

CITY COUNCIL MINUTES

City Council Chambers
May 29, 1973

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

Present on roll call: 9 - Egan, Herrmann, Jarstad, Moss, Nalley, Schroeder, Schuur, Sonntag and Mayor Johnston. Absent: 0.

The Flag Salute was led by Councilman Schroeder.

Mayor Johnston presented to Gilbert Schuster, Public Works Director, a National Award for Excellence in Engineering relative to Tudor Engineering's work on the Tacoma Spur.

CONSENT AGENDA

Approval of the minutes of the meeting of May 22, 1973.

RESOLUTIONS:

Resolution No. 22208 Fixing Tuesday, June 12, 1973 at 7:00 p.m. as the date for hearing the request for rezoning the southwest corner of South 23rd and Union Avenue from an "R-2" to an "R-4-T" District. (Blyth-Tauscher)

Resolution No. 22209 Fixing Tuesday, June 26, 1973 at 7:00 p.m. as the date for hearing the request for vacation of the westerly 40 feet of Union Avenue from South Tacoma Way to Burlington Northern Railroad r/o/w. (Northwest Pipe & Steel, Inc. et al)

ASSESSMENT ROLLS:

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

LID 5518 - Water mains and fire hydrants in 70th Avenue East from 76th Street Court East, south 183 feet; and in 76th Street Court East from 70th Avenue East, easterly and southerly to cul-de-sac.

Fixing Monday, June 25, 1973 at 4:00 p.m. as the date for hearing.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK.

- a. Minutes of the Citizens Arterial Committee meeting of April 23, 1973.
- b. Minutes of the Civil Service Board Meeting of May 7, 1973.

- c. Minutes of the Board of Park Commissioners meeting of May 7, 1973.
- d. Minutes of the Public Utility Board meeting of May 9, 1973.
- e. Minutes of Tacoma Model Cities Program Land Use Review Board meeting of May 21, 1973.
- f. Update Cost Estimate for UAP No. 8-1-128(07) and 8-1-128(32)--Public Works Department.
- g. Personnel and Administrative Claim for April, 1973--Department of Emergency Services.
- h. Monthly Report, I & R Division, April, 1973, Police Dept.

Mrs. Egan moved that all of the items listed on the Consent Agenda, including Resolution Nos. 22208 and 22209, be approved. Seconded by Mr. Nalley. Voice vote was taken and carried. The items were declared approved.

REGULAR AGENDA

COMMUNICATIONS:

- a. Shoreline Management Permit - Sanitary Sewers - Hooker Chemical Corporation.

The communication was placed on file.

- b. City Planning Commission recommending denial of Manfred J. Vierthaler's request for rezoning the southerly side of Waterview Street between Cheyenne and Lee Streets from an "R-2" to an "R-4" District.

May 21, 1973 was the last date to file an appeal and no appeal was filed.

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

PUBLIC HEARINGS
AND APPEALS:

This is the date set for hearing Lindy's Restaurant's appeal on the decision of the Fire Code Board of Appeals relative to exit and other fire safety requirements.

Fire Marshall, Norman Strand, reviewed the history of events which preceeded the appeal. He reviewed the requirements of the Uniform Fire Code of 1971 adopted by Council under Ordinance No. 19542, which allows a maximum of 50 people in a restaurant with only one egress. Jim Michael, Deputy Fire Marshall, advised that there has been over 100 people observed in the restaurant. As an alternative to a second egress, the inspection required that the premises and the exhaust hook and duct system be equipped with a sprinkler system; however, none of the requirements set forth by the Fire Inspector as required by the Fire Code have been met. The restaurant appealed to the Fire Code Board of Appeals which held a hearing on April 16, 1973. The Board upheld the requirements of the Fire Department. Lindy's Restaurant has, therefore, appealed to the Council. Fire Marshalls Strand and Michael answered questions of Council members regarding conditions in the restaurant and Code requirements.

Don McGoldrick, owner of the Rust Building, advised that the Rust Building was built in 1910 and for most of that time there has been a restaurant at the location of Lindy's. Until recently, there was never any requirement of a second egress. The only place a second egress can be made is in the near vicinity of the present entrance, but did not meet with the Fire Inspector's approval. He also reported on the cost of the sprinkler system as being in the neighborhood of \$7,000.

Neil Weinstein, operator of Lindy's Restaurant, advised that he took over the restaurant in 1970 and was not aware nor notified at that time that the occupancy was limited to 50 people. He felt that if there was a fire it would be in the kitchen, which is in the opposite end of the restaurant from the entrance. He did not feel he should be penalized while other restaurants that are possibly in violation of the Code have not been inspected and required to adhere to the Code.

After considerable discussion, Mr. Sonntag moved to deny the appeal and to concur in the action of the Fire Code Board of Appeals. Seconded by Mr. Schroeder. Voice vote was taken and carried.

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Mrs. Egan moved to suspend the rules to reconsider the appeal on the Special Use Permit of the Kiwanis Boys Homes, Inc. Seconded by Mr. Schroeder. Voice vote was taken and carried.

After comments by several Council members, who advised that they had during the past week investigated and reconsidered, Mrs. Egan moved to concur in the action of the Planning Commission to grant the Special Use Permit to the Kiwanis Boys Home. Seconded by Mr. Schroeder. Voice vote was taken and carried, with Mr. Nalley and Mr. Sonntag dissenting.

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FINAL READING OF ORDINANCES:

Ordinance No. 19834 Amending Ordinance No. 19655 to provide for extension of temporary loan in the amount of \$10,000 to Public Service Careers Program Fund.

Roll call was taken, resulting as follows:

Ayes: 9 - Egan, Herrmann, Jarstad, Moss, Nalley, Schroeder, Schuur, Sonntag, and Mayor Johnston.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 19836 Appropriating the sum of \$338,084.00 or so much thereof as may be necessary from the Public Employment Program Fund for the purpose of carrying on the programs and declaring an emergency making necessary the immediate passage of this ordinance and its taking effect immediately upon publication.

Roll call was taken, resulting as follows:

Ayes: 9 - Egan, Herrmann, Jarstad, Moss, Nalley, Schroeder, Schuur, Sonntag, and Mayor Johnston.

Nays: 0

The Ordinance was declared passed.

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Ordinance No. 19837 Amending Section 1.12.414 of the Official Code to add the position of Assistant to the City Manager.

Roll call was taken, resulting as follows:

Ayes: 9 - Egan, Herrmann, Jarstad, Moss, Nalley, Schroeder, Schuur, Sonntag, and Mayor Johnston.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 19838 Creating a new fund to be known as "Radio Communications Revolving Fund No. 351", authorizing a temporary loan in the sum of \$500,000 from the General Fund and \$150,000 from the General Fund unappropriated surplus and declaring an emergency making necessary the passage of this ordinance.

Mr. Esquivel of the City Manager's Office asked that the Ordinance be amended. The Fund No. 351 to be changed to "Fund No. 531" wherever it appears in the Ordinance.

Mr. Sonntag moved that the change be made. Seconded by Mrs. Egan. Voice vote was taken and carried.

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

Ayes: 9 - Egan, Herrmann, Jarstad, Moss, Nalley, Schroeder, Schuur, Sonntag, and Mayor Johnston.

Nays: 0

The Amended Ordinance was declared passed.

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FIRST READING OF ORDINANCES:

Ordinance No. 19839 Amending Chapter 13.06 of the Official Code to add the northwest corner of South 15th and "J" Streets from an "R-4" to an "R-4-T" District. (Health Services, Inc.)

Ron Nelson, City Planning Department, advised that Council had previously held a hearing on this request and the Planning Commission has set forth certain requirements and everything is now in order for passage of the Ordinance.

The Ordinance was set over for final reading next week.

Ordinance No. 19840 Creating a new fund to be known as "Labor-Management Health Care Trust Fund" relative to Pierce County Medical Bureau, Inc. credits.

Stanley Bixel, Labor Relations Director, pointed out that this ordinance sets up a special fund for excess premiums returned to the City by the Pierce County Medical Bureau. The excess premiums would be used for future employee fringe benefits. He also requested that the Ordinance be amended. Wherever

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the words "Labor Management Team as the same is appointed by the City Manager of the City of Tacoma" appear, they be changed to "Labor Management Health & Welfare Committee".

Mr. Schroeder moved to amend the Ordinance as requested. Seconded by Mrs. Egan. Voice vote was taken and carried.

The Ordinance was set over for final reading next week.

Ordinance No. 19841 Accepting the sum of \$63,010.50 from Washington State Department of Emergency Services, creating a new fund designated as "Emergency Services Communication Grant Fund" and appropriating from said fund the sum of \$63,010.50 for the purpose of implementing the radio communications system.

The Ordinance was set over for final reading next week.

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RESOLUTIONS:

Resolution No. 22210 Authorizing the sale of various scrap wire items to J. Simon & Sons, Inc.

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

Resolution No. 22211 Authorizing the sale of 78 used transformers to Sternoff Metals Corp. on its bid of \$40,444.49.

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

Resolution No. 22212 Awarding contract to Blackline Asphalt Sales, Inc. on its bid for annual supply of asphalt products from June 1, 1973 to May 31, 1974.

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

Resolution No. 22213 Authorizing the sale of thirty used police revolvers to Chet Paulson, Inc. on its bid of \$1,275.00.

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

Council members expressed the feeling that they would prefer the weapons not be sold but instead be destroyed.

On question of Council, Mr. Hamilton advised that the Police Chief has no authority to destroy the weapons and felt it could only be done by Council's action; however, he was not certain of this.

Mr. Schroeder moved to continue the Resolution for one week in order that the Legal Department could research the law to see if this could legally be done. Seconded by Mr. Jarstad. Voice vote was taken and carried. The Resolution was continued to June 5, 1973.

Resolution No. 22214 Establishing a Shoreline Master Program Citizens Advisory Committee and appointing twenty-two citizens to the Committee.

Ron Nelson, City Planning Department, reviewed the program and the process for soliciting the Committee names for Council.

Several Council members felt that Council should have had some input into the selection of the Committee and questioned the procedure for selecting the Committee.

After further discussion, Mayor Johnston moved to continue the Resolution for two weeks and that every member of the Council make available to the Planning Department the recommendations that they might have for structuring in a better fashion the Shoreline Master Program Citizens Advisory Committee. Seconded by Mr. Nalley. Voice vote was taken and carried. The Resolution was continued to June 12, 1973.

Resolution No. 22215 Authorizing the execution of a "City of Tacoma Labor-Management Master Agreement" effective through December 31, 1973.

Erling Mork, Assistant City Manager, asked that this Resolution be removed from the Agenda.

Mr. Schroeder moved to remove the Resolution from the Agenda. Seconded by Mr. Moss. Voice vote was taken and carried. The Resolution was removed from the Agenda.

Resolution No. 22216 Rejecting all bids for the construction of an Antenna Tower at the County-City Building.

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

Resolution No. 22217 Awarding contract to Art Pearson Electric & General Contracting Company on its bid of \$9,648.03 for certain installation of conduits relative to W.O. No. 57918, Communication Project.

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

Resolution No. 22218 Awarding contract to Dick Todd Services, Inc. on its bid of \$6,737.75 for Improvement No. 4852, Unit "C".

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

Resolution No. 22219 Awarding contract to Nelson Erection Company on its bid of \$29,085.00 for construction of an Antenna Tower at the Transit Building.

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

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Resolution No. 22220 Awarding contract to L. D. L. Land Development Company on its bid of \$573,059.73 for sewers in Taylor Way from City Limits to East 11th Street, L.I.D. No. 3722.

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

Resolution No. 22221 Awarding contract to General Electric Company on its bid of \$1,294,748.00 for supplying and installing Tacoma-Pierce County Radio Communications System.

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

Police Chief Smith reviewed the history of the communication efforts and the fact that they had engaged a consulting engineer to review their package. The specifications were submitted for bid. Two bids were received, one from Motorola and one from General Electric. The General Electric bid was \$98,000 lower than Motorola and \$200,000 below the engineer's estimate. He advised that in reviewing the bids it was found that both bid packages contained irregularities; however, it was found that each company would indeed provide the essentials to furnish the services required. They sought legal advice, and it was determined that the various variances were inconsequential and should be ignored, and that the bid be awarded to General Electric.

Harry M. Lawson, Corporate Vice-President of General Electric in the ten western states, commented that the communications system is a forward looking system. He spoke to Council of General Electric's competence in the communications business.

William Barrett, General Electric Manager of System Sales, outlined for Council the advantages of the system and also the savings. He commented on the few variances in the bid and the fact that the Technical Advisory Committee of the City had determined these to be inconsequential.

On question of Council, Mr. Barrett reported that the schedule would be 14 months for completion. He also reported that the contract manager would stay as long as there were any problems.

Ed Williams, Motorola District Manager, protested granting the bid to anyone except Motorola. He took issue with the bid of General Electric and claimed that the clarifications submitted by General Electric were in fact exceptions. He felt that the bid of Motorola was the lowest responsible bid. He pointed out that the City's specifications stated that there shall be no exceptions and that any deviation from the specifications would be grounds for disqualification.

Police Chief Smith verified for Council that there were minor inconsequential discrepancies in both bids, therefore, he recommended the lowest bid. He urged Council to adopt the Resolution. It was established that a legal opinion by the City Attorney's Office had been submitted. Mr. Hamilton read excerpts from this opinion which stated that the evaluation by technical experts is that the irregularities in both bids are insufficient in consequence to have any substantial affect on the final product with the recommendation that Council accept the bid of General Electric as submitted, and a waiver be granted on the irregularities.

After further discussion, voice vote was taken on the Resolution and carried, with Nalley and Sonntag absent. The Resolution was declared adopted.

COMMENTS BY MEMBERS OF THE CITY COUNCIL:

Mr. Schuur commented that he was concerned regarding the fact that there were no applications from Meeker Jr. High School in Brown's Point for the Summer Youth Employment Program and hoped that Mr. Sonntag would have some information on this.

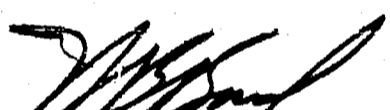
CITIZENS REQUESTS TO BE HEARD:

Representative of local Council of Boy Scouts of America wishing to speak regarding their program in Model Cities.

George Leonard, Boy Scouts Executive, reviewed their accomplishments and voiced the Boy Scouts Executive Board's concern over the fact the Boy Scouts Program was cut from the Model Cities Final Action Year.

Dr. Herrmann moved that the meeting be adjourned. Seconded by Mrs. Egan. Voice vote was taken and carried. The meeting adjourned at 11:45 p.m.


GORDON JOHNSTON - MAYOR

ATTEST: 
H. B. BOND - CITY CLERK