

CITY COUNCIL MINUTES

City Council Chambers
December 29th, 1970

The meeting was called to order by Mayor Johnston at 7 P. M.

Present on roll call 9: Corsi, Egan, Finnigan, Herrmann, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.

The Flag Salute was led by Dr. Herrmann.

Mayor Johnston announced that Acting City Manager Marshall McCormick would present awards to various members of the Police and Public Works Departments.

Mr. McCormick announced that the Tacoma Police Dept. had received a large number of awards in national recognition of its good record and that during 1970 several others had been awarded. These include a First Place award in the national Fleet Safety Contest, an award for Two-Wheel Cycles given by the National Safety Council and the International Association of Police Chiefs commending the Tacoma Policemen who have traveled on this type of cycle 113,314 miles during the last fiscal year without an accident; a Second Place award was for the Three-Wheel Cycle Division as the Tacoma Department's six cycles of this type had traveled 30,648 miles during the fiscal year without an accident. He commented the three-wheel section had also won a perfect record achievement award for 1970 and has won this award every year for the last five years.

Chief Lyle Smith and Sgt. James Gallwas were present to accept the awards for the Police Department.

Mr. McCormick also stated that an Award of Merit for Pedestrian Safety had been won by the Police Dept. in conjunction with the Public Works Dept., which had been presented by the American Automobile Association. This is the sixteenth time out of twenty-four years that awards have been given that the City departments have won this award.

A First Place Award has also been given to the Dept. of Public Works by the Washington State Chapter of American Public Works Association for the asphalt construction on Cedar Street from So. 10th to So. 21st Ave. which was constructed during 1969. This is the fourth time this award has been won by the City of Tacoma, he explained. Mr. Gib Schuster, Director of Public Works, accepted the award for his department.

Mayor Johnston asked if there were any omissions or corrections to the minutes being submitted for December 8th, 1970.

Mr. Schroeder said the recess period was not noted in the minutes and felt it should be included in the minutes.

Mayor Johnston asked that the City Clerk correct the minutes as suggested.

Mr. Schroeder moved to approve the minutes as amended. Seconded by Mr. Corsi. Voice vote was taken. Motion carried.

HEARINGS & APPEALS:

a. This is the date set over for hearing on rezoning of the area between Pine and Fife Sts., and between So. 42nd & So. 43rd Sts. extended, from an "R-2" and "R-3" to a "C-3" District. (Submitted by Business Centers, Inc. and Center Offices, Inc.)

Mayor Johnston explained this matter had been continued for further information on the matter. He asked Mr. Buehler if he had any additional information.

Mr. Russ Buehler, Planning Director, explained that the rezoning and vacation petitions pertain to the same area and the information desired by the Council has now been submitted.

Mr. Schroeder said inasmuch as he had moved to continue the matter, he would move that the Council concur in the recommendation of the Planning Commission to approve the rezoning. Seconded by Mr. Jarstad.

Mr. Maule remarked that at the study session held yesterday, the evening newspaper had some comment regarding the fact that the developers of the Old City Hall property had made many promises, but achieved so little on their proposed redevelopment project. He asked in this instance, if the Council has a more forceful guarantee that the redeveloper will develop the property and if not, whether the property would remain zoned as "C-3", which would make it more valuable.

Mr. Buehler explained the property would not remain zoned as "C-3" unless it would be initiated either by the Council or the Planning Commission at a later date. There is quite a lengthy list of deed restrictions, which are being filed in the Auditor's office as part of the property; therefore, any future activity would be held to these restrictions. This matter has been before the Council five times in all, beginning in April, 1969 and at the present time the developers do feel their commitment can be fulfilled, he added.

Mr. Buehler said that Mr. Leavitt had reported that 80% to 90% of the present Tacoma Mall office building is now under lease and there is also information relative to commitments for sizable sections of the proposed new building; therefore, the money would be available.

Mr. Corsi said he does not see any time limit put on the conditions under which the developer would be obligated to complete construction. He asked Mr. Hamilton if this would be set forth in the legal agreement.

Mr. Hamilton advised that under the City ordinances, any "C-3" zoning does not require contract agreements. The exercise of police power is the basis for zoning in all cases, and this property should either remain as it is, under the exercise of the police power or be zoned "C-3". If the Council adopts this proposed ordinance, the property will become "C-3" whether these people build or not. He further explained, this instance is different from a case where the City sells a piece of property and can thereby contract as to what the purchaser must do. If it is zoned "C-3", it could also be used for any other "C-3" use, in the absence of a deed restriction, which they may or may not wish to give.

Mr. Corsi said he did not want to indicate that he is doubting the intentions of Business Centers, Inc. as what already has been done in that area is substantial testimony as to their ability and that is acceptable to him.

Voice was vote taken on the motion to concur in the recommendation of the Planning Commission to approve the rezoning, resulting as follows:

Ayes 8: Corsi, Finnigan, Herrmann, Jarstad, Maule, Moss, Schroeder and Mayor Johnston. Nays 1: Egan. Motion carried.

b. This is the date set over for hearing for the vacation of So. 43rd between Pine and Pife Sts. (Submitted by Center Offices, Inc.)

Dr. Herrmann moved to concur in the recommendation of the Planning Commission to approve the vacation. Seconded by Mr. Jarstad. Voice vote was taken, resulting as follows: Ayes 8: Corsi, Finnigan, Herrmann, Jarstad, Maule, Moss, Schroeder and Mayor Johnston. Nays 1: Egan. Motion carried.

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c. This is the date set for hearing for the vacation of the 33 feet of So. 23rd St. from Mason to Tyler; also 20 feet of the alley west of Mason-Tyler St. from So. 23rd to 21st St. (Submitted by Tacoma School District #10 and the Metropolitan Park District.)

Mr. Buehler explained this petition is for a portion of the area that was 23rd Street, west of Mason-Tyler, and an alley that had been left when the remainder had been vacated previously. He added the School District now has control of all the property. When the Park District had originally petitioned for the vacation, all of the streets were vacated in that area, but this portion had been in a private ownership and was left for access.

Mr. John Milroy, representative of the School District, explained that the School District is concerned with having full use of the property and hopes to construct buildings on the site shortly. He added he feels there will be no loss to the public, as roads have never been constructed in this section of the property. He further added the process of site selection had been considered by a committee representing many sections of the City based on school criteria. The site selected seemed to answer many requirements and the joint usage concept would be for the betterment and total usage by the City. He further explained the petition included approximately 160 acres within the complex site in question with the further recommendations that the School Board enter into planning and negotiations with other owners for the best utilization of total site and the best placement of the school.

Mr. Jarstad asked what the time schedule for the construction would be and if there was a need for the City to proceed rapidly so that the school could open in the Fall of 1972.

Mr. Milroy replied that in light of increasing construction costs and the fact there are 1500 students in portables or sub-standard facilities there are time pressures. The design work has been completed up to a point. The date of opening in the Fall of 1972 had not yet been revised but would probably need to be rechecked.

Mrs. Egan moved to concur in the recommendation of the Planning Commission to approve the vacation. Seconded by Mr. Corsi. Voice vote was taken and carried unanimously.

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RESOLUTIONS:

Resolution No. 20992

Awarding contract to Standard Oil Co. of California on its bid for automotive diesel fuel for the year 1971.

Dr. Herrmann moved that the resolution be adopted. Seconded by Mr. Schroeder.

Mr. Gib Schuster, Director of Public Works, commented that the main users of the diesel oil were the Transit Dept. and Fire Dept. and that his department was only a minor user.

Mr. Robert Jackson, sales manager for Mobil Oil Company, protested the bid award for the reason that his company's bid had been 1¢ a gallon lower which would save the City approximately \$6,000 per year. He added there had been two minor inconsistencies in the bid conditions and felt these should be waived.

Mrs. Egan declared the "force majeure" clause, relative to a supplier not being required to deliver oil in cases of strike or other inability to deliver, was not a "minor" matter.

Mr. Jackson said the inclusion of the clause was standard practice and his company has included it in all government bids.

Mr. Maule asked why the Mobil Company did not waive this clause, if it were such a minor feature rather than asking the City to waive it.

Mr. Jackson remarked it was quoted in the bid that it might result in being rejected if this were not included. He asked if the City Attorney could clarify this point.

Mr. Hamilton, Acting City Attorney, advised that there are a few defects in the request for bid, one of which the Council could waive and the other could not be waived. This would be a policy decision for the City to decide whether or not it wished to accept a bid with a "force majeure" or not. Mr. Hamilton further advised that the second defect pertained to the burning propensities of the oil, as the request had required a cetane rating of 50; whereas the Mobil Oil product has only a rating of 47. If these deviations were waived for the Mobil Oil Company, it would also have to be waived for any company who may not have bid because they could not meet this requirement. He added it was not legal to waive a positive specification requirement.

Mrs. Egan asked why the cetane rating would be different for fire trucks, bulldozers, off-the-road vehicles, etc., in view of the City's interest in having less smoke and pollution.

Mr. Douglas Hendry, Director of Transit, explained that in view of the problems of pollution by using the diesel fuel, the cetane fuel had been requested. He agreed with Mrs. Egan's statement that different pieces of equipment utilize the fuel in different ways and use different types of fuel. For example, the buses have to stop every block or so; whereas the fire trucks travel a longer distance.

Mr. Dean Barrett, Supt. of Equipment for the Transit Dept., explained the General Motors Corporation has recommended the 50 cetane fuel for the transit system as it produces less pollution. He said in last year's contract, the supplier had not been held to this specification, and as a result it cost the City some money.

Mrs. Egan felt if the City is trying to combat pollution, this fact should be considered for all uses and in all operations.

Mr. Barrett remarked that the fire trucks already have newer type engines, but the transit buses do not. He said the future buses will be the newer type and are built to combat pollution. Mr. Barrett said the Transit Dept. has recently had an analysis made and will soon have data regarding the difference of the two types of fuel oil.

Mr. Jackson pointed out that his company had guaranteed an average rating of 49 for the cetane they bid on and this is an average for all Northwest markets. The minimum specified by General Motors is 35. Cetane is rated according to the time it takes the fuel to ignite under specific conditions. Mr. Jackson further explained that the Testing Society has stated that exhaust fumes and odor are affected only indirectly by the cetane rating and that the higher cetanes were used primarily for starting an engine under cold weather conditions and not for the control of exhaust emissions.

Voice vote was taken on the resolution, resulting as follows:

Ayes 9: Corsi, Egan, Finnigan, Herrmann, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.

Nays 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20993

Releasing a sewer easement in the alley lying between So. 27th and So. 28th St.

Dr. Herrmann moved that the resolution be adopted. Seconded by Mr. Jarstad.

Mr. Schuster, Public Works Director, explained when this alley was vacated, it was not known in what manner that property would be served by a sewer line and since then, the line has gone in through So. 28th St. which will service the property in question. The old sewer line has been plugged and abandoned; therefore, the sewer easement is unnecessary. The Urban Renewal Dept. has requested the vacation of this easement so that better use of the property can be attained.

Voice vote was taken on the resolution, resulting as follows:

Ayes 9: Corsi, Egan, Finnigan, Herrmann, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.

Nays 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20994

Accepting and approving the final plat of Narrows Neck located west of View Ridge Drive to approximately 750 feet.

Dr. Herrmann moved that the resolution be adopted. Seconded by Mr. Corsi.

Mr. Buehler asked that this resolution be continued for one week inasmuch as one description had to be changed.

Dr. Herrmann moved to continue the resolution for one week. Seconded by Mr. Corsi. Voice vote was taken and carried unanimously.

The resolution was set over until January 4th, 1971.

Resolution No. 20995

Authorizing the execution of a joint agreement with Pierce County to hire Dr. D. Alan Eagleson as an expert in toxicology to perform certain services in connection with testing of dangerous and narcotic drugs.

Mr. Corsi moved that the resolution be adopted. Seconded by Dr. Herrmann.

Police Chief Lyle Smith explained that this resolution would allow Dr. D. Alan Eagleson to continue services connected with the testing and analysis of drugs which is vital to the Police Dept., County Sheriff and the Coroner. He added this is a budgeted item.

Mrs. Egan commented that the agreement stated the minimum salary to be paid but not the maximum.

Mr. Hamilton advised that the existing agreement stated a certain yearly salary, but at the time the budgets were studied it was agreed by the City and the County that Dr. Eagleson would be considered as an employee of the City and, therefore, entitled to additional compensation. The funds were then budgeted both in the County and City budgets. This is the reason the maximum salary has been left open and the Council will be able to control it each year by appropriation and the agreement can continue in effect rather than renewing it each year.

ef Smith [redacted] said he had talked with Dr. Eagleson, who had indicated 70% of his time has been spent for the City, but is moving toward 50% for the City and 50% for the County.

Voice vote was taken on the resolution, resulting as follows:

Ayes 9: Corsi, Egan, Finnigan, Herrmann, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.

Nays 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20996

Authorizing the execution of a supplemental agreement with Candeb, Fleissig and Associates to extend the contract for a period of one year or until funds have expended or the program is completed.

Mrs. Egan moved that the resolution be adopted. Seconded by Mr. Schroeder.

Mr. Buehler explained this contract would cover the ending phase of a Community Renewal Program which has been in operation for the last three years. Most of the consultant work has now been reduced and that the staff is now doing most of the work; however there remains a certain amount of important work on the Community Renewal Program for which these services are needed. He added this program should be finished in April, 1971, as no additional funds were appropriated for the project, but the department wishes to allow ample time for the preparation of reports and the final paper work by the consultants.

Mr. Corsi asked Mr. Creighton to describe what the Community Renewal Program involved in relation to the consultant services.

Mr. Jack Creighton of the Planning staff explained that it is a Federally-aided study on the physical, social and economic problems of the community. He commented that the program is too comprehensive to give a brief outline; therefore, time will be required for consultations between the Planning staff and the City Council. He commented that quarterly reports had been periodically sent to the Council describing the progress of the work and that Status Report No. 8 had given a fairly complete explanation of the program.

Mr. Schroeder asked if the staff was actually engaged in this work at the present time.

Mr. Buehler explained they were and that some Federal money had been spent to employ some additional staff, but was now being cut down as the statistics were now being sent to the computers in preparation for the reports.

Voice vote was taken on the resolution, resulting as follows:

Ayes 9: Corsi, Egan, Finnigan, Herrmann, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.

Nays 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20997

Authorizing the termination of the lease of property located on So. 45th & South Tacoma Way to Mr. Bargewell, effective December 1, 1970.

Mr. Finnigan moved that the resolution be adopted. Seconded by Dr. Herrmann.

Mr. Benedetti, Assistant Utilities Director, explained that the Water Division entered into a 20-year lease with Robert Bargewell on a portion of the Blume line right-of-way near So. 45th & South Tacoma Way on May 17, 1960, and was paying \$100.00 a month, but later it was adjusted to \$50.00 a month. The lessee intended to develop some commercial business on the property which would allow him to recover the lease value, but was not successful in this venture and is now requesting termination of the lease. The Utility Board has recommended that the request be granted.

Voice vote was taken on the resolution, resulting as follows:

Ayes 9: Corsi, Egan, Finnigan, Herrmann, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.

Nays 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20998

Awarding contract to Nic-O-Ray Battery Sales on its bid of \$8,500.00 for furnishing storage batteries for calendar year 1971.

Mr. Finnigan moved that the resolution be adopted. Seconded by Dr. Herrmann.

Mr. Schuster explained this contract would supply batteries for both General City Government and Utilities Dept. for 1971. The resolution has already been passed by the Utilities Board.

Voice vote was taken on the resolution, resulting as follows:

Ayes 9: Corsi, Egan, Finnigan, Herrmann, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.

Nays 0.

The Resolution was declared passed by the Chairman.

Mayor Johnston moved to suspend the rules to consider Resolution No. 20999. Seconded by Mr. Finnigan. Voice vote was taken and motion carried.

Resolution No. 20999

Expressing the Council's intent to create a new office in the government of the City under the jurisdiction of the City Manager and to be appointed by the City Manager for the purpose of expediting, coordinating and administering certain federal programs, grants and applications for grants.

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

Mayor Johnston explained that this resolution would establish a new department to process programs which are financed outside of City government.

Acting City Manager Marshall McCormick asked if the Council had any particular person in mind for the position.

Mr. Jarstad explained there had been provision for two assistants to the City Manager in the budget last year.

Mr. McCormick commented that he had been running the Manager's office with no help until recently when Mr. Mork was appointed. However, an administrative assistant had been approved as of January 1, 1971, but there is no office space available. He added the person selected for this position must be knowledgeable on all the various aspects of State, Federal and on administrative work as well.

Mr. Jarstad felt the matter should be aggressively pursued. He pointed out since a vacancy does exist in the Manager's office the person being recommended under this resolution could be assigned to that vacant spot unless the salary would not be suitable to attract the type of person whom the Council would be seeking.

Mr. McCormick said his office has been working toward this end for sometime but had not had the space or money. He commented that in many cities there is one person assigned by the City Manager's office for the purpose being discussed, rather than setting up a separate department. He added before proceeding any further, he would like to determine how far the Council would wish to extend such a function. Mr. McCormick felt it would be very important to have such a person in order to coordinate the various Federal programs as it seems imperative that something be done at once, rather than taking a slower course which had been anticipated.

Mr. Schroeder felt this position concerns largely a matter of policy rather than administration. He moved that changes be made in the resolution so that the position would come under the Council rather than the City Manager and appointed by the Mayor with Council's approval. Also, that the last paragraph be deleted and changed to show that the new person should report to the Council and City Manager his findings regarding Federal programs and to make recommendations to the Council and City Manager for the application of any Federal programs which would benefit the City and provide services to the citizens. Mr. Schroeder felt that the addition of such a classification would better satisfy the Federal agencies who feel that elected officials should be administering these programs. (No second to the motion.)

Mr. McCormick said he would like to make his position clear that he had not asked for this resolution, but thought Mr. Schroeder had brought up some important points. He pointed out that the Council has the right to place whatever it wishes under the jurisdiction of the City Manager, within the Charter provisions. He further commented he would have no objections for the Council to appoint its own director.

Mr. Finnigan felt that any time the Council assumes the type of responsibility and concurs in Mr. Schroeder's recommendation, they would be getting away from the Council-Manager form of government, as the City Manager is responsible for the administration of any programs the City receives approval on or that the Council adopts. He felt that to bypass the City Manager to that extent would not be proper. The City Manager is already responsible for the administration of these programs and the suggested arrangement would only add to the confusion rather than strengthen the position of one individual. At present the Council is always informed through the office of the City Manager and has had excellent cooperation from him.

Mayor Johnston ruled that Mr. Schroeder's motion failed for lack of a second.

Mr. Corsi said he was in accord with Mr. Schroeder's concern, but as he interpreted the last paragraph it does say that the City Manager would be directed to submit his recommendations to the Council so that the Council can implement the action.

Mr. Moss said he was concerned primarily that this is an ordinance which expresses the intent of the Council. He agreed there was a necessity for such a new department or director, however he was concerned about the areas of authority and responsibility and felt such a person should be receptive to the Council and the City Manager jointly, rather than solely to the Manager. He said he was also concerned whether the program would be reaching into an area that might be better served by independent community consultants. He said he would not favor that the City Manager appoint the officer.

Mayor Johnston stated the intent of the resolution was to direct the City Manager to prepare the necessary resolution or ordinance setting up the new department and spelling out the nature of such a department, but a selection cannot be made until an ordinance was approved. He added he had requested the resolution as it has become more and more apparent that the City needs to make a dramatic statement to the government, Federal and State, and to private foundations who have money available for these programs which can improve the quality of life in the City of Tacoma. There is a tremendous competition for funds that are available, which are not an automatic grant. Many eastern cities maintain city officials on a full-time basis in Washington expressly for the purpose of obtaining funds. There should be a greater sense of coordination between the programs which are financed outside of City government. He felt this is a very timely resolution which is badly needed at this time.

Dr. Herrmann felt this resolution would only serve to fragment and dilute what already exists at the present time. There are presently Federally funded programs that are administered by the Public Works, Planning Dept., Urban Renewal Dept. and Model Cities Program; whereas if a new department were created it would involve having a director and a staff. He said he favored one person being appointed under some department and someone should administer and be responsible for completing or projecting grants and programs, but did not favor creating a new department unless Federal funds for such a department were available.

Mr. Corsi commented when the three Councilmen and the Mayor attended the League of Cities meeting in Atlanta the first week in December, it was obvious that every city in the country had established an organized effort to obtain every possible amount of assistance even though their areas perhaps were not as depressed as the cities in the Northwest. Such people have a great deal of diplomatic skill and knowledge regarding Federal programs. He pointed out that this is a highly competitive field and those men are continually pursuing these matters in a professional organized manner. He agreed with the Mayor that Tacoma must express a strong appeal in some form in terms of the acquisition of State and Federal programs and funding from private sources.

Mr. James Lively, 3202 So. 56th, said he had discussed the Workable Program with the City Manager's office three or four months ago and when the application was sent to HUD, some deficiencies were found in the application. He assumed there had been some word sent to the Mayor or the Manager's office relative to these deficiencies which existed regarding code enforcements. He felt the present resolution should be amended to include the Council's intent relative to move forward within the Federal guidelines.

Mr. Corsi said Federal funding is available and if Tacoma does not receive it, it will be given to some other cities, but not just disappear.

Mr. McCormick said all the areas and projects which the City has presently, will remain the same and have their own Boards and independency. The purpose of this new department according to conversations with the various Federal people

would be someone who will have a coordinating administrative function over all of the other various independent units now existing insofar as the State's or foundation projects are concerned. The purpose would be to show that the City Council as the elective body and the administrative body of the City is fully aware of the problems of the community and is trying to do something about it. They want to know that the City is trying to do something about the matter and that the City is going about it in a proper manner. If they want us to have any Federal monies, they know it will be properly supervised and properly spent. He thought that was the main object. He did not think that a huge department should be set up, but there should be someone who is knowledgeable in making applications and keeping track of the functions of the other areas and seeing that they do not overlap.

Mr. Jarstad said he thought there were two aspects: the administration of Federal programs, and the salesman's function to sell. He added when he visited the offices of the National League of Cities there were full-time people employed at the Washington level from some West Coast cities who were working to secure Federal programs. It is his understanding that Tacoma has had more Federal programs than any other city and obviously has done very well on this aspect, and apparently knew how to procure this type of aid. However, he felt that each project should be brought up before the Council and given a vote so as to obtain support. He agreed with Mr. Lively that this is not an over-all, sweeping thing, but if the City was going after the individual programs, perhaps there should be a reaffirmation relative to the Model Cities program and keep on trying to sell the programs the City desires.

Mr. Jarstad considered it important to select a person who can sell as well as administer and pointed out the person could be under the City Manager, especially in view of the vacancy in the Manager's office. He commented that Mr. Erling Mork, present Assistant to the Manager, had done this type of work previously and perhaps some other man could take over his work. He further stated there had not been a lack of knowledge, but more a matter of not aggressively pursuing them as other cities have done.

Voice vote was taken on the resolution, resulting as follows:

Ayes 9: Corsi, Egan, Finnigan, Herrmann, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.

Nays 0.

The Resolution was declared passed by the Chairman.

FINAL READING OF ORDINANCES:

Ordinance No. 19272

Amending the Compensation Plan relative to fringe benefits for part-time employees and designating changes for certain holidays.

Mr. McCormick explained an amendment was submitted to the proposed ordinance whereby on the bottom of page 4 strike out Section (7) as there has been some difficulty in obtaining the proper wording into the section. By that deletion, subsection C of the Official Code will be restored as now in effect.

Dr. Herrmann moved to amend the ordinance. Seconded by Mr. Finnigan.

Mayor Johnston asked if the business agents of the Fire and Police Departments have been advised of the deletion.

Mr. Odd Lund, Assistant Personnel Director, said they are aware of the deletion and the staff will work with the chiefs and the unions to work out an acceptable and understandable provision for the ordinance.

Voice vote was taken on the motion to amend the ordinance and passed unanimously.

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

Ayes 9: Corsi, Egan, Finnigan, Herrmann, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.

Nays 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 19273

Amending Sec. 11.22.130 of the Official Code relative to security for parade permits.

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

Ayes 9: Corsi, Egan, Finnigan, Herrmann, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.

Nays 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 19274

Amending Sec. 8.44.140 of the Official Code relative to bomb threats and providing for the mandatory minimum sentence of not less than thirty days in the City jail and a fine of not less than one hundred dollars.

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

Ayes 9: Corsi, Egan, Finnigan, Herrmann, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.

Nays 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 19275

Amending Chapter 13.06 of the Official Code to add Section 13.06.065-94 to include property on the north side of So. 12th between Vassault and Pearl Sts. in an "R-4-L" District. (Petition of Walker & Rhea)

Mr. Buehler explained that one of the parties involved in this matter is in California and the conditions that were to be approved and returned from California have not been received. He asked that the ordinance be continued for one week.

Mr. Finnigan moved to continue for one week. Seconded by Mr. Maule. Voice vote was taken. Motion carried.

The final reading of this ordinance was continued until January 5, 1971.

Ordinance No. 19276

Amending Section 6.62.020-(f) of the Official Code relative to admission tax on bowling activities to provide a 3% tax on gross receipts and declaring an emergency and making necessary the immediate passage of the ordinance.

Mrs. Egan remarked that there has been a substitute ordinance submitted for Council's consideration; she then moved to accept the substitute ordinance. Seconded by Mr. Moss.

Mrs. Egan noted that the substitute ordinance did not include roller skating. She felt that it should apply to both roller skating and bowling activities.

Mr. Hamilton, City Attorney, said this could be included if the Council wishes.

Mr. Finnigan said since he had requested the original ordinance, he would like to make a comment on the substitute ordinance requested by Mrs. Egan. He noted the substitute ordinance designates the effective date as of May 1st rather than January 1st, and raises the gross admission charge to 5% rather than 3% which was in the original ordinance. He said this amendment goes a little further than he had anticipated and felt these changes would defeat the original purpose which asked for only 3% tax on the gross receipts, rather than 3% per game.

Mr. Moss said according to Mr. McLennan, Director of Tax and Licenses, it would take 5% on the gross receipts to equal the budget that had been approved.

Mr. McLennan explained that the budget estimates had been based on gross receipts rather than on a per line basis, which Mr. Finnigan feels is cumbersome for the industry. He said the tax would be 3% of the industries' gross receipts per quarter, and that in line with Mrs. Egan's amendment, the 3% rate would continue until May 1st, 1971, and then become 5% on the gross receipts.

Mr. Jarstad pointed out that the bowlers are already paying 5% admission tax and if another 5% were added onto the gross receipts, it would result in a 10% tax which he does not approve. The proprietors are paying taxes on their property in addition to a license for each bowling alley bed and paying B & O taxes. He felt if this were not kept at 5%, he is afraid it will be lost entirely. Mr. Jarstad suggested as an alternate an increase in the over-all B & O tax for all retailers in the City which would raise ten times that much and it wouldn't hurt anyone. If the City is seeking additional money, that is one matter, but to single out bowling and put a total tax of 10% on that would be unfair, he added.

Mr. David R. Tuell, Jr., attorney representing the bowling industry, said he was surprised at any increase being suggested, as he had previously pointed out the existing inequities in the bowling industry. At the present rate of 5% for admission tax, this industry would be taxed three to nine times more than any other sport; he felt a reduction would be warranted instead. He said this is the only city charging a sales tax on bowling in addition to the admission tax. Theaters and other entertainments do not pay an additional sales tax. In considering the bowling industry as a whole if all the taxes are considered, such as the license fee, admissions taxes and other over-all taxes, there should be no other conclusion but to reduce or completely eliminate the tax proposed by this ordinance.

Mr. Tuell remarked that at a prior study session he had recommended some possible raise over 3% if necessary, but honestly he did not feel the tax should exist at all. For other recreations the participant pays an admission tax, however, bowling is different inasmuch as the bowler pays by the line as

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he bowls. He felt a gross tax is easier to administer and to collect, and if any tax is to be added, he felt the original ordinance would be more receptive, and further if an increase is imposed, it should commence on May 1st, 1971, not on January 1st, as May is around the time when summer bowling leagues and tournaments begin.

Mr. Moss said in reading through the history of the taxing situation on bowling, he feels they are making progress in arriving at a satisfactory solution on the matter through the Council's discussions with Mr. McLennan. He felt there are no businesses that do not have unfair taxation such as the service taxes. The Council would naturally rely on Mr. McLennan, Tax and License Director, to bring a reasonable recommendation to the Council.

Mr. Tuell replied he had presented bona fide circumstances regarding what has been created by this particular ordinance in the past and what would be put into effect by this substitute ordinance.

Mr. Moss asked Mr. McLennan to clarify the point whereby it was stated that bowling is taxed more than any other sport.

Mr. McLennan explained whenever an ordinance is passed, the department attempts to enforce it, but you cannot always make a complete coverage on the basis of each individual type of business. Some businesses will not feel the impact as much as others. Mr. McLennan said when the Council adopted the ordinance in December 30, 1969, to become effective the first of 1970, the ordinance then read "1¢ on each 20¢ or fraction thereof". When it was subsequently amended in April, 1970, a tax rate of 3% had been incorporated. This is where the confusion arose. When a charge is made, whether by the city, county or state, a tax rate schedule must be made in order to make computations easily.

He further added there is only one logical way to determine the tax and that is by the per line method. He thought possibly the bowling establishment firms have a point, if the same method can be accomplished, depending on how their records are kept, by computing the tax upon the gross receipts and if this tax is collected and properly distributed to a payable account; for example if the tax is \$1,000 and \$1,050 has been collected then the tax to be remitted would be \$1,050 and not \$1,000.

Mr. Moss said he was trying to determine one thing as Mr. Tuell has said that bowling is extremely disproportionately taxed.

Mr. McLennan said it is anticipated that the City will generate approximately \$50,000 based upon the change from 3% to 5% and by using a basis of \$50,000 the City is now in excess of \$200,000 on the admission tax. A large percentage of this includes other amusement control devices in Tacoma of which there are approximately 16 or 17 and that is a large portion of the City's revenue.

Mr. Moss commented that he thought Mr. Tuell was trying to say that the accumulated tax package regarding what bowling establishments pay is totally unfavorable.

Mr. McLennan said when setting up this service classification, this was to be a direct tax on the bowling establishments which would be about \$3,000 per year. In addition to that the license fees for 130 bowling lanes at \$16.00 per year per lane would amount to \$2,080. At the present time the Police Dept. is involved in approximately 100 man hours checking the parking lots for vandalism and policing minors from playing coin operated machines in the areas. The Youth Guidance Division is also becoming involved as the bowling establishments are also having pool tables and amusement machines as this is a youth guidance program, consequently those police inspectors are spending several hours a month on duty relative to the bowling alleys. Therefore when you take these benefits which are intangible and cannot be seen and apply the cost factor, it seems as though the establishments are getting along quite well.

Mr. Jarstad asked if any other city in Washington charges an admission tax on bowling other than Tacoma.

Mr. McLennan replied he thought that Bellevue is charging such a tax.

Mayor Johnston asked for a vote on the substitute ordinance.

Voice vote was taken, resulting as follows:

Ayes 1: Mrs. Egan.

Nays 8: Corsi, Finnigan, Herrmann, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.

The Ordinance was declared lost by the Chairman.

Mr. Maule moved to amend the original ordinance by changing Section (f) line 3 to read "for roller skating or bowling activities". Seconded by Mr. Jarstad.

Mr. Maule commented that the consensus of the Council was that the tax on roller skating rinks in Tacoma should not be separated from this taxation on bowling and that collecting on the gross admission would be a more equitable method. Therefore, he proposed incorporating the roller skating tax in this ordinance.

Mr. Finnigan asked how it was done at present.

Mr. McLennan stated the roller skating is reported on the gross amount as it is an admission tax and is 3% right now.

Mr. Finnigan asked why any change should be made in that case.

Mr. McLennan replied it would not affect the change at all.

Mr. Maule said he just wanted to be certain everybody understood that the intent of the Council was to include roller skating rinks.

Voice vote was taken on the amendment to the ordinance and was carried.

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

Ayes 9: Corsi, Egan, Finnigan, Herrmann, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.

Nays 0.

The Ordinance was declared passed by the Chairman.

UNFINISHED BUSINESS:

The Director of Public Works presented the assessment rolls for the following:

LID 4906 for paving on McBride from Orchard to Ferdinand; Huson from No. 38th to McBride; and Madison from No. 16th to 18th St.

LID 4921 for paving between No. 21st & 22nd from Pine to Junett Sts.

LID 6908 for street lights on wooden poles along 56th Ave. N.E. from 29th St. N.E., north 450 feet and other nearby streets.

LID 6898 for street lights on wooden poles on State St. from So. 39th to 41st; So. 40th from State St. east to the freeway; and So. 41st from Steele east to the freeway.

Mrs. Egan moved that the date of hearing be set for Monday, February 8th, 1971, at 4:00 P.M. as the date for hearing. Seconded by Dr. Herrmann. Voice vote was taken and motion carried.

COMMENTS BY MEMBERS OF THE CITY COUNCIL:

Mayor Johnston announced he had received a communication from Mrs. Thelma Coonan resigning from the Board of Adjustment. Mayor Johnston thanked Mrs. Coonan on behalf of the Council for her work on that assignment. ✓

Mr. Corsi moved to accept Mrs. Coonan's resignation. Seconded by Dr. Herrmann. Voice vote was taken and motion carried.

The Mayor announced the vacancy would be filled as soon as possible.

Mr. Schroeder said he would like to wish everyone a Happy New Year.

Mr. Finnigan referred to Ordinance No. 19272 which sets up the holidays to be observed for 1971. He said he had voted for the Ordinance, but that he wanted it clearly understood that he does not approve of changing holidays just for the convenience of Labor or anyone else wishing a Friday or Monday off. The real purpose of a holiday is to observe a definite occasion. ✓


ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Minutes of the meeting of Board of Park Commissioners for December 14, 1970.
- b. Public Works Dept. filing a copy of Aging Schedule for 28 Urban Arterial Projects.

Placed on file.

Mayor Johnston said he would like to wish everyone a very Happy New Year.

Mr. Finnigan moved that the meeting be ajourned. Seconded by Dr. Herrmann. Voice vote was taken and motion carried. The meeting adjourned at 9:30 P.M.



 Gordon N. Johnston - Mayor

Attest: 

 Josephine Melton - City Clerk