

CITY COUNCIL MINUTES

City Council Chambers  
December 26, 1974

The meeting was called to order at 5:03 p.m.

Present on roll call: 8 - Herrmann, Hudson, Moss, Nalley, Nelson, Sonntag, Warnick and Mayor Johnston. Absent: 1 - Egan.

The Flag Salute was led by Mr. Moss.

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C O N S E N T   A G E N D A

Approval of the minutes of the meeting of December 17, 1974.

PETITIONS:

I. H. Miller requesting the rezoning of the property located on the southwest corner of South 38th Street and Sheridan Avenue from an "R-3" to an "R-4-LT" District.

For referral to the Planning Commission.

RESOLUTIONS:

Resolution No. 23134

Fixing Tuesday, January 14, 1975 at 5:00 p.m. as the date for hearing the request for rezoning the south side of South 58th between Ferdinand and Orchard Street extended south from an "R-2" to an "R-2-PRD" District. (Richard H. Shaw)

ASSESSMENT ROLLS:

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

LID 5538 - water mains in East 63rd Street from East "B" to East "F" Street and in East "B" from East 62nd to East 64th Street.

Fixing Monday, January 27, 1975, at 4:00 p.m. as the date for hearing.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Minutes of Broadway Plaza Advisory Committee meeting of November 14, 1974.
- b. Minutes of Tacoma Public Library Board of Trustees special meeting of November 15 and regular meeting of November 19, 1974.
- c. Minutes of Tacoma Model Cities Program Land Use Review Board meeting of December 2, 1974.
- d. Minutes of Board of Park Commissioners meeting of December 9, 1974.

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- e. Minutes of Board of Adjustment meeting of December 12, 1974.
- f. Minutes of Tacoma/Pierce County Bicentennial Commission meeting of December 12, 1974.
- g. Minutes of Broadway Plaza Advisory Committee meeting of November 27, 1974.
- h. December 9, 1974 notification of Pierce County Commissioners' concurrence in City of Tacoma's Ordinance Nos. 20236 and 20239 relating to the Health Department.
- i. Monthly report, November, 1974, Personnel Department.
- j. Monthly report, October, 1974, Traffic Division, Police Department.
- k. Public Works Department filing Aging Schedule for various Urban Arterial Projects.

Dr. Herrmann moved that all of the items listed on the Consent Agenda, including Resolution No. 23134, be approved. Seconded by Mr. Hudson. Voice vote was taken and carried. The items were declared approved.

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Mayor Johnston made a motion to excuse Mrs. Egan from the meeting due to an illness in the family. Seconded by Dr. Herrmann. Voice vote was taken and carried.

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#### REGULAR AGENDA

##### COMMUNICATIONS:

H. B. Bond, Acting Secretary, Tacoma Landmarks Preservation Commission, requesting the Council's action to designate the Carnegie Library Building as a City of Tacoma Historic Building.

Dr. Herrmann made a motion to concur in the action of the Landmarks Preservation Commission designation and requested a resolution be prepared. Seconded by Mr. Sonntag. Voice vote was taken and carried.

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##### HEARINGS - COMMITTEE APPOINTMENTS:

- a. Hearing on nomination of Frank Dippolito for appointment to the Civic Arts Commission replacing L.S. Baskin, M.D. whose term expired November 30, 1973.

Mr. Dippolito, a Tacoma Community College Instructor, was present and answered questions of Council.

- b. Hearing on Nomination of Charles T. Pearson for appointment to the Building Appeals Commission to fill unexpired term of G. Burleigh Krona and reappointment of Halvard W. Birkeland to a five-year term.

Mr. Pearson, an architect and Mr. Birkeland, a structural engineer, were present and responded to questions of the City Council.

- c. Hearing on nomination of the following individuals for appointment to the Housing and Community Development Citizens Advisory Committee: William O. Causin, Robert Hall, Ben Rome, Ernest Maisch, Wilbur F. Rieck, James M. Harris, Nancy N. Kroening, Mrs. Thomas C. Sias, Mrs. Ellida Kirk, Jack E. Tanner, William Peterson, Thomas Dixon, Jan Perez, Les Bona, Mrs. Deloris Brown, Charles Horne, Junior N. R. Ellis, Bruce Vanderhoof and Anne Carter.

Mayor Johnston incorporated the name of Riebs Verlo, 1120 East 31st Street, as the third citizen at large on the committee. The Mayor then reviewed the purpose of the Advisory Committee and introduced each member of the Committee present in the audience. The three members absent were Ernest Maisch, Mrs. Thomas C. Sias, and Les Bona. Council was given an opportunity to question any of the proposed Committee members.

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FINAL READING OF ORDINANCES:

Ordinance No. 20209 Amending Title 7 of the Official Code by adding Chapter 7.20 establishing a Police Reserve Force in the City of Tacoma.

Mr. Sonntag made a motion to incorporate Alternative B, as requested by Mrs. Egan, relating to police vehicles and severability. Seconded by Mr. Hudson. Voice vote resulted as follows: Ayes: 5 - Hudson, Moss, Nalley, Sonntag and Warnick. Nays: 3 - Herrmann, Nelson and Mayor Johnston. Absent: 1 - Egan. The motion carried.

Mr. Sonntag then made a motion to incorporate an additional amendment requested by Mrs. Egan dealing with the mandatory review of the Police Reserve Program by the City Council. Seconded by Mr. Hudson. Roll call vote was taken, resulting as follows: Ayes: 7 - Herrmann, Hudson, Moss, Nalley, Sonntag, Warnick and Mayor Johnston. Nays: 1 - Nelson. Absent: 1 - Egan. The motion carried.

Mr. Sonntag made a motion to amend the ordinance regarding firearms, incorporating an additional sentence to the existing ordinance to the effect that "in no instance shall any member of the Police Reserve Force carry a firearm when on routine patrol". Seconded by Mr. Warnick. Roll call vote was taken, resulting as follows: Ayes: 3 - Nelson, Sonntag and Warnick. Nays: 5 - Herrmann, Hudson, Moss, Nalley, Mayor Johnston. Absent: 1 - Egan. The motion was declared lost.

Mr. Warnick then proposed an amendment regarding firearms to the effect that Police Reserve Officers could only wear firearms in the case of a civil or national emergency. Roll call vote was taken, resulting as follows: Ayes: 4 - Nalley, Nelson, Sonntag, Warnick. Nays: 4 - Herrmann, Hudson, Moss, Mayor Johnston. Absent: 1 - Egan. The motion was declared lost on a tie vote.

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

Ayes: 4 - Herrmann, Hudson, Moss and Mayor Johnston

Nays: 4 - Nalley, Nelson, Sonntag and Warnick

Absent: 1 - Egan.

Mayor Johnston announced that he is changing his vote to nay to be on the prevailing side with the intention of bringing the ordinance up for consideration next week. The Ordinance was declared lost.

Ordinance No. 20252 Repealing Sections 7.04.010 through 7.04.040 and reenacting Sections 7.04.010 through 7.04.030 of the Official Code relative to consolidation of the City and County jail facilities and to remove from the Chief of Police of the City of Tacoma the responsibility of being in charge and supervising a City Jail.

At the request of City Manager, William Donaldson, Mayor Johnston made a motion, seconded by Mr. Moss, that the ordinance be removed from the agenda. Voice vote was taken and carried.

The Ordinance was removed from the Agenda.

Ordinance No. 20271 Amending Sections 8.12.010 and 15.10.010 of the Official Code to remove criminal sanctions from the offense of being intoxicated in public from the use of alcohol.

Roll call was taken, resulting as follows:

Ayes: 7 - Herrmann, Hudson, Moss, Nalley, Nelson, Warnick, Mayor Johnston

Nays: 0

Absent: 1 - Egan

Temporarily Absent: 1 - Sonntag

The Ordinance was declared passed.

Ordinance No. 20272 Authorizing the acceptance of \$2,000 from the Medina Foundation for the Urban Observatory and/or Teaching Government Program and appropriating said sum for the continuation of said program.

Roll call was taken, resulting as follows:

Ayes: 7 - Herrmann, Hudson, Moss, Nalley, Nelson, Warnick, Mayor Johnston

Nays: 0

Absent: 1 - Egan

Temporarily Absent: Sonntag

The Ordinance was declared passed.

Ordinance No. 20273 Creating a new fund to be known as "Earthquake Recording Instrumentation Program Fund" and appropriating from said fund \$7,500 for earthquake recording equipment.

Roll call was taken, resulting as follows:

Ayes: 7 - Herrmann, Hudson, Moss, Nalley, Nelson, Warnick, Mayor Johnston

Nays: 0

Absent: 1 - Egan

Temporarily Absent: Sonntag

Ordinance No. 20274 Appropriating the sum of \$750,000.00 or so much thereof as may be necessary, from the Light Division Current Fund No. 470 to pay increased costs of operation for the year 1974 and declaring an emergency making necessary the passage of this ordinance and its taking effect immediately after publication.

Roll call was taken, resulting as follows:

Ayes: 6 - Herrmann, Hudson, Moss, Nalley, Nelson, Mayor Johnston

Nays: 0

Absent: 1 - Egan

Temporarily Absent: Sonntag and Warnick  
The Ordinance was declared passed.

Ordinance No. 20275 Adopting the Annual Budget of the City of Tacoma for the fiscal year 1975 and declaring an emergency making necessary the passage of this ordinance and its taking effect immediately upon publication.

City Finance Director, Earl Mittelstaedt, reviewed the proposed ordinance noting the final figures as submitted during the week. He also responded to questions from members of the City Council.

Mayor Johnston made a motion to incorporate the additions to the ordinance. Seconded by Mr. Hudson. Voice vote was taken and carried. Roll call vote on the ordinance, as amended, resulting as follows:

Ayes: 6 - Herrmann, Hudson, Moss, Nelson, Warnick, Mayor Johnston

Nays: 1 - Nalley

Absent: Egan

Temporarily Absent: Sonntag

The Ordinance was declared passed.

Ordinance No. 20276 Amending Sections 1.12.360 through 1.12.629 of the Compensation Plan to reflect adjustments to the salary schedule for 1975 and Section 1.12.200 to authorize overtime rates for holidays to be collectively bargained.

Roll call was taken, resulting as follows:

Ayes: 8 - Herrmann, Hudson, Moss, Nalley, Nelson, Sonntag, Warnick, Mayor Johnston.

Nays: 0

Absent: 1 - Egan

The Ordinance was declared passed.

Ordinance No. 20277 Amending Title 8 of the Official Code to add Chapter 8.102 providing for regulation of body painting establishments.

Roll call was taken, resulting as follows:

Ayes: 8 - Herrmann, Hudson, Moss, Nalley, Nelson, Sonntag, Warnick, Mayor Johnston

Nays: 0

Absent: 1 - Egan

The Ordinance was declared passed.

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FIRST READING OF ORDINANCES:

Ordinance No. 20278 Vacating that portion of Homestead Avenue and a portion of the alley lying immediately to the east, south of East 60th Street to the Pipe Line Road. (Golden Ridge, Inc.)

Mr. Buehler informed the Council that the ordinance was in proper form for passage and all the conditions had been met.

The Ordinance was set over for final reading next week.

Ordinance No. 20279 Vacating a portion of Lee Street easterly of Gove Street. (Dept. of Public Works)

Mr. Buehler informed the Council that the ordinance was in proper form for passage and all the conditions had been met.

The Ordinance was set over for final reading next week.

Ordinance No. 20280 Amending Chapter 6.64 of the Official Code relative to Occupation Tax on telephone business and natural gas business.

Acting Tax & License Director, Richard Newman, reviewed the contents of the ordinance and responded to questions from the City Council.

Mr. Robert W. Bloom, representing the Washington Natural Gas Company, noted that his firm has no position to take before the Council but remains neutral in the proposed ordinance. He did note that the increases would be passed on primarily to industrial-rate users. Speaking in opposition to the increase was Mr. Carl Virgil, Works Manager of the Hooker Chemical Company, and Mr. Richard MacEntee, representing Nalley's Fine Foods.

The Ordinance was set over for final reading next week.

Ordinance No. 20281 Amending Section 11.24.180 of the Official Code relative to parking meter regulations.

The Ordinance was set over for final reading next week.

Ordinance No. 20282 Appropriating \$65,000.00 or so much thereof as may be necessary from the Stadium Trust Fund #640; authorizing the transfer of said funds to the 1976 Bicentennial Pavilion Construction Fund and declaring an emergency making necessary the adoption of this ordinance and its taking effect immediately upon publication.

The Ordinance was set over for final reading next week.

Ordinance No. 20283 Amending Chapter 6.62 of the Official Code relative to admission tax on golf.

Mr. Warnick made the motion that first reading of the ordinance be continued for one week. Seconded by Councilman Hudson. Voice vote was taken and carried.

First Reading of the Ordinance was continued to January 2, 1975.

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RESOLUTIONS:

Resolution No. 23131 Establishing a policy regarding retroactivity of collective bargaining agreements settled after December 31, 1974.

Upon the recommendations of the Labor Relations Department Director, Hugh Judd, Mr. Sonntag made a motion to continue the resolution for one week. Seconded by Councilman Moss. Voice vote was taken and carried.

The Resolution was postponed one week.

Resolution No. 23135 Establishing pay rates for positions in the Emergency Employment Program and Public Service Employment Program effective January 1, 1975.

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

The Resolution was declared adopted.

Resolution No. 23136 Establishing pay rates for positions in the Technology Transfer Center Program effective January 1, 1975.

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

The Resolution was declared adopted.

Resolution No. 23137 Establishing pay rates for positions in the Program Management System effective January 1, 1975.

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

The Resolution was declared adopted.

Resolution No. 23138 Establishing pay rates for positions in the Manpower Planning Work Experience Program effective January 1, 1975.

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

The Resolution was declared adopted.

Resolution No. 23139 Establishing pay rates for positions in the Department of Community Development effective January 1, 1975.

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

The Resolution was declared adopted.

Resolution No. 23140 Establishing pay rates for positions in the Human Development Youth Services Bureau Program effective January 1, 1975.

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

The Resolution was declared adopted.

Resolution No. 23141 Authorizing application to the Washington State Aeronautics Commission for financial assistance for construction of a proposed public float in City Waterway.

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

The Resolution was declared adopted.

Purchase Resolution No. 23142 Awarding contracts to: Nic-O-Ray Battery Sales on its bid of \$6,500.00 for annual supply of storage batteries; and to Western Furnaces, Inc. on its bid of \$4,121.25 for heating system at Fire Station #8.

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

The Resolution was declared adopted.

Resolution No. 23143 Appointing Charles T. Pearson to the Building Code Board of Appeals for an unexpired term to expire on February 4, 1975 and reappointing Halvard W. Birkeland to a five-year term to expire on February 4, 1979.

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

The Resolution was declared adopted.

Resolution No. 23144 Appointing Frank Dippolito to the Civic Arts Commission for a term expiring November 30, 1977.

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

The Resolution was declared adopted.

Resolution No. 23145 Appointments to the Housing and Community Development Citizens Advisory Committee.

Mayor Johnston moved that the Resolution be adopted. Seconded by Mr. Sonntag. Voice vote was taken and carried.

The Resolution was declared adopted.

Resolution No. 23146 Authorizing execution of a permit between the City and Concrete Technology Corporation for use of Port of Tacoma Road.

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

The Resolution was declared adopted.



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**Resolution No. 23147** Authorizing execution of a lease with Dr. William J. and Doreen R. Barrett for certain property in the Leach Creek Holding Basin.

Dr. Herrmann moved to adopt the corrected Resolution. Seconded by Mr. Sonntag. Voice vote was taken and carried.

The corrected Resolution was declared adopted.

**Resolution No. 23148** Authorizing execution of an addendum to the lease agreement with Hot Drinks, Inc. to add three additional parking spaces for the Manpower Planning Office.

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

The Resolution was declared adopted.

**Resolution No. 23149** Accepting in general form a listing of General Revenue Sharing programs for future funding consideration.

City Manager William V. Donaldson stated that because of discrepancies in the required amount of funding and other additional problems, requested the Council to remove from the listing of Revenue Sharing Programs the Senior Citizen Service Program. He said he will bring back a revised program for the Council's consideration next week.

Mr. Sonntag made a motion to delete the Senior Citizen Services Program from the resolution. Seconded by Mr. Nelson. Voice vote was taken and carried.

Mr. Donaldson also stated that approximately \$1,000,000.00 remains in addition to Revenue Sharing Funds and suggested that portion of next Monday's study session be devoted to consider methods of procedures in proportioning these moneys.

Mr. Sonntag made a motion to approve the Resolution as amended. Seconded by Dr. Herrmann. Voice vote was taken and carried.

The amended Resolution was declared adopted.

**Resolution No. 23150** Authorizing retroactive salary adjustments for those classes not in formal bargaining units.

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

The Resolution was declared adopted.

**Resolution No. 23151** Authorizing an easement for view to Pacific First Federal Savings & Loan Association over the 12th Street Escalade and approving construction of improvements on top of said Escalade in a form and manner to be approved by the proper officers of the City of Tacoma.

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

The Resolution was declared adopted.

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Resolution No. 23152 Authorizing and approving construction of an additional two stories on the development proposed by Pacific First Federal Savings & Loan Association for Parcel 17B, New Tacoma Project Wash R-14 and permitting the floor area ratio as will therein be utilized.

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

The Resolution was declared adopted.

Resolution No. 23153 Authorizing the proper officers of the City to execute Third Amendatory Contract amending Neighborhood Development Program Funding Agreement No. 2 and Master Agreement No. Wash. A-3 between the City and the U.S. of America.

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. 23154 Authorizing incurrence of costs for planning and preparation of the application for block grant assistance under the Housing and Community Development Act of 1974.

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

The Resolution was declared adopted.

Resolution No. 23155 Authorizing the filing of a request and authorization for advance pursuant to provisions of the Housing and Community Development Act of 1974.

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. 23156 Authorizing execution of an agreement with Business Center, Inc. pertaining to conditions of rezone of certain property to a "C-3" District in the vicinity of So. 42nd and Pine Streets.

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

The Resolution was declared adopted.

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PUBLIC HEARINGS AND APPEALS:

- a. This is the date set for hearing the request for rezoning the property located at the northwest quadrant of East 72nd Street and Portland Avenue from an "R-2-T" to a "C-P-N" District. (8-24-74 Planning Commission recommended approval 4-1, 1 absent, 1 abstention) (Sun Coast Properties, Inc)

City Planning Director, Russell Buehler, requested that the Clerk read title "B," since both rezones concern the same petitioner and project.

- b. This is the date set for hearing Sun Coast Properties, Inc.'s appeal on the Planning Commission's decision to deny their request for rezoning the west side of Portland Avenue and approximately 450 feet north of East 72nd Street from an "R-2" to a "C-P-N" District. (8-24-74 Planning Commission recommended denial 4-1, 1 absent, 1 abstention)

Mr. Buehler gave a resume of the City Planning Commission's findings and recommendations.

Mr. Mike Fazzolio, representing Sun Coast Properties, Inc., made a presentation before the Council in support of item "a" and against the Planning Commission's findings in item "b."

A resident in the area, Richard Hayden, of 6835 Portland Avenue, spoke against the rezonings, submitting a petition with 38 names of persons against the rezones in the general vicinity of East 72nd and Portland Avenue.

Following additional discussion, Councilman Moss made a motion to concur in the recommendations of the Planning Commission on item "a." Seconded by Mr. Sonntag. Voice vote was taken and carried.

Councilman Hudson made a motion to concur with the Planning Commission on item "B." Seconded by Councilman Nelson. A roll call vote was demanded, resulting as follows:

- Ayes: 3 - Hudson, Nelson, and Mayor Johnston
- Nays: 4 - Herrmann, Moss, Sonntag, and Warnick
- Absent: 2 - Egan and Nalley.

Mr. Moss then made a motion to overrule the Planning Commission on item "B" and grant the rezoning. Seconded by Dr. Herrmann. Roll call vote resulted as follows:


- Ayes: 6 - Herrmann, Moss, Nelson, Sonntag, Warnick, Mayor Johnston
- Nays: 1 - Hudson
- Absent: 2 - Egan and Nalley

Mayor Johnston then read a letter from the December 26th meeting of the Tacoma Manpower Council, which requested the Tacoma City Council to protest the recent Department of Agricultural decision reducing the formula for Food Stamp purchases by eligible program participants. Mayor Johnston made a motion to concur in the recommendations of the Manpower Council and registered the City's protest in the matter. Seconded by Councilman Nelson. Voice vote was taken and carried.

In view of the fact that next City Council meeting falls on New Year's Eve, Mayor Johnston made a motion that the regular Council Meeting be held on Thursday, January 2, 1975. Seconded by Councilman Warnick. Voice vote was taken and carried. The meeting was set for January 2nd.

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There being no further business, the meeting was adjourned at 10:15 p.m.

  
GORDON N. JOHNSTON - MAYOR

ATTEST:   
A. B. BOND - CITY CLERK