

CITY COUNCIL MINUTES

City Council Chambers  
August 14, 1973

The meeting was called to order at 7:12 p.m.

Present on roll call: 7 - Herrmann, Jarstad, Moss, Nalley, Schuur, Sonntag and Mayor Johnston.

Absent: 1 - Egan (One Council Vacancy)

The Flag Salute was led by Mr. Nalley.

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CONSENT AGENDA

Approval of the minutes of the meeting of August 7, 1973.

PETITION: **BOYD A LUNDSTROM** requesting the rezoning of the north side of South 74th Street between Madison Street and Burlington Northern Railway right-of-way from an "R-2" to a "M-1" District.

For referral to the Planning Commission.

RESOLUTIONS:

Resolution No. 22347 Fixing Monday, September 10, 1973 at 4:00 P.M. as the date for hearing L.I.D. 2420 - grading and oil mat in alley between South 9th and South 10th Streets from Villard to Orchard Streets.

Resolution No. 22348 Fixing Monday, September 10, 1973 at 4:00 P.M. as the date for hearing L.I.D. 6940 - intersection street lights on Beverly Avenue from 51st Street N.E. to 55th Street N.E.; Francis Avenue from 51st Street N.E. to 55th Street N.E. and Broadview Avenue from 52nd Street N.E. to 55th Street N.E.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Minutes of Board of Adjustment meeting of July 12, 1973.
- b. Minutes of regular meeting of Civil Service Board of July 16th and special meeting of July 23rd, 1973.
- c. Minutes of Public Utilities Board meeting of July 25, 1973
- d. Minutes of Tacoma Model Cities Program Land Use Review Board of August 6th, 1973.
- e. Department of Public Utilities, Water Division, filing Water Supply Improvement Fund Program Referendum No. 27.
- f. Department of Public Works filing Update Cost Estimate for UAB Project No. 8-1-128(01).
- g. Department of Urban Renewal filing Physical Progress Report Wash. A-3 NDP for period ending June 30, 1973.

- h. Monthly report, July, 1973, Bill's Towing & Garage, Inc.
- i. Monthly report, June, 1973, Director of Finance.
- j. Monthly report, Light, Water & Belt Line Division, June, 1973.

Mr. Schuur moved that all the items listed on the Consent Agenda, including Resolution Nos. 22347 and 22348, be approved. Seconded by Mr. Nalley. Voice vote was taken and carried. The items were declared approved.

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Mayor Johnston moved to excuse Mrs. Egan from tonight's meeting. Seconded by Dr. Herrmann. Voice vote was taken and carried.

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#### REGULAR AGENDA

#### COMMUNICATIONS:

Shoreline Management Permit Application - Concrete Technology Corporation.

Placed on file.

#### PUBLIC HEARINGS AND APPEALS:

- a. (Continued from the meeting of August 7th). Robert F. Spigle appealing Planning Commission's decision to grant Special Use Permit No. 121.529 known as Site No. 1 Industrial Arts Building Tacoma School District No. 10. (6-4-73 Planning Commission recommended approval 5-1, 3 absent)

Russ Buehler, Planning Department Director, introduced R. A. Monahan, Deputy Prosecuting Attorney representing School District No. 10. Mr. Monahan requested that the appeal hearing be continued to August 28, 1973 in order to have additional time to settle differences with the appellant. Mr. Monahan pointed out that the Planning Commission has set the conditions to be met, one of the conditions relates to the sound level in the area; however, he understands Mr. Spigle feels these sound levels will not be met.

Stanley R. King, representing Mr. Spigle, who owns the apartment house directly across the street from Stadium High School, requested that the hearing be continued until two weeks after the plans and specifications are submitted by the school district so that Mr. Spigle's sound engineers will be able to determine from the plans and specifications what the sound level in this proposed building would be.

In reply to questions of Council members, Dr. Sergienko of the School District, confirmed that Stadium High School is in the long range plan of the school district and that they anticipate the attendance to remain stable in the long range plan. After further discussion, Dr. Herrmann moved to continue the hearing to August 28, 1973. Seconded by Mr. Moss. Voice vote was taken and carried, with Mr. Nalley and Mr. Sonntag dissenting.

Mr. Buehler advised that the School District is requesting the withdrawal of the street vacation of North "E" Street between North 1st and 2nd which was adopted by Council by Resolution 22280 on July 10, 1973.

Mr. Sonntag moved to rescind Resolution 22280. Seconded by Dr. Herrmann. Voice vote was taken and carried.

- b. This is the date set for hearing the request for rezoning the east side of Wapato Street between South 72nd and South 74th Streets from an "R-3-PRD" to an "R-4-L" District. (7-16-73 Planning Commission recommended approval 7-0, 2 absent) (Stephen R. Anderson)

Mr. Buehler reviewed the proposed rezone and gave a history of the area. He explained that the change in zoning is requested due to a technicality on the topography of the area involving the adjoining property of Mr. Yeager.

Stephen Anderson described the problems involved with the Yeager property and his decision to upgrade the rezone in order that Mr. Yeager may properly use his property. He pointed out to Council that restrictions set forth by the Planning Commission are that the density not be that of an "R-4-L" but that of an "R-3-PRD".

Speaking against the rezone were Charles C. Mitchell, 7024 South Wapato, who submitted petitions signed by 110 residents; Mrs. Mitchell, 7024 Wapato; Robert Vignal, 7248 South Wapato and Pete Ambrose, 7035 South Prospect.

It was the feeling of Council that the statements made by those citizens speaking against the rezone indicated that Mr. Anderson had not talked to many of the neighbors regarding his proposal of rezone. Mr. Sonntag felt that the neighborhood should have something to say about what goes on in the neighborhood.

Mr. Sonntag moved to continue the hearing to September 4, 1973 in order that Mr. Anderson may have better communications with the neighborhood. The motion failed for lack of a second.

Dr. Herrmann moved to concur in the recommendations of the Planning Commission. Seconded by Mr. Moss.

Roll call was taken, resulting as follows:

Ayes: 3 - Herrmann, Moss, Mayor Johnston

Nays: 4 - Jarstad, Nalley, Schuur, Sonntag

Absent: 1 - Egan

The motion was declared failed.

Dr. Herrmann then changed his vote from aye to nay in order to be on the prevailing side.

- c. This is the date set for hearing the request for vacation of Lexington and Frace Streets between South 10th and 12th Streets. Also vacation of alley between Lexington and Frace Streets from South 10th to South 12th; also vacation of alley between Frace and Whitman Streets from South 10th to South 12th Streets. (7-2-73 Planning Commission recommended approval 6-0, 3 absent) (Harold Jewell, etal)

Mr. Buehler reviewed the request for Council and the recommended conditions of the Planning Commission.

Dr. Herrmann moved that the Hearing be continued one week in order that all parties concerned could communicate with one another. Seconded by Mr. Sonntag.

Roll call was taken resulting as follows:

Ayes: 1 - Schuur

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

Absent: 1 - Egan (One Council Vacancy)

The motion to continue was declared failed.

Dr. Herrmann moved to concur in the recommendation of the Planning Commission. Seconded by Mr. Moss. Voice vote was taken and carried.

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FINAL READING OF ORDINANCES:

Ordinance No. 19884 Appropriating the sum of \$40,000 or so much thereof as may be necessary from the 1973 Federal Shared Revenue Fund and transferring same to the City Street Fund and appropriating from the City Street Fund the sum of \$40,000 for the purpose of carrying out the 1973 street oil sealing program.

Roll call was taken, resulting as follows:

Ayes: 7 - Herrmann, Moss, Nalley, Schuur, Jarstad, Sonntag and Mayor Johnston

Nays: 0

Absent: 1 - Egan

(One Council Vacancy)

The Ordinance was declared passed.

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FIRST READING OF ORDINANCES:

Ordinance No. 19888 Establishing Public Service Employment Program as a Major Federal Aid Project and the position of Technical Writer. Creating Fund No. 568 and authorizing loan of \$3,000 from General Fund to Fund No. 568 and appropriating \$7,925 from Fund No. 568 for the purpose of carrying out this program.

Ronald Skaggs, Assistant Personnel Director, reviewed the ordinance and agreement.

The Ordinance was set over for final reading next week.

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RESOLUTIONS:

Resolution No. 22339 Adopting the general concept of revenue sharing and tentatively adopting priorities as recommended by the City Manager and staff.

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

On question of Mayor Johnston, Mr. Donaldson explained that each program will come to Council in a separate ordinance when Council can review and evaluate them, and that there may be programs that will not be implemented because of either State or Federal laws.

A question was raised regarding the possible shortage of revenues that the City would be receiving from the State due to legislative actions and whether this shortage would then be obtained from the Revenue Sharing monies in order to balance the budget.

Mr. Donaldson advised that he would keep Council advised of any legislative action in the cutting of funds to the City and that it would be Council's decision as to the manner to be used to balance the budget.

Mayor Johnston requested that as each ordinance for programs is brought to Council that the balance of revenue sharing money remaining be noted in the corner of the ordinance.

Tony Passanante, 4406 North 11th Street, asked that Council address itself to human needs in reference to revenue sharing.

Thomas Dixon, Urban League, also asked that Council not eliminate the human resources programs just because these programs are at the bottom of the list of priorities.

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

Resolution No. 22349 Authorizing approval of option agreement for 80.7 acres Wapato Hills reservoir site property with Homart Development Company.

A. J. Benedetti, Director of Utilities, reviewed the option agreement for Council and advised that the Utility Board had considered this matter thoroughly and recommends approval.

Mayor Johnston felt that the Planning Commission should be permitted to review this proposed land use prior to commitment to the option agreement.

Mr. Harlowe, Attorney representing local businessmen, advised that his clients wish to present an alternate proposal which would provide a complex for an automobile dealer park and asked that the Resolution be continued for 90 days in order that they would be able to submit this counter proposal for the purchase of the property.

On question of Council members, he advised that when this property was originally up for sale his group did not seriously consider the parcel of land because it was presented as a sixty-six acre plot; however, now it comes forth as an 80 acre plot and is suitable for their needs.

On question of Mayor Johnston, Jack Creighton, Assistant Planning Director, reported that the City's master plan has the site listed as a reservoir; however, there have been informal opinions that this should be for business use or apartments.

H. M. Tollefson, representing William Johnson, president of Johnson Sterling, Inc. advised that William Johnson has filed a claim against the City for services rendered and it is desired that the option agreement offer some protection to Mr. Johnson. He asked the City Council to take time to study all of the ramifications of the

agreement as he wants Mr. Johnson protected for the work he has done. He suggested Council study the agreement for one month prior to any decision.

After considerable discussion, Mr. Sonntag moved to continue the Resolution to Tuesday, September 11, 1973. Seconded by Mr. Moss.

Roll call was taken resulting as follows:

Ayes: 3 - Moss, Sonntag, Mayor Johnston

Nays: 4 - Herrmann, Jarstad, Schuur, Nalley

Absent: 1 - Egan

(One Council Vacancy)

The motion was declared failed.

Mr. Jarstad moved that the Resolution be continued to September 25, 1973. Seconded by Mr. Sonntag.

Roll call was taken resulting as follows:

Ayes: 4 - Jarstad, Moss, Sonntag, Mayor Johnston

Nays: 3 - Herrmann, Schuur, Nalley

Absent: 1 - Egan

(One Council Vacancy)

The motion was declared passed. The Resolution was continued to September 25, 1973.

Resolution No. 22350 Authorizing execution of agreement limiting liability among Western Interconnected Systems and payment of required insurance coverage.

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

Resolution No. 22351 Awarding contract to Dyad Construction, Inc. on its bid of \$11,371.19 and supplemental bid of \$1,182.30 for L.I.D. 3740 - sanitary sewers in East 75th Street from East "F" Street to McKinley Avenue.

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. 22352 Rejecting all bids submitted for Work Order No. 91156, Unit "A", sanitary sewer replacement in the alleys west of Pacific Avenue from South 52nd to 64th Streets and in alley between South "D" and alley west of Pacific from South 55th to 56th Streets as they exceed the Engineer's estimate.

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

COMMENTS BY MEMBERS OF THE CITY COUNCIL:

Mayor Johnston commented that he noticed that Mr. Dick Weeks, radio commentator,

was in the audience, and asked if he wished to explain his presence at the meeting. Mr. Weeks reported that from time to time he comes to Council meetings to view the proceedings in order to relate some of the items to his listeners.

Mr. Moss asked the City Attorney to provide an opinion as to the limit of the Council's capacity to deal with contractual agreements, especially in view of the claim against the City by Mr. Johnson.

Mr. Sonntag explained that last week he took a one day vacation and he researched the City Clerk's records and found that for the year 1973 this is only the second meeting he had missed. The only Council member with a better record than himself was Mr. Nalley. He said he is mentioning this because his phone calls indicate that citizens are wondering if he attends meetings at all.

Mr. Schuur referred to item number six of Mr. Donaldson's recent report to Council and asked that a study session be scheduled soon pertaining to pornography and x-rated movies in order to reach a determination as to what ground rules the City should establish.

Mr. Sonntag reported that he spent one evening with the vice squad and could find no large scale vice corruption in the City.

On proper motion the meeting adjourned at 11:15 p.m.

  
GORDON JOHNSTON - MAYOR

ATTEST:

  
H. B. BOND CITY CLERK