver be granted. Voice vote was taken and carried.

COMMENTS BY MEMBERS OF THE CITY COUNCIL:

Mr. Schuur made a motion, seconded by Mr. Sonntag that the City Manager be authorized to design restroom facilities in the Broadway Plaza Development, not to exceed a total amount of \$12,000.

City Manager Donaldson said it appears very likely that sufficient monies will be available in the Urban Renewal Department's contingency fund to pay for the facilities.

Voice vote was taken and carried. The motion was declared passed.

Mr. Nalley requested information regarding possible problems that will be incurred by the United Grain Corporation in building the large grain elevator in Tacoma with respect to pollution problems, dust and noise. He noted that a similar installation in Seattle caused a great many problems and perhaps the City of Tacoma can benefit by the solutions posed in Seattle.

Mr. Nalley requested the City Manager to inquire about the possibilities of Tacoma being considered for the installation of a new federal oceanographic installation. He said information might be obtained this week at a meeting of the National Oceanographic Atmospheric Administration, which is holding a meeting in Seattle this week.

CITIZENS REQUESTS TO BE HEARD:

James A. Amos wishing to speak before the Council concerning taxi stands.

Mr. James A. Amos, operator of Radio Cab in Tacoma, requested the Council to consider the opening of all cab stands to all taxi operators, rather than assigning cab companies to particular stands.

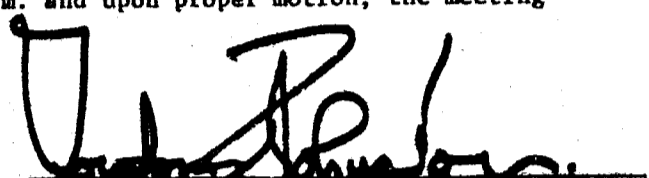
Mr. Sonntag stated he was aware of the situation and has requested information from the Police Department and the Tax & License Department. He said he will present a Resolution to the Council based on the information and recommendations from the two departments, at which time a public hearing can be held.

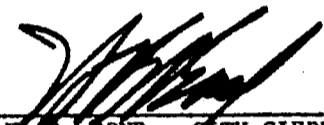
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Mayor Johnston then requested an executive session of the Council at 11:24 p.m. for the purpose of discussing the replacement for City Councilman Phil Schroeder. The meeting was adjourned into executive session at 11:24 p.m.

The Council reconvened at 11:48 p.m. and upon proper motion, the meeting was adjourned.


GORDON JOHNSTON - MAYOR

ATTEST: 
H. B. BOND - CITY CLERK