

CITY COUNCIL MINUTES

City Council Chambers  
August 26, 1975

The meeting was called to order at 5:09 p.m.

Present on roll call: 9 - Egan, Herrmann, Hudson, Moss, Nalley, Nelson, Sonntag, Warnick and Mayor Johnston. Absent: 0.

The Flag Salute was led by Mr. Hudson.

\* \* \* \* \*

C O N S E N T   A G E N D A

Approval of the minutes of the meeting of August 19, 1975.

PETITIONS:                    Robert L. Hoover requesting the rezoning of the property located on the northwest corner of South 12th and Verde Streets from an "R-2" to an "R-4-L" District.

For referral to the Hearings Examiner.

RESOLUTIONS:

Resolution No. 23508      Fixing Teusday, September 23, 1975 at 9:00 a.m. as the date for hearing the request for vacation of South 57th between Gove and Cheyenne Streets and the alley from South 56th to South 58th between Gove and Cheyenne Streets. (South Side Church of Christ)

ASSESSMENT ROLLS:

The Director of Public Works presents the Assessment Roll for the following:

LID 3745 - constructing sanitary sewers in the following streets: 33rd Street NE from 49th Avenue NE to 53rd Avenue NE; 32nd Street NE from 49th Avenue NE to 53rd Avenue NE; 56th Avenue NE from 29th Street NE to 27th Street NE and other nearby streets.

Fixing Monday, September 22, 1975 at 4:00 p.m. as the date for hearing.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Minutes of City Planning Commission meeting of August 4, 1975.
- b. Minutes of Tacoma Model Cities Program Land Use Review Board Meeting of August 4, 1975.
- c. Minutes of Civil Service Board meeting of August 4, 1975.
- d. Minutes of Citizens Transportation Advisory Committee meeting of August 11, 1975.
- e. Emergency Services filing Personnel & Administrative Claim, June, 1975.

Mrs. Egan moved to amend the minutes on page 8 at the beginning of paragraph 8 to change the name of Bert Gelman to Herb Gelman. Seconded by Mr. Sonntag. Voice vote was taken and carried.

Mr. Hudson moved to approve the amended Consent Agenda, including Resolution No. 23495. Seconded by Dr. Herrmann. Voice vote was taken and carried.

\* \* \* \* \*

REGULAR AGENDA

COMMUNICATIONS:

- a. H. B. Bond, City Clerk, advising that the Civil Service Board has filed proposed amendments to Section 1.24.400 and Section 1.24.710 of the Civil Service and Personnel Rules for the County-City Health Department.

Mr. Bond asked that this be removed from the agenda as it was inadvertently placed on the agenda. He asked that the rule amendment be directed to the County-City Board of Health.

Dr. Herrmann moved that the communication be removed from the agenda and directed to the County-City Board of Health. Seconded by Mr. Warnick. Voice vote was taken and carried.

- b. John Jarstad, Bicentennial Commission Director, presenting a progress report on the Bicentennial.

Mr. Jarstad reviewed for Council the various festivities planned for the Bicentennial Year, among them being a Bicentennial theme for the Daffodil Parade, a grand celebration covering July 2, 3, 4 and 5th, 1976, and many other activities that would cover the history of the people of this area. He presented Dr. Herrmann, the senior member on the council, with a George Washington Era hat in commemoration of the Bicentennial Year.

\* \* \* \* \*

FINAL READING OF ORDINANCES:

Ordinance No. 20530 Amending Titles II and III of the Official Code relative to Boards of Appeal.

Roll call was taken, resulting as follows:

Ayes: 9 - Egan, Herrmann, Hudson, Moss, Nalley, Nelson, Sonntag, Warnick and Mayor Johnston.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 20531 Amending Chapter 1.34 of the Official Code to create a working fund in the office of Community Development.

Roll call was taken, resulting as follows:

Ayes: 9 - Egan, Herrmann, Hudson, Moss, Nalley, Nelson, Sonntag, Warnick and Mayor Johnston

Nays: 0

The Ordinance was declared passed.

Ordinance No. 20532 Amending Ordinance No. 20484, Section 1, to correct improper employee classification and assign new classification of P-014-Police Documentation Analyst.

Roll call was taken, resulting as follows:

Ayes: 9 - Egan, Herrmann, Hudson, Moss, Nalley, Nelson, Sonntag, Warnick and Mayor Johnston

Nays: 0

The Ordinance was declared passed.

Ordinance No. 20533 Creating a new fund to be known as the "Federal EDA Grant Fund," and appropriating \$1,336,000, or so much thereof as may be necessary for the purpose of aiding in the construction of the Bicentennial Pavilion, extension of the Broadway Plaza, and Pedestrian Overpass at South 11th Street, and authorizing a temporary loan of \$750,000 from the General Fund.

Roll call was taken, resulting as follows:

Ayes: 9 - Egan, Herrmann, Hudson, Moss, Nalley, Nelson, Sonntag, Warnick and Mayor Johnston

Nays: 0

The Ordinance was declared passed.

Ordinance No. 20534 Amending the Pay and Compensation Plan to adjust salaries of certain Belt Line employees as negotiated with the United Transportation Union.

Roll call was taken, resulting as follows:

Ayes: 9 - Egan, Herrmann, Hudson, Moss, Nalley, Nelson, Sonntag, Warnick and Mayor Johnston

Nays: 0

The Ordinance was declared passed.

Ordinance No. 20535 Amending Title 10 of the Official Code by adding Section 10.28 entitled "Art in the City Construction Projects".

Roll call was taken, resulting as follows:

Ayes: 9 - Egan, Herrmann, Hudson, Moss, Nalley, Nelson, Sonntag, Warnick and Mayor Johnston

Nays: 0

The Ordinance was declared passed.

Ordinance No. 20536 Amending chapter 13.06 of the Official Code to change the classification of the northeast corner of South 48th and Orchard Streets from an "R-2", "R-2-TM" and a "C-1" to an "R-4-TM" District. (George S. Pessemier)

Roll call was taken, resulting as follows:

Ayes: 9 - Egan, Herrmann, Hudson, Moss, Nalley, Nelson, Sonntag, Warnick and Mayor Johnston

Nays: 0

The Ordinance was declared passed.

Ordinance No. 20537 Amending Chapter 13.06 of the Official Code to reclassify the northwest corner of South 19th and Washington Streets from an "R-2" to an "R-2-TM" District. (Richard H. Shaw)

Roll call was taken, resulting as follows:

Ayes: 9 - Egan, Herrmann, Hudson, Moss, Nalley, Nelson, Sonntag, Warnick and Mayor Johnston

Nays: 0

The Ordinance was declared passed.

Ordinance No. 20539 Providing for the improvement of L.I.D. 6945 for installing ornamental street lighting, landscaping and street furniture in "A" Street from South 7th to South 15th; Pacific Avenue from South 7th to Hood Street; Commerce from South 7th to Jefferson; Broadway from South 7th to South 9th; Broadway from South 15th to South 17th; St. Helen's from South 7th to South 9th; and Market from South 7th to South 15th Street.

Mrs. Egan moved to substitute corrected pages numbers one and four. Seconded by Mr. Sonntag. Voice vote was taken and carried.

Conrad L. Peterson, representing the Tacoma Chamber of Commerce and speaking also as an individual, addressed the Council and spoke in favor of the ordinance.

Also speaking in favor of the Ordinance were Rohn Burgess, representing the Downtown Tacoma Association and Linn Larsen, representing Johnston-Sterling Company, Inc.

Mr. Jim Healy, attorney representing Dr. Thomas Murphy, 1714 Market Street, asked that a certain area be withdrawn from the L.I.D., that property located between South 7th and 9th Street on the westerly side of Market Street, known as the M & M Parking Lot between the Y.M.C.A. and the Doctors' Hospital. He said his client felt that this area was on the fringe of the downtown and would not receive the benefit of the L.I.D.

Mr. Sonntag, a member of the L.I.D. Committee, stated that at the meeting of the L.I.D. Committee it was determined that a portion of this L.I.D. could not be removed and that most of the questions raised by Mr. Healy were raised and answered by staff at the L.I.D. Committee meeting.

Roll call was taken, resulting as follows:

Ayes: 9 - Egan, Herrmann, Hudson, Moss, Nalley, Nelson, Sonntag, Warnick and Mayor Johnston.

Nays: 0

The Ordinance was declared passed.

\* \* \* \* \*

FIRST READING OF ORDINANCES:

Ordinance No. 20538 (Continued from the meeting of August 19th)  
Amending Chapter 13.06 of the Official Code to change the classification of the area located 750 feet west of Grandview Drive and lying between South 19th Street, 27th Street West, Vista Place West and Day Island Bridge Road and east of the Burlington Northern r/o/w from an "R-1" to an "R-3-PRD" and "R-4-LPRD" District. (Les Rowland Construction Co., Inc.)

Mr. Hudson commented on a meeting he attended last week in which Pierce County Commissioner Huntington was present. The West Slope in the area from the Narrows Bridge to Chambers Creek was discussed and it was decided that Mr. Hudson should get Council's approval to have the City staff work with the Planning staff of the County to make that subject an agenda item at the dinner meeting of the City Council and County Commissioners to be scheduled later this year.

Mr. Hudson moved that condition "N" of the Hearing Examiner's proposed conditions be amended to provide that the control committee have the authority to require a minimum expenditure in any construction cost per unit to insure adequate quality of any proposed development consistent with the existing single family structures in the general West Ridge area. Seconded by Mrs. Egan. After discussion, roll call vote was taken resulting in Ayes: 1 - Hudson. Nays: 8 - Egan, Herrmann, Moss, Nalley, Nelson, Sonntag, Warnick and Mayor Johnston. The motion was declared failed.

Mr. Nalley moved to add an additional condition, that all parking lots, buildings, pedestrian access ways between buildings and not less than twenty percent of the ground floor apartments to be constructed in each phase on the above site shall be so constructed and maintained as to allow complete access for handicapped persons confined to wheelchairs and the site plan for each phase shall make suitable provision to accomplish the foregoing objectives. Seconded by Mr. Nelson.

Thomas Fishburne, attorney representing Les Rowland Construction Company, Inc., advised that this condition meets with their approval and they are in favor of the motion.

Roll call vote was taken on the motion resulting in ayes: 9 nays:0. The motion to amend the conditions was adopted.

Bob Backstein, Hearings Examiner, stated he wished to clarify a previous comment made regarding site plans. He advised that the site plan for each phase of the construction would not automatically come to the City Council. The only time it would come to the Council would be on an appeal.

Mayor Johnston moved that each phase be brought before the City Council for review and comment. Seconded by Mr. Moss. Voice vote was taken and carried.

The Ordinance was set over for final reading to a date to be designated.

Ordinance No. 20540 Amending Section 5.02.010 of the Official Code to amend the agreement providing for the creation and operation of a combined County-City Health Department and declaring an emergency providing that this ordinance shall take effect immediately upon publication.

The Ordinance was set over for final reading next week.

Ordinance No. 20541 Amending Chapter 13.06 of the Official Code to change the classification of the property located on the west side of Mason Avenue between South 40th and 42nd Street extended from an "R-2" and "R-3" to an "R-4-L-PRD" District. (Fred R. Roberson)

Bob Backstein, Hearings Examiner, asked that this ordinance and the following ordinance be considered together.

Ordinance No. 20542 Amending Chapter 13.06 of the Official Code to change the classification of the westerly side of Manitou Way between South 40th and 41st Streets extended west from an "R-3" to a "C-1" District. (Fred R. Roberson)

Mr. Hudson moved that any signs placed on the buildings in the area shall be approved by the Hearings Examiner or the buildings division. Seconded by Mrs. Egan. Roll call vote was taken, resulting in ayes: 3 - Egan, Hudson, Nelson Nays: 5 - Hermann, Moss, Sonntag, Warnick and Mayor Johnston Absent: 1 - Nalley. The motion was declared failed.

Ordinance No. 20541 and No. 20542 were set over for final reading to a date to be designated.

\* \* \* \* \*

RESOLUTIONS:

Resolution No. 23509 Awarding contract to Lige Dickson Company on its bid of \$279,718.86 for Improvement 8067, Milwaukee Way from Lincoln Avenue to Pacific Highway.

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

Resolution No. 23510 Adopting a policy concerning the opening of bids and rejecting the bid of Sipes and Sons, Inc. for the installation of side sewers for four fire stations in the Tideflats Industrial Area, Work Order No. 74256 and awarding the contract to Tonneson Construction Company on its bid of \$6,772.50.

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

Resolution No. 23511 Authorizing the Planning Commission to select representatives from certain organizations and groups to comprise the West Slope Citizens' Advisory Committee.

Mrs. Egan asked that the City Manager schedule a study session with the Planning Commission as soon as possible to go over the concept of the Citizens' Advisory Committee in connection with the area of planning.

After discussion on the Resolution, Mrs. Egan moved to remove the Resolution from the Agenda. Seconded by Dr. Herrmann. Roll call vote was taken resulting as follows: Ayes: 6, Egan, Herrmann, Moss, Sonntag, Warnick, Mayor Johnston. Nays: 3, Hudson, Nalley and Nelson. The motion was declared passed and the Resolution was removed from the Agenda.

Resolution No. 23512 Authorizing the proper officers of the City to execute a lease contract between the City and the U. S. of America for 900 square feet of land to be used by the U. S. A. to install a Center Field Wind Mast for the Tacoma Industrial Airport.

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

Resolution No. 23513 Amending paragraph VI (B) of "Minimum Standards for General Aviation Operations at the Tacoma Industrial Airport.

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

Resolution No. 23514 Authorizing the proper officers of the City to execute an agreement with Wilsey and Ham, Inc., to provide certain services relative to the Broadway Plaza Extension from South 13th to South 15th Street and the intersection treatments at South 11th, South 13th and South 15th Streets at Broadway.

Mr. Hudson excused himself from sitting in on the consideration of the Resolution and left the Council Chambers.

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

Resolution No. 23515 Authorizing the execution of a Local Improvement Assessment Deed to the Department of Public Works for four (4) parcels of L. I. Guaranty Fund surplus property for the sum of \$1,045.05.

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

Resolution No. 23516 Authorizing the sale of certain surplus L. I. Guaranty Fund real properties to highest bidders.

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. 23517 Authorizing amendment of the site plan and contractual agreement for the Tacoma Mall to allow access between the Tacoma Mall and an adjacent office building, with access to be at Fife Street and vacated South 43rd Street.

Mr. Nalley moved that the Resolution be adopted. Seconded by Mr. Hudson.

H. B. Bond, City Clerk, speaking as the Deputy Hearings Examiner, asked that the Resolution be continued for one week as he understood an appeal will be filed. The last date to file an appeal is August 29th.

Mayor Johnston moved that the Resolution be continued for one week. Seconded by Mr. Nalley. Voice vote was taken and carried. The Resolution was continued to September 2nd.

Resolution No. 23518 Accepting an offer to purchase Parcel 12 in the Fawcett Project, Wash. R-3, submitted by James R. McGranahan and Chalker Engineer's, Inc.

Mayor Johnston said that he had been advised by Mr. Sullivan, Director of the Community Development Department, that it is requested this Resolution and Resolution No. 23519 be continued for one week.

Mr. Sonntag moved that the Resolution be continued for one week. Seconded by Mr. Nelson. Voice vote was taken and carried. The Resolution was continued to September 2, 1975.

Resolution No. 23519 Authorizing execution of amendment and change order No. 2 to a contract between the City as the IPA and Chalker Engineers, Inc. for certain professional engineering services connected with the New Tacoma Project, Wash. R-14.

Mr. Sonntag moved that the Resolution be continued for one week. Seconded by Mr. Nelson. Voice vote was taken and carried. The Resolution was continued to September 2, 1975.

\* \* \* \* \*

PUBLIC HEARINGS AND APPEALS

- a. This is the date set for hearing the appeal of American Plywood Association on the audit assessment of the Tax and License Department. (Continued from the meeting of August 12th.)

Richard Newman, Tax and License Director, reported on the negotiations with Mr. Arthur S. Langley, the attorney representing the American Plywood Association, and the offer made, which was to pay the tax on a current basis and back taxes for the past two years. Mr. Newman reported that the department's advice to the council is not to accept this offer. Mr. Nelson moved to refer this matter to the Hearings Examiner as an arbitrator to mediate the situation and make recommendations to the council. The motion failed for lack of a second.



Arthur S. Langley, attorney representing the American Plywood Association, advised that the offer he has recommended was presented to the Board of Trustees of the American Plywood Association. They considered this matter and have authorized a continuance of payment of the tax without dispute, foreclosing the American Plywood Association from contesting any tax liability in the future. He said there was no attempt at avoidance of tax payment. He felt the offer is fair and does not establish a precedent, but is an offer to settle a dispute which is a substantial dispute on the law. He pointed out that the City Council has a right to settle the dispute and urged that they do so. Mr. Hudson moved to deny the appeal. Seconded by Mrs. Egan.

Mr. Warnick moved to amend Mr. Hudson's motion that the City be free to negotiate the full amount of the audit revenue of \$70,265.00 prior to going to court and waive the interest. Seconded by Mr. Nelson. Roll call vote was taken on the amendment to Mr. Hudson's motion. Ayes: 2, Nelson and Warnick. Nays: 7, Egan, Herrmann, Hudson, Moss, Nalley, Sonntag, Mayor Johnston. The motion was declared failed.

Roll call vote was taken on Mr. Hudson's motion to deny the appeal, resulting as follows: Ayes: 3, Egan, Hudson and Warnick. Nays: 6, Herrmann, Moss, Nalley, Nelson, Sonntag, Mayor Johnston. The motion was declared failed.

Mr. Moss moved that the statute of limitations on the B. & O. taxes be established as ten years to include penalties and interest. Seconded by Mr. Sonntag. Mr. Hudson moved to amend the motion to have the ten years apply only to this particular tax situation. Seconded by Mr. Nalley.

Roll call was taken on the amendment to Mr. Moss's motion resulting as follows: Ayes: 5, Herrmann, Hudson, Moss, Nalley and Mayor Johnston. Nays: 4, Egan, Nelson Sonntag and Warnick. The amending motion was declared passed.

Dr. Herrmann moved to substitute two years in place of the ten years. Seconded by Mr. Nelson.

Roll call vote was taken on the motion resulting as follows: Ayes: 2, Herrmann and Nelson. Nays: 7, Egan, Hudson, Moss, Nalley, Sonntag, Warnick and Mayor Johnston. The motion was declared failed.

Roll call vote was taken on Mr. Moss's amended motion resulting as follows: Ayes: 6, Hudson, Moss, Nalley, Nelson, Sonntag and Mayor Johnston. Nays: 3, Mrs. Egan, Herrmann and Mr. Warnick. The amended motion was declared passed.

Robert Hamilton, City Attorney, asked for clarification and commented that his understanding is that the Council still has the appeal before it since Mr. Hudson's motion to deny the appeal failed and the Council is now making the offer to settle by the motion it made to limit the tax liability in this instance to ten years. The Council agreed with his interpretation, and a Resolution will be brought to Council at the next meeting.

\* \* \* \* \*

COMMENTS BY MEMBERS OF THE CITY COUNCIL:

Mr. Moss advised he no longer is a city resident and, therefore, no longer eligible to serve as a Councilman. He said it was a pleasure to have served and expressed his thanks to his fellow Councilmembers. He stated he was resigning from the position of Councilman effective immediately.

Mayor Johnston requested that Mr. Moss come to the next Council meeting to receive the proper accolades of the Councilmembers.

Mr. Hudson moved to follow up on the suggestion of County Commissioner Huntington for a joint study of the West Slope and to direct the Planning Commission to explore the possibility of extending the West Slope Study into the county to Chambers Creek and that they take whatever steps are necessary to get in touch with the County Commissioners and their Planning Department and proceed with the scheduling of the joint study. Seconded by Mr. Sonntag.

Roll call was taken, resulting as follows:


Ayes: 7 - Egan, Hudson, Moss, Nalley, Sonntag, Warnick and Mayor Johnston

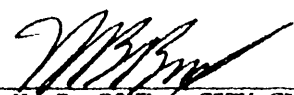
Nays: 2 - Herrmann and Nelson.

The motion was declared passed.

\* \* \* \* \*

On proper motion, the meeting adjourned at 8:27 p.m.

  
GORDON N. JOHNSTON - MAYOR

ATTEST:   
H. B. BOND - CITY CLERK