

CITY COUNCIL MINUTES

City Council Chambers
February 15, 1977

The meeting was called to order at 5:05 p.m.

Present on roll call: 9 - Bichsel, Hudson, Nelson, Nielsen, Schroeder, Sonntag, Strege, Warnick and Mayor Johnston. Absent: 0.

The Flag Salute was led by Mrs. Bichsel.

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C O N S E N T A G E N D A

Approval of the minutes of the special and regular meetings of February 8, 1977.

RESOLUTIONS:

Resolution No. 24283

Setting Tuesday, March 8, 1977 at 10:30 a.m. as the date for hearing by the Hearings Examiner the vacation of a portion of South 47th Street between Ferry Street and Interstate 5. (State of Washington)

ASSESSMENT ROLLS:

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

L.I.D. 8121 - asphalt pavement on North Mason Avenue from North 12th to North 13th Street; North 33rd from North Gove to North Mullen Street; and cement concrete pavement in the alley between North Winnifred and North Highland Street from North 14th to North 18th Street.

Fixing Monday, March 14, 1977 at 4:00 p.m. as the date for hearing.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Minutes of Public Utility Board meeting of January 26, 1977.
- b. Minutes of Board of Pierce County Commissioners meeting of February 7, 1977.
- c. Minutes of Community Development Citizens Advisory Committee meetings of January 31 and February 3, 1977.
- d. Minutes of the Tacoma Area Task Force for the Needs of the Handicapped meeting of January 20, 1977.
- e. Monthly report, December 1976, Police Department.
- f. Schedule of meeting locations and dates of Puget Sound Council of Government.
- g. Minutes of Plaza-Pavilion Advisory Committee meeting of February 3, 1977.

Mr. Schroeder moved that all of the items listed on the Consent Agenda, including Resolution No. 24283, be approved. Seconded by Mr. Nelson. Voice vote was taken and carried. The items were declared approved.

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44

PROCLAMATION:

Mayor Johnston announced that in commemoration with the National Engineers Week, he proclaimed the week of February 20 - 26, 1977 as "Engineers Week" in the City of Tacoma.

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REGULAR AGENDA

COMMUNICATIONS:

Hearings Examiner submitting Shoreline Management Permit Application No. 141.140 - Totem Boat Haven, Inc. - expansion of existing marina, public wharf, parking area and modification to Municipal Dock Building on westerly side of City Waterway, east of Dock Street and extending from approximately 300 feet northerly to 700 feet southerly of East 11th Street Bridge.

Robert Backstein, Hearings Examiner, reviewed the application and answered questions of Council.

Mr. Schroeder moved to concur in the recommendation of the Hearings Examiner. Seconded by Mr. Nielsen. Roll call vote was taken, resulting in Ayes: 9 - Bichsel, Hudson, Nelson, Nielsen, Schroeder, Sonntag, Strege, Warnick and Mayor Johnston. Nays: 0. The motion carried.

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FINAL READING OF ORDINANCES:

Ordinance No. 20975

Granting a non-exclusive franchise for CATV to Tribune Publishing Company d/b/a Cable TV Puget Sound Corporation.

H. B. Bond, City Clerk and Director of General Services, advised that the Cable TV Puget Sound Corporation has asked for a thirty day extension on the Ordinance, and he recommended concurrence in order to work out some details in the franchise.

Mayor Johnston moved to continue final reading for thirty days. Seconded by Mr. Warnick. Voice vote was taken and carried. Final Reading of the Ordinance was continued to March 22, 1977.

Ordinance No. 20992

Amending Section 13.03.110 of the Official Code relative to the Hearings Examiner.

Roll call was taken, resulting as follows:

Ayes: 9 - Bichsel, Hudson, Nelson, Nielsen, Schroeder, Sonntag, Strege, Warnick and Mayor Johnston.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 20994

Appropriating the sum of \$7,565.00, or so much thereof as may be necessary, from the Employee Assistance Services Fund No. 169 for the purpose of operating the Employee Assistance Services Program.

Roll call was taken, resulting as follows:

Ayes: 9 - Bichsel, Hudson, Nelson, Nielsen, Schroeder, Sonntag, Strege, Warnick and Mayor Johnston.

Nays: 0

The Ordinance was declared passed.

Ordinance No. 20995

Repealing subsection 51.3 of Section 11.34.140 of the Official Code to remove the Yield Sign at North 35th & Baltimore Streets.

Roll call was taken, resulting as follows:

Ayes: 9 - Bichsel, Hudson, Nelson, Nielsen, Schroeder, Sonntag, Strege, Warnick and Mayor Johnston.

Nays: 0

The Ordinance was declared passed.

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FIRST READING OF ORDINANCES:

Ordinance No. 20996

Amending Section 11.02.510 of the Official Code relating to "Multiple Lane Highway or Street".

The Ordinance was set over for final reading next week.

Ordinance No. 20997

Amending Chapter 13.06 of the Official Code to reclassify the southwest corner of South 12th and Durango Streets from an "R-2" to an "R-2-T" District. (Nevitt Construction)

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

Ordinance No. 20998

Vacating the alley between Ainsworth and Sawyer from Wright Street to Interstate 5. (Centennial Investments)

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

Ordinance No. 20999

Appropriating the sum of \$62,767.00, or so much thereof as may be necessary, from the Public Jobs Fund No. 170 to Fund No. 174 and appropriating said \$62,767.00 from Fund No. 174 for the purpose of providing final costs of Title II of the Comprehensive Employment and Training Act of 1973 and declaring an emergency making necessary the passage of this ordinance.

The Ordinance was set over for final reading next week.

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RESOLUTIONS:

Resolution No. 24227 (Continued from the meeting of January 11th)

Approving the preliminary plat of Hofto Heights located in the vicinity of the west side of 53rd Avenue NE and south of 31st Street NE.

Mrs. Bichsel moved that the Resolution be adopted. Seconded by Mr. Sonntag.

Robert Backstein, Hearings Examiner, advised that the Resolution had been continued for the purpose of receiving additional input from the Planning Commission, the Fire Department and the Police Department. He referred Council to the reply received from the Planning Commission on this subject.

Speaking on the Resolution were Gary Davis, proponent of 11802 South "A" Street and Wayne Wooten, 5014 30th Street N.E.

After further discussion, voice vote was taken and carried. The Resolution was declared adopted.

Resolution No. 24284

Awarding contract to Cascade Septic Service, Inc. on its bid of \$4,038.73 for W.O. 91533 - Sanitary Sewer Overflow.

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

Resolution No. 24285

Authorizing payment of \$4,219.55 for repairs to refuse utility Rex-Trashmaster to Cal-Ore Machinery Company.

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. 24286

Authorizing the sale of surplus radio communications parts and equipment to Puget Sound Instruments for a cash sale price of \$4,102.65 and waiving the formal bidding requirement.

47

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

Leonard Morse, Police Department, reviewed the Resolution and gave the reasons and process of this sale.

Bruce Kelly came forward to speak on the Resolution. Mayor Johnston ruled that he would not be allowed to speak at the Council meeting as he has announced his candidacy for Mayor in the upcoming election. He advised that this prohibition is according to the Council Rules of Procedure.

Mr. Hudson challenged the chair on the ruling as the date for filing the declaration of candidacy has not arrived.

Robert Hamilton, City Attorney, advised that the State Public Disclosure Law now requires filing of a statement within ten days of announcing candidacy. Research would need to be done to clarify the matter.

Mr. Hudson moved to challenge the chair and allow Mr. Kelly to speak. Seconded by Mr. Warnick. Roll call vote was taken, resulting in Ayes: 4 - Hudson, Nielsen, Strege and Warnick. Nays: 5 - Bichsel, Nelson, Schroeder, Sonntag, Mayor Johnston. The motion failed.

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

Resolution No. 24287

Authorizing execution of a Local Improvement Assessment Deed to Francetta Pittman for the sale of Local Improvement Guaranty Fund Property located at 2104 South Alaska Street in the amount of \$620.00.

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

Resolution No. 24288

Authorizing execution of a quit claim deed on certain real property located in the vicinity of South 60th and Pine Street to Arthur H. Redord and Dallas Redford.

Mr. Strege moved that the Resolution be adopted. Seconded by Mr. Hudson. Voice vote was taken and carried. The Resolution was declared passed.

Resolution No. 24289

Authorizing an agreement between the County of Pierce, Baseball Tacoma, Inc. and the City of Tacoma to extend Agreement for 1977 baseball season for use of Cheney Stadium.

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

Bernie Gayle, Property Management and Insurance Supervisor, asked that the Resolution be continued for four weeks.

Mr. Sonntag moved that the Resolution be continued for four weeks. Seconded by Mr. Nielsen. Voice vote was taken and carried. The Resolution was continued to March 15, 1977.

5

48

Resolution No. 24290

Authorizing an agreement with the Disabled American Veterans Harmony Chapter No. 18 to operate the parking concession at Cheney Stadium ballpark in 1977.

Mr. Warnick moved that the Resolution be adopted. Seconded by Mr. Hudson.

Mayor Johnston felt that this Resolution should also be continued for four weeks. Mr. Sonntag moved that the Resolution be continued for four weeks. Seconded by Mr. Nelson. Roll call vote was taken, resulting in Ayes: 6 - Nelson, Nielsen, Schroeder, Sonntag, Strega and Mayor Johnston. Nays: 3 - Bichsel, Hudson and Warnick. The Resolution was continued to March 15, 1977.

Resolution No. 24291

Authorizing execution of an agreement with Pierce County providing for intergovernmental cooperation in purchasing.

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

Resolution No. 24292

Authorizing the proper officers of the City to submit project prospectuses to the Washington State Department of Highways for Federal Aid Safety Program funds.

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

Resolution No. 24293

Opposing the consolidation of the Federal District Court for the Western District of Washington, Southern Division with the Northern Division, and urging the appropriate federal officials to fill an existing vacancy in the Southern Division as expeditiously as possible.

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

Resolution No. 24294

Authorizing execution of memorandum of agreements between the City and various public and private non-profit agencies for participation in the Public Service Employment Programs funded under the Comprehensive Employment and Training Act.

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

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APPEALS:

This is the date set for hearing the appeal of Dennis A. Hand on the denial of a taxicab driver's license by the Chief of Police and City Manager.

49

Mayor Johnston advised Mr. Germano, the attorney representing Mr. Hand, that this matter is one for which the Council could call an Executive Session to include Mr. Germano and Mr. Hand. Mayor Johnston asked Mr. Germano if he wished this to be heard in Executive Session in order to avoid embarrassment.

Mr. Germano stated he would prefer to go on with the hearing.

Mayor Johnston then asked the City Manager to speak on the matter.

Severo Esquivel, Assistant City Manager, advised that the appeal is being brought to Council for hearing in accordance with the City Code, which provides that upon the denial of a taxicab driver's license by the Chief of Police and City Manager, the applicant may appeal to the Council. He advised that the license was denied due to Mr. Hand's traffic and police record.

Mr. Germano then asked that a license be granted to Mr. Hand based on the fact his driving record had recently improved.

After further discussion, Mr. Sonntag moved to concur with the City Manager and Chief of Police in denying the granting of a taxicab driver's license to Mr. Hand. Seconded by Mr. Strege. Voice vote was taken and carried.

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REPORTS BY CITY MANAGER:

Severo Esquivel, Assistant City Manager, referred to the workshop which Council had asked to be scheduled. He advised that after consultation with individual Council members, the suggestions are March 25 and 26 or April 15 and 16, 1977. He asked that he be notified as to which date to schedule the Workshop.

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COMMENTS AND COMMITTEE REPORTS BY MEMBERS OF THE CITY COUNCIL:

Mr. Warnick referred to the December Police Report which showed a decrease in crime in the City of Tacoma and asked for information on how this compares to other cities.

Mr. Warnick also referred to a developer who told of his experience and difficulty in trying to develop property in the northwest part of Tacoma. He commented on the informational seminars with builders, which the City initiated last Fall involving departments of City Government connected with the building industry. The builders who participated felt a great deal was learned and was well worth the effort. He said more meetings are being scheduled with the home builders.


Mr. Sonntag referred to House Bill 528, which would take away funds the City has been receiving through the Motor Vehicle Excise Tax. Mr. Sonntag moved that the Council of the City of Tacoma, instruct the Tacoma City Manager in cooperation with the Office of Intergovernmental Affairs, to communicate by special letter to the Pierce County Delegation at the Washington State Legislature the Council's opposition to House Bill 528. Seconded by Mrs. Bichsel. Voice vote was taken and carried.

17


Mr. Stege reported that he had attended the annual banquet of the Tacoma Audubon Society. He presented an award to the Mayor, which the Audubon Society had presented to the City in recognition of the replanting of Tacoma's streets and arterials.

Mr. Strege also reported he attended the Pierce County Law and Justice Committee meeting and that this year their attempts will be to improve the criminal justice system.

On proper motion the meeting adjourned at 7:03 p.m.



GORDON JOHNSTON - MAYOR

ATTEST: 

H. B. BOND - CITY CLERK