

CITY COUNCIL MINUTES

City Council Chambers  
November 15, 1977

The meeting was called to order at 5:10 P.M.

Present on roll call: Bichsel, Nelson, Nielsen, Schroeder, Sonntag, Strege, Warnick and Mayor Johnston. Absent: 1 - Hudson.

The Flag Salute was led by Mr. Schroeder.

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CONSENT AGENDA

PETITIONS:

- a. Bruce R. Steel requesting the rezoning of the property located between North 29th Street extended east and Schuster Parkway and approximately 270 feet east of Starr Street from an "R-2" and "M-2" to an "R-4-L" District.
- b. Tribune Publishing Company requesting the rezoning of the property located on the northwest corner of South 25th and State Streets from an "R-2" to a "P-D-B" District.

For referral to the Hearings Examiner.

ASSESSMENT ROLLS:

The Director of Public Works presents the assessment roll for the following:

L.I.D. 2445 - oil surface treatment on East 34th from East "M" Street to 156 feet east; East Division Lane from East "F" to East "G" Street; East "G" from East 43rd to East 45th Street and other various streets.

Fixing Monday, December 12, 1977 at 4:00 P.M. as the date for hearing.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Minutes of Board of Park Commissioners meeting of October 31, 1977.
- b. Minutes of Public Utility Board meeting of October 26, 1977.
- c. Minutes of Natural Systems Citizens' Committee meeting of August 8, 1977.
- d. Minutes of Civil Service Board meeting of October 17, 1977.
- e. Minutes of Human Relations Commission meeting of October 6, 1977.
- f. Minutes of Board of Pierce County Commissioners meetings of November 7 and 8, 1977.

Mr. Schroeder moved that all of the items on the Consent Agenda be approved. Seconded by Mr. Nelson. Voice vote was taken and carried. The items were declared approved.

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R E G U L A R   A G E N D A

COMMUNICATIONS:

- a. Hearing Examiner submitting Shoreline Management Permit Application No. 141.162 - Pickering Industries, Inc. - to allow an expansion of a proposed marina (90 additional boat moorage spaces) at 1930 East "D" Street, south of East 19th Street and west of East "D" Street on the City Waterway.

Mr. Sonntag moved to concur in the recommendations of the Hearings Examiner. Seconded by Mr. Strege. Roll call vote was taken, resulting as follows: Ayes: 8 - Bichsel, Nelson, Nielsen, Schroeder, Sonntag, Strege, Warnick and Mayor Johnston. Nays: 0. Absent: 1 - Hudson. The motion carried.

- b. Hearings Examiner recommending denial of request of Northwest Development Group for reclassification of the area in the vicinity of the southeast corner of Brown's Point Boulevard and 51st Street N.E. extended from an "R-1" and "R-2" to an "R-2-PRD" District, a Site Plan and Preliminary Plat of the area. (Appeal filed).

Mr. Sonntag moved to concur in the recommendations of the Hearings Examiner. Seconded by Mr. Nelson. Roll call vote was taken, resulting as follows: Ayes: 8 - Bichsel, Nelson, Nielsen, Schroeder, Sonntag, Strege, Warnick and Mayor Johnston. Nays: 0. Absent: 1 - Hudson. The motion carried, the appeal was denied.

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FINAL READING OF ORDINANCES:

Ordinance No. 21205

Appropriating the sum of \$99,300.00, or so much thereof as may be necessary from the Self Insurance Program Claim Fund No. 555 for inclusion of the False Arrest Liability Insurance within the Self Insurance Program and declaring an emergency making necessary the passage of this ordinance.

Roll call vote was taken, resulting as follows:

Ayes: 8 - Bichsel, Nelson, Nielsen, Schroeder, Sonntag, Strege, Warnick and Mayor Johnston.

Nays: 0

Absent: 1 - Hudson.

The Ordinance was declared passed.

Ordinance No. 21206

Amending Section 1 of Ordinance No. 21117 relative to vacation of a portion of South 11th Street between Mason and Tyler Streets.  
(Billy M. Jones, et al)

Roll call vote was taken, resulting as follows:

Ayes: 8 - Bichsel, Nelson, Nielsen, Schroeder, Sonntag, Strega, Warnick and Mayor Johnston.

Nays: 0.

Absent: 1 - Hudson.

The Ordinance was declared passed.

Ordinance No. 21208

Authorizing acceptance of a donation in the sum of \$2,608.19 from the Estate of Helen E. Long, appropriating the sum of \$78,000.00 from the Public Health Department Revolving Fund No. 651 for the purpose of carrying out certain programs under grants and donations.

Mr. Schroeder moved to consider Substitute Ordinance No. 21208. Seconded by Mr. Warnick. Voice vote was taken and carried.

Roll call vote was taken on Substitute Ordinance No. 21208, resulting as follows:

Ayes: 8 - Bichsel, Nelson, Nielsen, Schroeder, Sonntag, Strega, Warnick and Mayor Johnston.

Nays: 0.

Absent: 1 - Hudson.

The Ordinance was declared passed.

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FIRST READING OF ORDINANCES:

Ordinance No. 21209

Vacating portions of Trafton Street near South Tacoma Way. (Carstens Co.)

The Ordinance was set over for final reading to a date to be determined.

Ordinance No. 21210

Amending the Pay and Compensation Plan to add certain new positions and title changes.

The Ordinance was set over for final reading next week.

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RESOLUTIONS:

Resolution No. 24703

Awarding contract to Woodworth & Company on its bid of \$1,474,120.18 for Improvement 8131 and 3182 for Dock Street improvements.

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

Resolution No. 24704

Authorizing execution of a franchise agreement with Town of Ruston for water service.

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

Resolution No. 24705

Authorizing a transfer of the amendment to lease and consent to assignment to lease to Westgate Properties, Inc. from the trustees of the corporation and further authorizing a sublease from Westgate Properties, Inc. to Westgate Aero Ltd.

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

Resolution No. 24706

Authorizing execution of an agreement with the Metropolitan Park District for improvements at Snake Lake.

Ken Heany of the Park District, answered questions of the Council members.

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

Resolution No. 24707

Authorizing execution of an agreement with Tacoma/Pierce Opportunities Industrialization Center for motivational/skill training for eligible City residents under Title I CETA from November 1, 1977 thru September 30, 1978.

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

Resolution No. 24708

Authorizing execution of a contract with the State of Washington relative to the Intergovernmental Personnel Act Grant.

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

Resolution No. 24709

Authorizing execution of amendment to agreement with U.S. Oil and Refining Company for construction and maintenance of petroleum pipeline.

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

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Mayor Johnston moved to suspend the rules to consider Resolution No. 24710. Seconded by Mr. Nielsen. Voice vote was taken and carried.

Resolution No. 24710

Appointing members to the Housing and Community Development Citizens Advisory Committee for 1978-1979.

Mayor Johnston submitted the following names to be inserted into the Resolution as members of the Community Development Citizens Advisory Committee:

Robert Royal	Bill Gilven	Nick Schaefer
George Nalley	Jim Catalinich	Richard Gaynor
Donnal Sokolowski	Al Hicks	JoAnne Phillips
Robert Schadt	Wallace Lindeman	Ted Werner
Addie Brewster	Nancy Mendoza	Ray Glew
J. D. Harvison	Robert Haliburton	Waymond E. Jefferson
Linda Bowman	Noel Schillito	Paul Meyer

Mayor Johnston moved to adopt the Resolution including the members. Seconded by Mr. Schroeder. Voice vote was taken and carried. The Resolution was declared adopted. Mayor Johnston designated Nancy Mendoza as Chairperson.

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PUBLIC HEARINGS AND APPEALS:

- a. This is the date set for the second of two hearings on the establishment of a Neighborhood Housing (NHS) Program and the proposed allocation of certain First Year and Fourth Year Community Development Block Grant Funds.

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Addie Brewster, 1015 South 27th Street, citizen, spoke at the hearing.

No other citizens appeared to speak at the hearing.

Mayor Johnston declared the hearings closed.

- b. This is the date set for hearing the appeal of Ronald I. Peterson, Trustee of Interfaith Foundation, on the Tax & License Director's decision of Non-Compliance of City Code.

Richard Newman, Director of Tax & License, reviewed the circumstances of the decision of non-compliance with Sections 6.35.035 of the Official Code relating to motion pictures--accessibility of viewing areas.

Speaking to the question and answering questions of Council members were Police Sergeant Gene Henkel and Captain Bob McConnell.


Alan Hall, Attorney for Interfaith Foundation, advised Council that he felt the section of the Official Code relating to this appeal is unconstitutional. He then referred to a letter of December, 1976, in which the Tax & License Director had advised them that their premises were in compliance with the code, however, this year they received a letter stating that they were not in compliance with the code. This he said they could not understand as no changes had been made to the premises. He advised Council that it was their feeling that the ordinance was an illegal delegation of authority and that they plan to pursue the subject.

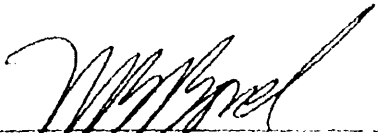
Ronald Peterson, Trustee of Interfaith Foundation, concurred with the statement of Attorney Alan Hall, read a prepared statement regarding the beliefs of Interfaith Foundation, and answered questions of Council members.

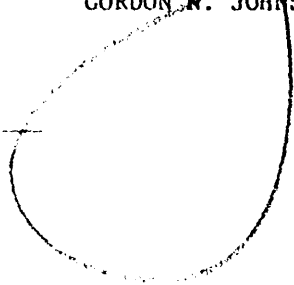
After discussion Mr. Schroeder moved to deny the appeal. Seconded by Mr. Sonntag. Voice vote was taken and carried.

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On proper motion the meeting adjourned at 7:05 P.M.

  
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 GORDON N. JOHNSTON - MAYOR

ATTEST:   
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 W. B. BOND - CITY CLERK



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