

CITY COUNCIL MINUTES

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City Council Minutes  
June 28, 1977

The meeting was called to order at 5:04 p.m.

Present on roll call: 8 - Bichsel, Nelson, Nielsen, Schroeder, Sonntag, Strege, Warnick and Mayor Johnston. Absent: 1 - Hudson. Mr. Hudson arrived at 5:10 p.m.

The Flag Salute was led by Mrs. Bichsel.

PROCLAMATIONS:

Mayor Johnston issued a Proclamation proclaiming the week of the 4th of July as Federal Employees Week. Present to receive the proclamation was Mr. J. D. Harvison, representing the local union.

Mayor Johnston noted that since the Council is considering two agendas this evening that he would recommend considering the agenda of June 21, 1977, at the outset of the meeting followed by the regular agenda of June 28, 1977.

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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 June 14, 1977.

APPEAL:

S. F. Carr, d/b/a Carr & Ormsby Transport, appealing Audit Assessment Notice #34224 from the Department of Tax & License.

Suggested date for hearing is Tuesday, July 12, 1977 at 5:00 P.M.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Minutes of Tacoma Planning Commission meeting of June 6, 1977.
  - b. Minutes of Pantages Advisory Committee and Arts Commission Meeting of June 1, 1977.
  - c. Minutes of the Board of Port Commissioners meetings of May 12 and June 2, 1977.
  - d. Minutes of the Board of Pierce County Commissioners meetings of June 7 and 13, 1977.
  - e. 1976 Annual Report - The Tacoma-Pierce County Civic Arts Commission.
  - f. Minutes of Civil Service Board meeting of May 16, 1977.
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Mr. Nelson made the motion to approve the Consent Agenda. Seconded by Mrs. Bichsel. The vote was 9 to 0.

Mayor Johnston then made a motion to suspend the rules to consider Resolution No. 24511 out of sequence. Seconded by Mr. Sonntag. Voice vote was taken and carried. The Clerk then read the Resolution.

Resolution No. 24511

Confirming the appointment of Dr. Walter N. Herron, M.D. as the Director of the Tacoma-Pierce County Health Department effective June 13, 1977.

Mayor Johnston noted that the County Commissioners had passed a similar resolution today, together with accepting the resignation of former Director, Dr. Harian P. McNutt, who was on a one year leave of absence. Councilman Sonntag made a motion to pass the resolution. Seconded by Mr. Strege. Voice vote was taken and carried.

Mayor Johnston then made a motion to suspend the rules once again to consider first reading of Ordinance No. 21103. Seconded by Mr. Schroeder. Voice vote was taken and carried. The City Clerk then read the Ordinance.

Ordinance No. 21103

Authorizing execution of a grant agreement in the amount of \$7,500.00 from the National Endowment for the Arts, appropriating the sum of \$16,300.00 from General Fund Non-Departmental Division No. 001-691 for the Summer Pops Park Concert Program and declaring an emergency making necessary the passage of this Ordinance and its taking effect immediately upon publication.

Richard Trapp, Cultural Arts Coordinator for the Arts Commission gave a brief resume of the Summer Park Concert Program. Mr. Trapp noted that there was an error in the ordinance pertaining to the account number after which Councilman Hudson moved to ammend the ordinance to reflect the corrections. Seconded by Mr. Sonntag. Voice vote was taken and carried.

The ordinance was then passed to second reading.

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FINAL READING OF ORDINANCES:

Ordinance No. 21090

Creating a new fund to be known as the Police Health Care Trust Fund relative to Pierce County Medical Bureau, Inc. credits.

Roll call vote was taken, resulting as follows.

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

Nays: 0.

The Ordinance was declared passed.

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Ordinance No. 21092

Authorizing execution of a grant modification agreement with the U.S. Dept. of Labor and authority of Title II of the Comprehensive Employment & Training Act of 1973 and appropriating the sum of \$384,778.00 for expansion of public service jobs.

Roll call vote 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. 21093

Creating a new fund to be known as the Municipal Building Acquisition and Operating Fund and appropriating the sum of \$632,000.00 from the General Fund to said new fund and appropriating said \$632,000.00 for the down payment on the purchase of the Medical Arts Building and declaring an emergency making necessary the passage of this ordinance and its taking effect immediately upon publication.

Roll call vote 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. 21094

Amending Ordinance No. 16133 relative to the County-City Building Agreement.

Roll call vote 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. 21095

Providing for the improvement of L.I.D. 3787 for constructing sanitary sewers in South Alaska from South 95th to 96th; in the alley between East "G" and McKinley Avenue from East 88th to 90th and South Cushman Avenue from South 81st to 83rd Street.

Councilman Sonntag made a motion to ammend out of the ordinance the third part of the L.I.D. involving South Cushman Avenue from South 81st to South 83rd Street. Seconded by Mr. Nielsen. Voice vote was taken and carried.

Roll call vote on the ordinance as ammended was as follows:

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

Nays: 0

The Ordinance was declared passed as ammended.

Ordinance No. 21096

Providing for the improvement of L.I.D. 5574 for constructing water mains in East 69th from East "L" to East "M" Street.

Roll call vote 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. 21097

Providing for the improvement of L.I.D. 8126 for permanent paving on East 68th from East "I" to East "K" Street.

Roll call vote 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. 21098

Providing for the improvement of L.I.D. 8180 for asphaltic concrete pavement in the alley between East 58th and 59th from East "Q" to "S"; the alley between North Oakes and Fife from North 15th to 17th and other nearby alleys.

Speaking in opposition to the Ordinance were Mr. Jim Tellich and Mr. Henshaw, 5614 South Mullen.

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Roll call vote was taken, resulting as follows:

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

Nays: 0

Absent: 1 - Nelson

The Ordinance was declared passed.

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FIRST READING OF ORDINANCES:

Ordinance No. 21099

Amending Chapter 13.06 of the Official Code to reclassify the South side of South 30th Street between Mullen and Ferdinand Streets from an "R-2" to a "C-2" District. (Van Court and Matthew)

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

Ordinance No. 21100

Creating the new fund "Community Development Third Year Block Grant Fund No. 148," appropriating the sum of \$2,673,687.00 from said fund for the purpose of carrying out certain programs in the third year block agreement and declaring an emergency making necessary the passage of this ordinance and its taking effect immediately upon publication.

The Ordinance was set over for final reading next week.

Ordinance No. 21101

Authorizing execution of a grant award contract with the U.S. Dept. of Labor under Title I in the amount of \$81,909.00 and appropriating said funds for the purpose of providing certain training and for the Summer Work Experience Program, and declaring an emergency making necessary the passage of this ordinance and its taking effect immediately upon publication.

The Ordinance was set over for final reading next week.

Ordinance No. 21102

Authorizing execution of a grant award agreement with the National Council of Senior Citizens to accept \$223,646.00, creating the fund "Senior Aides Program Fund No. 188" and appropriating \$223,646.00 from said fund for the purpose of providing part-time employment for low income senior citizens.

The Ordinance was set over for final reading next week.

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RESOLUTIONS:

Resolution No. 24511

Confirming the appointment of Dr. Walter N. Herron, M.D. as the Director of the Tacoma-Pierce County Health Department effective June 13, 1977.

The above Resolution approved on previous action by the Council earlier in the meeting.

Purchase Resolution No. 24512

Awarding contracts to: (1) Woodworth and Company, Inc. on its bid of \$35,465.80 for W. O. 59629 - Street paving and street lighting and (2) Walker Chevrolet Company on its bid of \$70,203.20 for Seventeen 1977 4-door Police sedans.

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

Resolution No. 24513

Authorizing execution of an agreement with Howard Richardson to perform certain services relative to boiler and pressure vessel inspections.

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

Resolution No. 24514

Designating the Historic Structure Survey Project as a Major Federal Aid Project.

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

Resolution No. 24515

Authorizing execution of a grant and funding agreement with the U.S. Dept. of Housing and Urban Development relative to the third year program.

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

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Resolution No. 24516

Authorizing payment of \$10,028.98 to Clover Park Vocational Technical Institute for electronics technician training for twelve Vietnamese refugees in accordance with a special CETA Title II grant.

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

Resolution No. 24517

Establishing certain project positions under CETA - Title VI.

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

Resolution No. 24518

Authorizing execution of an agreement with Pringle, Flinn, Elvins & Donahoe, Inc. for investment counseling services for the City Employees Retirement Fund.

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

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APPEALS:

- a. This is the date set for hearing the appeal by 21 citizens on the Hearings Examiner's decision to approve the request of Johnston-Sterling (for Safeway Stores) for a Special Use Permit for a 40-car parking lot in the area of the Northeast corner of South 56th and Park Avenue ( Continued from the meeting of June 14)

Mayor Johnston made a motion to concur in the recommendations of the Hearings Examiner. Roll call vote was demanded, resulting as follows:

Ayes: 2 - Nielsen and Mayor Johnston.

Nays: 7 - Bichsel, Hudson, Nelson, Schroeder, Sonntag, Strege, and Warnick.

Mayor Johnston declared the motion to concur lost.

Mrs. Shirley Yates, 5428 South Park, spoke in favor of the appeal while Mr. Linn Larsen, representing Safeway Stores, spoke against the appeal. After some additional discussion Councilman Sonntag made a motion to uphold the appeal against this Special Use Permit. A roll call vote was demanded, resulting as follows:

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

Nays: 1 - Nielsen.

Mayor Johnston declared the appeal successful and the Examiner's recommendation overturned.

Councilman Nelson than made a motion to allow Safeway Stores to expand without adhering to the proposed parking requirements. Mayor Johnston ruled this motion died for lack of a second.

- b. This is the date set for hearing the appeal of Mr. and Mrs. C. Keeley and certain citizens on the Hearing Examiner's decision to grant a Special Use Permit to Harmon Management Corporation to allow extension of a parking lot between Pacific Avenue and Bell Street near South 54th Street.

Mr. Jim Hoffman of 5413 South Bell speaking for the appellant Mr. C. Keeley, spoke in support of the appeal to overrule the Hearing Examiner's decision for a Special Use Permit. He suggested that if a permit is granted it should carry with it a Performance Bond in the amount of \$5,000.00 to guarantee the provisions of the permit are carried out.

Speaking against the appeal and for the Harmon Management Corporation was Mr. Gordon Paulsen, who gave a resume of the activities concerning the lot in question.

Mayor Johnston asked that the City Manager and his staff prepare a report documenting how the situation was allowed to happen and why it happened with respect to not enforcing the provisions of the original permit granted to Harmon Management Corporation.

Mr. Sonntag than made a motion to continue action on the appeal for one week. Seconded by Mr. Nielsen. Voice vote taken and carried.

Mayor Johnston then made a motion to suspend the rules to hear comments from the proposed owner of the property in question with the previous appeal. Seconded by Councilman Hudson. Voice vote was taken and carried.

Mr. N. J. Gleboff, 3275 - 57th S.W., Seattle, approached the Council to speak in support of the Harmon Management Corporation. Mr. Gleboff has placed money in escrow to purchase the proposed property if the permit is granted.

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The City Council Agenda of June 21, 1977 being completed Mayor Johnston than proceeded to address the Council Agenda of June 28, 1977.

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C O N S E N T   A G E N D A

Approval of the minute of the meeting of June 21, 1977

APPEALS:

- a. Charles Dawson appealing the Hearings Examiner's decision to deny his request for a side yard variance at 2925 - 57th Avenue N.E.

Suggested date for hearing is Tuesday, July 12, 1977 at 5:00 P.M.

- b. Grace Tabernacle Church appealing the decision of the Hearings Examiner to deny their request for a Special Use Permit to allow a private school at the Northwest corner of South 56th and Birmingham Street.

Suggested date for hearing is Tuesday, July 12, 1977 at 5:00 P.M.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Minutes of Board of Pierce County Commissioners meeting of June 14, 1977.
- b. Minutes of Public Utility Board meeting of June 8, 1977.
- c. Minutes of Board of Trustees of Tacoma Public Library meeting of May 17, 1977.
- d. Monthly financial report, April, 1977 - Light Division, Belt Line Division, Water Division and Data Processing.
- e. Monthly report, May, 1977, Director of Finance.

Mrs. Bichsel made the motion to approve the Consent Agenda. Seconded by Mr. Hudson. Voice vote was taken and carried. The items were declared approved.

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COMMUNICATIONS:

- a. Hearings Examiner recommending denial of the request of Richard H. Shaw to reclassify the North side of North 51st Street between Frace and Whitman Street extended North from an "R-2" to an "R-4-L" District. (No appeal has been filed.)

Mr. Sonntag made a motion to concur. Seconded by Mr. Warnick. Voice vote was taken and carried.

- b. City Attorney requesting that Rezone Request No. 120677 for the South side of North 26th and Washington Streets from an "R-2" to an "R-4'L" be closed (Petitioner Joseph T. Tencich)

Based on the staff recommendation Mayor Johnston made a motion to continue the matter for six months. Seconded by Mr. Hudson. Voice vote was taken and carried.

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- c. City Attorney requesting that Request No. 124.475 for the vacation of Visscher Street between Westgate Boulevard and the alley, and Request No. 120.637 for the rezone of the same area from and "R-2" to a "C-1" District be closed. ( Petitioner Gordon C. Fors, et al)

The petitioner Gordon Fors addressed the Council and requested an additional six months continuance. Mr. Sonntag then made a motion to continue the request for six months. Seconded by Mrs. Bichsel. Voice vote was taken and carried.

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FIRST READING OF ORDINANCES:

Ordinance No. 21103

Authorizing execution of a grant agreement in the amount of \$7,500.00 from the National Endowment for the Arts, appropriating the sum of \$16,300.00 from General Fund Non-Departmental Division No. 001-691 for the Summer Pops Park Concert Program and declaring an emergency making necessary the passage of this Ordinance and its taking effect immediately upon publication.

"Passed to second reading in earlier action by the Council."

Ordinance No. 21104

Accepting a grant in the amount of \$37,400.00 from the U.S. Community Services Administration, appropriating said sum from the Summer Youth Recreation Fund No. 183 for a summer youth program and declaring an emergency making necessary the passage of this Ordinance and its taking effect immediately upon publication.

The Ordinance was set over for final reading next week.

Ordinance No. 21105

Amending Section 12.06.300 of the Official Code relating to Schedule H-2 Outdoor Lighting Rate.

The Ordinance was set over for final reading next week.

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RESOLUTIONS:

Purchase Resolution No. 24519

Awarding contract to Woodworth and Company on their bid of \$26,904.00 for L.I.D. 2441 - Oil Surface Treatment.

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

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Resolution No. 24520

Authorizing purchase of a 15-station physical conditioning center from the Washington Athletic Equipment Company for the sum of \$4,371.15.

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

Resolution No. 24521

Authorizing amendment to power sales contract with Grant County Public Utility District No. 2.

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

Resolution No. 24522

Authorizing execution of agreement with Sitts and Hill Engineers, Inc. to complete the design of the Puyallup Avenue at East "B" Street Bridge replacement.

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

Resolution No. 24523

Authorizing execution of a Local Improvement Assessment deed for the sale of surplus property located on the East side of "L" Street between East 58th and East 59th to Kurtis R. Mayer for the sum of \$1,000.00

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. 24524

Authorizing application to the National Institute of Mental Health for a grant in the sum of \$23,182.00 for the operation of the South End Youth Services Bureau.

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

Resolution No. 24525

Authorizing execution of a real estate contract for the purchase of the Medical Arts Building.

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

Resolution No. 24526

Authorizing execution of a management agreement with Martin Smith Management for the managing of the Medical Arts Building to expire December 31, 1977.

Bud Bond, City Clerk/Director of General Services gave a brief explanation for the retention of the Martin Smith Management Firm, pointing out it was an interim agreement for a period not to exceed six months to insure the continuity of the City move-in's of affected departments.

Speaking in support of the Resolution were two representatives of the Martin Smith firm, Mr. Doug DeForrest and Mr. John W. Swan.

Following additional discussion, Councilman Schroeder made a motion to approve. Seconded by Mr. Hudson. Voice vote was taken and carried. The Resolution was declared adopted.

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REPORTS BY CITY MANAGER:

The City Manager introduce to members of the Council the new Pavilion Manager, Mr. Jim Willers.

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COMMENTS BY MEMBERS OF THE CITY COUNCIL:

Mayor Johnston distributed copies of a report from Knight, Vale and Gregory with respect to a proposed schedule of auditing City departments. He requested a Study Session in the future to discuss the report.

Mayor Johnston then appointed Council members Schroeder, Sonntag and Bichsel to the L.I.D. Committee for the months of July, August and September.

Councilman Warnick asked for a report from the City Manager with respect to how the City was enforcing the procedures for abatements through the Public Works Building Division. He stated he had several complaints from citizens regarding the procedures.

Councilman Warnick also requested some information with respect to additional concerns from citizens about the turning off of residential street lights. He asked for a report as to how much the City is saving and/or reducing crime by turning off portions of residential street lights.

Councilman Sonntag requested a memo from the City Manager with respect to Police progress in solving the recent rash of arson fires.

Councilman Sonntag expressed concern about the Army leaving explosives and ammunitions aboard railroad cars within the City limits and expressed concern about continuing that situation.

Councilman Schroeder asked for a report on the rate structure of the pavilion.

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CITIZENS REQUESTS TO BE HEARD:

Mr. Douglas Karkl, 8016 - 121st Street East, Puyallup, addressed the Council representing Mr. Fred G. Enslow of the Westgate Aero, Ltd. Co. Mr. Karkl requested some kind of interim permit to operate as a fixed base operator for the period of 90 days to allow the firm to take advantage of the summer student flight instruction program. He said the company will of course proceed with the regular applications for being a fixed base operator at Tacoma Industrial Airport, but that the regular time frame would mean that they would miss the summer season which would be detrimental to their operation.


Following a brief discussion Mayor Johnston, reaching a consensus from the majority of the Council, indicated to Mr. Karkl that he and a representative of the staff should enter into negotiations and present their efforts before the Council at its meeting of July 12, 1977.

Upon the proper motion Mayor Johnston then adjourned the meeting at 8:37 p.m.

Mayor Johnston then reconvened the Council Meeting at 8:38 p.m. for the sole purpose of considering a request from the Tacoma Athletic Commission for support of its annual Fourth of July Fireworks Display.

Councilman Sonntag then made a motion to provide \$1,200.00 to the Tacoma Athletic Commission to help support the annual fireworks display. Seconded by Mrs. Bichsel. Voice vote was taken and carried.

On proper motion the meeting adjourned at 8:39 p.m.

  
GORDON JOHNSTON - MAYOR

ATTEST:   
H. B. BOND - CITY CLERK