

54

CITY COUNCIL MINUTES

City Council Chambers  
February 22, 1972

The meeting was called to order at 7:00 P.M. by Mayor Johnston.

Present on roll call - 8: Egan, Herrmann, Jarstad, Maule, Moss, Nalley Schroeder and Mayor Johnston. Absent - 1: Sonntag.

The Flag Salute was led by Councilwoman Egan.

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Mayor Johnston read a Proclamation designating Saturday and Sunday, February 26th and 27th as "Canadian Soccer Exchange Day."

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Mrs. Laura Johnson, President of the League of Women Voters, presented a supply of brochures entitled "Know Your Public Officials" to the City Council. These had been prepared by the League of Women Voters.

CONSENT AGENDA

Mr. Nalley moved to remove Resolution No. 21528 from the Consent Agenda and place it on the Regular Agenda. Motion seconded by Dr. Herrmann. Voice vote carried. The Resolution was moved to the Regular Agenda.

MINUTES: Approval of minutes of February 8, 1972 as submitted.

RESOLUTIONS:

Resolution No. 21525 Fixing Tuesday, March 7, 1972 at 7:00 P.M. as the date for hearing the request for rezoning the west side of Sprague Ave. between So. 78th & 80th Streets from an "R-2" to an "M-1" District. (David V. Sheean & Associates, Inc.)

Resolution No. 21526 Fixing Tuesday, March 14, 1972 at 7:00 P.M. as the date for hearing the request for rezoning the north side of 88th St. between Pacific Ave. and So. "C" Street Extended, from an "R-2" to a "C-1" District. (Pochel Distributing Co.)

Resolution No. 21527 Fixing Tuesday, March 14, 1972 at 7:00 P.M. as the date for hearing the request for rezoning of the south side of So. 72nd between Ash & Alaska Streets from an "R-2" to an "R-4-L" and "C-2" District. (Edwin C. Brenden.)

55

ITEMS FILED IN THE OFFICE OF THE CITY CLERK

- a. Minutes of Tacoma Planning Commission Special Meeting, Feb. 3, 1972 and regular meeting of Feb. 7, 1972.
- b. Municipal Court Traffic Violations & Cases Report, January 1971-72.
- c. Tacoma Civil Defense filing Personnel & Administrative Claim No. 606-72-6(41) for January 1972.
- d. Dept. of Public Works filing Quarterly Grantee Report of expenditures on Refuse Crusher Demonstration Grant No. G06-EC -0057-03.

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Dr. Herrmann moved to approve all of the items listed on the CONSENT AGENDA, including Resolutions No. 21525, 21526, and 21527. Seconded by Mr. Nalley. Voice vote taken, and carried. The items were declared approved.

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REGULAR AGENDA

FINAL READING OF ORDINANCES:

Ordinance No. 19525

Approving and confirming the Assessment Roll for L.I.D. 4939 for paving along Ea. "B" from Ea. 60th to Ea. 62nd; Ea. "G" from Ea. 45th to Ea. 46; and Ea. 45th from Ea. "G" to McKinley Ave.

Roll call vote was taken, resulting as follows:

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

Nays 0. Absent 1: Sonntag.

The Ordinance was declared passed.

Ordinance No. 19526

Approving and confirming the Assessment Roll for L.I.D. 4947 for paving of So. 72nd from Oakes to Prospect St.; So. "I" from So. 63rd to So. 64th St.; Reade from Gove to Mason Ave., and So. Mullen from Reade St. to Grove Place.

Roll call vote was taken, resulting as follows:

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

Nays 0. Absent - 1: Sonntag.

The Ordinance was declared passed.

Ordinance No. 19527

Approving and confirming the Assessment Roll for L. I. D. 5506 for water mains in 133rd St. Court East from 126th Ave. Ea. to Cul-de-sac approx. 320 ft. east.

Roll call vote was taken, resulting as follows:

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

Nays 0. Absent - 1: Sonntag.

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 19528

Authorizing the execution of a grant award contract No. 472 with the State of Washington Planning and Community Affairs Agency, Law and Justice Planning Office in an amount not to exceed \$10,242.00 for improving crime laboratory services and establishing a new fund to be designated as "Law and Justice Fund No. 472."

Police Chief Smith advised Council that this grant will provide for the purchase of laboratory equipment in order to upgrade their services.

Mr. Ted Amell spoke against the ordinance.

The Ordinance was placed in order for final reading

RESOLUTIONS:

Resolution No. 21518 (Continued from February 15th)

Authorizing the City Manager to submit to the Federal Aviation Agency a request for aid under the Airport and Airway Development Act of 1970 for additional airport land acquisition.

Mr. Schroeder moved to adopt the resolution; seconded by Mr. Maule.

Mr. Al Barney, Airport Manager, explained that there are now funds available from the federal government for additional land acquisition at the airport. The present balance in the Airport Construction Fund is \$67,795. In addition there is \$36,000 due the City from previous projects under the Federal Aviation Authority, and \$82,252 has already been spent by the City. This will bring the grand total to \$186,047. The City's portion of this project will be approximately \$178,433. This should leave a balance of \$7,000 to \$8,000 in the Construction Fund at the end of this project.

Mr. Ted Amell, 422 So. Tacoma Ave., spoke against the resolution.

Voice vote: Ayes 8. Nays - 0. Absent - 1: Sonntag.

The Resolution was declared adopted.

57

City Council Minutes - Page 4 - February 22, 1972.

Resolution No. 21528

Expressing appreciation to Valen H. Honeywell for his service as a member of the Board of Trustees of the Tacoma Public Library.

Mr. Nalley moved to adopt the resolution; seconded by Dr. Herrmann.  
After the Clerk read the resolution in its entirety, a voice vote was taken, resulting as follows:

Ayes 8: Nays 0. Absent 1.  
The Resolution was declared adopted.

Resolution No. 21529

Declaring January 25th and 26th, 1972 as holidays pursuant to Section 1.12.200 of the Official Code of the City of Tacoma.

Mayor Johnston moved to continue this resolution for one week until Feb. 29th. Seconded by Mr. Moss. Voice vote was taken and carried.

The Resolution was continued until February 29.

Resolution No. 21530

Authorizing the execution of a lease agreement with Donald E. Chambers and Sandra B. Chambers d/b/a Fire and Safety Equipment Co. of Tacoma for rental of certain real property in the Urban Arterial Project No. 4873 (1521 Bay St.) for \$70.00 per month for a term running to October 1, 1972.

Mrs. Egan moved to adopt the resolution; seconded by Mr. Maule.

Voice vote: Ayes 8. Nays 0. Absent 1.  
The Resolution was declared adopted.

Resolution No. 21531

Authorizing the execution of certain project agreements between the City of Tacoma and the Urban Arterial Board of the State of Washington for project No's. 8-1-128(35), 8-1-128(36), 8-1-128(37), 8-1-128(38), 8-1-128(39), 8-1-128(40) and 8-1-128(41).

Dr. Herrmann moved the resolution be adopted; seconded by Mr. Schroeder.

Mr. G. M. Schuster, Director of Public Works, explained the projects and the costs, advising that approximately 250 men would be employed.

Voice vote: Ayes -8. Nays -0. Absent 1  
The Resolution was declared adopted.

Resolution No. 21532

Endorsing the concept of establishing a combined planning committee composed of representatives of the Port of Tacoma, County of Pierce and the City of Tacoma to serve as an advisory committee relative to long-range development of the Greater Tacoma harbor area.

Mayor Johnston moved to adopt the resolution; seconded by Mr. Schroeder.

Mr. John C. Frai, 1423 So. 43rd St., and Mr. Ted Amell, 422 So. Tacoma Ave., spoke in favor of the resolution.

Voice vote: Ayes - 8. Nays 0. Absent - 1: Sonntag.  
The Resolution was declared adopted.

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Mr. Maule moved to suspend the rules in order to appoint Mr. Jarstad to the committee approved under Resolution No. 21532. Seconded by Dr. Herrmann. Voice vote taken and carried.

Mayor Johnston then moved to appoint Mr. Jarstad to the Advisory Committee on Planning of the Greater Tacoma Harbor Area. Seconded by Mr. Schroeder. Voice vote carried.

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Resolution No. 21533

Awarding contract to Shell Oil Company on its bid for the furnishing of the gasoline requirements from February 1, 1972 through January 31, 1973.

Mrs. Egan moved the resolution be adopted; seconded by Dr. Herrmann.

Mr. Earl Mittelstaedt, Finance Director, advised that this is a good bid on the gasoline supply, and recommended adoption of the Resolution.

Mr. John C. Frai spoke against the resolution.

Voice vote: Ayes 8. Nays - 0. Absent - 1.  
The Resolution was declared adopted.

Resolution No. 21534

Awarding contract to Lucky Towing on its bid for towing and storage for the period March 1, 1972 through February 28, 1973.

Dr. Herrmann moved to adopt the resolution. Seconded by Mr. Schroeder.

Police Chief Lyle Smith advised that this is the final step in the towing contract for police calls and recommended accepting the low bid. Upon inquiry by the Council, Chief Smith advised that it is his understanding there would be only one impounding fee regardless of whether the vehicle is moved to a secondary location.

Mr. John Sloan, attorney representing the Tacoma Towing Association, felt that Lucky Towing would not be able to provide enough storage space and does not have enough equipment to provide proper service.

Chief Smith reported that the staff member who had made the survey felt that Lucky Towing did have adequate equipment and floor space for storage. A certification to this effect was prepared.

59

City Council Minutes - Page 6 - February 22, 1972

Mr. Robert Hamilton, City Attorney, advised that the towing ordinance does provide that the contractor is to furnish primary storage areas and has the option to provide the secondary storage at his convenience. The ordinance requires that the secondary storage, if provided, must be approved by the Tacoma Police Dept. and by the City Manager's office.

Mr. John Hansler, attorney representing Lucky Towing, pointed out that at present Lucky Towing does not do any towing business in the City and would be available solely for police calls. Their present business is out in Pierce County. They would therefore not require as much towing equipment as other companies who do all types of towing throughout the City. They understand that they are not allowed to charge a secondary fee for police impounding cases.

After further discussion, Mr. Maule moved to amend the towing contract to include a statement that there would be only one storage charge. This was agreeable to Lucky Towing. Motion seconded by Dr. Herrmann. Voice vote was taken to amend the contract, and carried.

Voice vote on the resolution: Ayes - 8. Nays - 0. Absent 1.  
The Resolution was declared adopted.

Resolution No. 21535

Rejecting all bids submitted for cleaning of the No. 1 sludge digester and the installation of gas recirculation system of the central sewage treatment plant - Work Order Nos. 91800 and 90069, as they exceed the Engineer's estimate by more than 10%.

Dr. Herrmann moved to adopt the resolution; seconded by Mr. Schroeder.

Voice vote: Ayes - 8. Nays - 0. Absent - 1.  
The Resolution was declared adopted.

Resolution No. 21536

Amending Rule 8 of the Rules for the Government of the City Council relative to suspension of rules.

Mr. Schroeder moved to adopt the resolution; seconded by Mayor Johnston.

It was the feeling of the Council members that the Roberts Rules of Order should prevail, rather than having restrictive rules. They felt that there may be times when only a quorum of five councilmen would be present and they would not be able to suspend the rules in order to take up urgent City business which was not on the agenda.

After discussion, this resolution was set over for second reading next week, as provided for by Council Rules.

CITIZENS REQUESTS TO BE HEARD:

Mr. Ted Amell, 422 So. Tacoma Ave., spoke to the Council regarding progress for Tacoma.

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UNFINISHED BUSINESS:

Mr. Nalley said that a question was raised last week, and asked for a clarification on the rules regarding a Council member "calling for the question."

Mr. Hamilton, City Attorney, advised that under parliamentary procedures there is a difference between "calling" for the question and "demanding" the question. If someone calls for the question the Chairman determines whether or not there is a general acquiescence among the members. If the members wish to hold a further debate on the subject, they may do so until someone "demands" the question. Upon a demand for the question, the vote is taken.

Mr. Nalley felt that the Roberts Rules of Order do not exactly agree with the Council Rules and that the latter does not mention the phrase "general acquiescence" whereas the Roberts Rules do.

Mr. Hamilton pointed out that subsection (d) of Rule 6 Council Rules already relates to the equivalent to a "demand" for the question.

Mayor Johnston asked that the Legal Department prepare a Memorandum clarifying the question for the Council members.

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Mr. Jarstad commented on recent discussions regarding whether contracts could be held over a week automatically, thus making them subject to reconsideration, or whether there is a deadline for awarding contracts. If it were decided that no contracts could be awarded until 7 days after the resolution was adopted, he felt the Council should be advised so that those voting on the contract would know whether there is a time limit. He suggested that the Council be advised as to whether this is an administrative decision or a Council decision.

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Mayor Johnston requested to be excused from Council meeting next week as he has been invited to participate in a panel discussion at the University of Washington as Chairman of the Puget Sound Air Pollution Control Board.

Dr. Herrmann moved to excuse him; seconded by Mr. Schroeder. Voice vote taken and carried.

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Mayor Johnston requested that a resolution be prepared appointing Deputy Mayor Jarstad as a member of the Combined Planning Committee.

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Mr. Nalley commented that the minutes of the Planning Commission had indicated that the Dept. of Public Utilities had asked for a special use permit to have a \$500,000 substation located in the vicinity of 11th and Cushman St. Mr. Nalley felt that the electrical equipment should be placed underground, as both the noise and the appearance of the substation is a problem and the value of single-family dwellings in the area would decrease. He felt this problem should be studied.

Mr. Schroeder commented that Mr. Cockrell, City Light Supt., had advised that if there is any noise or interference around the substations it is an indication that some part of the substation is faulty. Mr. Schroeder said that Mr. Cockrell had indicated that the Dept. of Public Utilities had agreed to

61

City Council Minutes - Page 8 - February 22, 1972


construct the substation with an aggregate wall on two sides, to make a more attractive appearance. The walls will have windows of unbreakable glass in them. He said that Mr. Cockrell had reported that the underground facilities had proven to be unsatisfactory.

Mr. Schroeder advised that Mr. Cockrell's remarks had been made at the Planning Commission meeting.


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ADJOURNMENT

There being no further business, the meeting was adjourned by proper motion at 9:40 P.M.

  
GORDON N. JOHNSTON - Mayor

ATTEST:

  
H. B. BOND - City Clerk