

CITY COUNCIL MINUTES

City Council Chambers  
May 11, 1976

The meeting was called to order at 5:06 p.m.

Council members present on roll call: 8 - Bichsel, Nelson, Nielsen, Schroeder, Sonntag, Strege, Warnick and Mayor Johnston. Absent: 1 - Hudson. Mr. Hudson arrived at 5:16 p.m.

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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 May 4, 1976.

PETITIONS:                      Petition by ten City employees requesting consideration of retirement credit for military service.

RESOLUTIONS:  
  
Resolution No. 23891              Setting Tuesday, June 1, 1976 at 10:30 a.m. as the date for hearing by the Hearings Examiner on the vacation of the alley between Highland and Winnifred from South 11th to 12th Street. (Ronald W. Crippen)

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

L.I.D. 5555 - water mains in East 32nd Street from East "T" to Roosevelt Avenue and in Roosevelt Avenue from East 32nd to Wright Avenue.

Fixing Monday, June 14, 1976 at 4:00 p.m. as the date for hearing.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Minutes of Pierce County Commissioners meetings of April 27th and May 3rd, 1976.
- b. Minutes of 1977 Citizens' Budget Committee meeting of April 28th, 1976.
- c. Minutes of Plaza-Pavilion Advisory Committee meeting of April 29th, 1976.
- d. Minutes of Tacoma/Pierce County Civic Arts Commission meeting of April 22, 1976.
- e. Monthly Report, March, 1976, Fire Department.
- f. Monthly report, March, 1976, Personnel Department.
- g. Monthly Towing Report, April, 1976.
- h. Quarterly Program Report, March 31, 1976, Program Management System.

- i. 1975 Financial Statement, Metropolitan Park District.
- j. 1976 Annual Program Budget.
- k. Community Development Department filing Environmental Review Record, Second-Year Grant Application, April 13, 1976.

Mr. Schroeder moved that all of the items listed on the Consent Agenda be approved, including Resolution No. 23891. Seconded by Mr. Nelson. Voice vote was taken and carried.

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PROCLAMATION:

Mayor Johnston proclaimed the week of May 9 through 16, 1976 as "National Nursing Home Week" and presented a proclamation to the Pierce County Health Facilities Association.

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REGULAR AGENDA

Mr. Hudson arrived at 5:16 p.m.

COMMUNICATIONS:

- a. Request from MBRM Investors for waiver of leasing requirements in regard to handicapped persons for lease of the 2nd floor at 818 So. Yakima Avenue.

Mr. Keith McGoffin, an attorney representing the MBRM Investors, briefly outlined request for a waiver of the handicapped provision in the proposed lease.

Following a lengthy discussion, Mr. Sonntag made a motion to grant the waiver. Seconded by Mr. Nelson.

Mayor Johnston then proposed an amendment to the motion that MBRM Investors devise a solution to the availability of the handicapped to the offices within a six month period. Seconded by Mr. Warnick. Voice vote was taken and carried.

Voice vote was taken on Mr. Sonntag's motion, as amended, and carried. The motion carried.

- b. Hearings Examiner submitting Shoreline Management Permit Application No. 141.121 - City of Tacoma - Public Works Dept. - sanitary sewer trunk replacement and street improvements in Dock Street between South 4th Street and Puyallup Avenue.

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

- c. Hearings Examiner submitting Shoreline Management Permit Application No. 141.120 - Totem Boat Haven, Inc. - redevelopment and expansion of an existing marina facility in the vicinity of 821 South Dock Street.

Mr. Backstein gave a brief resume of the permit, after which Mr. Warnick made a motion to concur in the recommendations of the Hearings Examiner. Seconded by Mr. Nelson. Voice vote was taken and carried.

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FINAL READING OF ORDINANCES:

Ordinance No. 20732 (Continued from the meeting of April 27th)  
Amending Section 11.20.010 of the Official Code to designate  
Broadway from South 7th to South 9th; South 4th from "K" to Division  
and South 5th from "I" to "M" Streets as one-way streets.

Upon the recommendation of the City Manager, Mr. Warnick made a motion to postpone  
action on the ordinance for two weeks. Seconded by Mr. Nelson. Voice vote was taken and  
carried. The Ordinance was continued to May 25, 1976.

Ordinance No. 20745 Authorizing the transfer of \$9,759.00 from the Contingency Fund  
to the Airport Fund and appropriating said sum for the City's share  
of a County-wide Airport Study and declaring an emergency making  
necessary the passage of this ordinance.

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. 20747 Authorizing the transfer of \$10,000.00 from the Contingency Fund  
to the General Fund and appropriating so much thereof as may be  
necessary to purchase a speed ramp belt for the escalade between  
Commerce Street and Broadway from Westmount Industries of Santa Fe  
Springs, California and declaring an emergency making necessary the  
passage of this ordinance.

Mr. Sonntag moved to consider Corrected Ordinance No. 20747. Seconded by Mr. Warnick.  
Voice vote was taken and carried.

Roll call was taken on the corrected ordinance, 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. 20748 Amending Section 1 of Ordinance 20443 to increase the compensation  
for Public Service Employment Program positions of Police Records  
Clerk I and Police Property Clerk and establishing the effective  
date.

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. 20749 Amending the Pay and Compensation Plan to reflect salary changes as a result of a collective bargaining agreement with Automotive and Special Services Teamsters Local 461; certain classes in the Water Division of Public Utilities and the Municipal Court.

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. 20750 Repealing and reenacting Section 12.10.010 through 12.10.640 of the Official Code regarding water rates and regulations.

Mr. Strege proposed an amendment to the ordinance to the effect that additional in-lieu of tax water revenues generated from the increase in water rates be used to help the low income, elderly and handicapped. Seconded by Mr. Sonntag.

Following considerable discussion, roll call was demanded on the proposed amendment resulting as follows: Ayes: 2 - Sonntag and Strege. Nays: 7 - Bichsel, Hudson, Nelson, Nielsen, Schroeder, Warnick and Mayor Johnston. Mayor Johnston declared the proposed amendment failed.

Roll call was taken on the Ordinance, 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. 20751 Providing for the improvement of L.I.D. 5561 for constructing water mains and fire hydrants in Military Road from Reservoir Road to 126th Street East; Darlene Street from Kathy Street to Military Road and other nearby streets.

John Roller, Water Superintendent, reviewed the history of the L.I.D. and the necessity of holding a public hearing before the Council. He pointed out that the L.I.D. Committee was equally divided on the question and, therefore, referred the matter to the Council for hearing.

Those speaking in favor of the Ordinance were: Gerald L. Pratt, developer; Dick Rave, developer; and Ren Martin, developer.

Those speaking against were: Fred Carlhom, 1913 North Mason; Ernst Gipfert, 12409 Reservoir Road, Puyallup; and Mr. Chester Hersey, 12921 Military Road East, Puyallup.

Following additional discussion, roll call vote was taken, resulting as follows:

Ayes: 4 - Hudson, Nelson, Schroeder, Mayor Johnston

Nays: 4 - Bichsel, Nielsen, Sonntag, Strege

Absent: 1 - Warnick

The Ordinance was declared failed on a tie vote.

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Mayor Johnston then changed his vote to be on the prevailing side in order to bring the Ordinance back for reconsideration next week.

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FIRST READING OF ORDINANCES:

Ordinance No. 20752      Appropriating \$35,000.00, or so much thereof as may be necessary, from the Federal Shared Revenue Fund for operating the Youth Activities Coalition Project; authorizing the proper officers of the City to enter into a contract with United Way of Pierce County and declaring an emergency making necessary the passage of this ordinance.

Speaking in support of the Ordinance was Ms. Terry Hayes of the United Way of Pierce County.

The Ordinance was set over for final reading next week.

Ordinance No. 20753      Amending Section 6.12.080 of the Official Code to increase the bond or cash deposit required of bail bond companies.

The Ordinance was set over for final reading next week.

Ordinance No. 20754      Amending Section 1.30.380 of the Official Code providing for increased retirement credit to National Guardsmen and U. S. Armed Forces Reservists for military training prior to 1957.

Those present to speak were as follows: Mr. Maxwell Dicks, 871 South 142nd Street, representing persons from seven branches of service, who asked for additional consideration for retroactive benefits; Mr. Roger Howeller, Tacoma Employee's Retirement System, who explained the differences in the various benefits pertaining to veterans prior to 1957 and after 1957; Mr. Louis Thursten, State Office of Veteran Affairs, who indicated there may be several state laws applicable to the current ordinance with respect to benefits. Mr. Thursten cited several sections in a booklet entitled "Laws Pertaining to Veterans" compiled in July, 1974 by the Office of Veteran Services, Department of Social and Health Services, State of Washington.

Following additional discussion, Mr. Nelson made a motion to continue the ordinance for 60 days, during which time the City Retirement Board would come up with an actuarially based study to indicate how much money it would cost to grant this benefit and other information that might be pertinent for Council consideration. Seconded by Mrs. Bichsel. Voice vote was taken and carried, with Mr. Strege and Mr. Sonntag voting no. The Ordinance was continued to July 13, 1976.

Mr. Sonntag made a motion to suspend the rules to hear those who have travelled from out of town to testify on Ordinance 20754. Seconded by Mr. Strege. Voice vote was taken and carried.

Those persons appearing in support of the Ordinance were: Mr. Ed Faker, Chairman of the Pierce County Veterans Council; Mr. Sam Klaben, 1520 South Washington Street; Mr. Fortier, 7426 South Prospect; and Mr. Len Medlock, 3420 North 37th, retired City employee.

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RESOLUTIONS:

Resolution No. 23887 (Continued from the meeting of May 4th)  
Authorizing the City to execute the Water Rate Agreement with St. Regis Paper Company for the period May 1, 1976 through April 30, 1986.

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

Resolution No. 23892 Authorizing the direct purchase of five (5) additional General Electric portable radios in the sum of \$6,405.53 for the Police Department.

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. 23893 Authorizing the direct purchase of an R-1 Aluminum Cabinet for a standard 8-phase D-8804 Traffic Controller from the Econolite Company for \$4,757.55.

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. 23894 Authorizing the execution of a lease with David and Donna Lane for providing offstreet parking for the Beacon Senior Center.

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

Resolution No. 23895 Authorizing the settlement of a claim of Wilfred C. Mickelson in the amount of \$793.74.

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

Resolution No. 23896 Authorizing the execution of a supplemental agreement with Consoer, Townsend and Associates for conversion of the Sludge Filtration Building at the Central Wastewater Treatment Plant to personal facilities.

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

Resolution No. 23897 Authorizing amendments to the Charter of the Municipal Authority and appointed H. Frank Crawford, Joe R. Devish and Robert Peters to the Board of Municipal Authority.

Mr. Sonntag made a motion to postpone action for one week. Seconded by Mr. Schroeder. Voice vote was taken and carried. The Resolution was continued to May 18, 1976.

Purchase  
Resolution No. 23898

Awarding contracts to: (1) Lige Dickson Company on its bid of \$32,243.40 for W.O. 91202 - sanitary sewer replacement; (2) Tucci & Sons, Inc. on its bid of \$64,340.55 for L.I.D. 8082 - residential street paving and cement concrete alley paving; (3) National Blower & Sheet Metal Company on its bid of \$4,549.65 for reroofing of south section of Municipal Shop building; (4) Woodworth & Company, Inc. on its bid of \$8,736.42 for W.O. 58786 - parking lot for Beacon Senior Center; and (5). H. D. Baker & Puget Sound Office Interior on their bid for Bicentennial Pavilion folding tables.

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. 23899

Awarding contract to Del Mar Construction Company on its bid of \$9,876.00 for storm line replacement and authorizing transfer of funds in the current Public Works operating budget.

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. 23900

Authorizing the proper officers of the City to enter into an agreement with the Municipal Authority to administer funds for the rehabilitation of housing in the City as a part of the Community Development Neighborhood Preservation Program (NPP) inclusive of an urban homestead program.

Mr. Sonntag moved that action be postponed for one week. Seconded by Mrs. Bichsel. Voice vote was taken and carried. The Resolution was continued to May 18, 1976.

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Mr. Nielsen made a motion to suspend the rules for the purpose of reconsidering Resolution No. 23886. Seconded by Mr. Nelson. Voice vote was taken and carried.

Mr. Nielsen reviewed an opinion by City Attorney, Robert Hamilton, questioning the legality and constitutionality of Resolution 23886, proposed by the Tacoma-Pierce County Civic Arts Commission for payment to the Tacoma Opera Society.

Mr. Schroeder made a motion to reconsider Resolution No. 23886. Seconded by Mr. Nielsen. Voice vote was taken and carried.

Mr. Schroeder, noting that the Resolution should be sent back to be placed in proper legal form, made a motion to adopt the Resolution. Seconded by Mr. Nelson. Voice vote was taken and failed. The Resolution was declared failed.

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COMMENTS BY MEMBERS OF THE CITY COUNCIL:

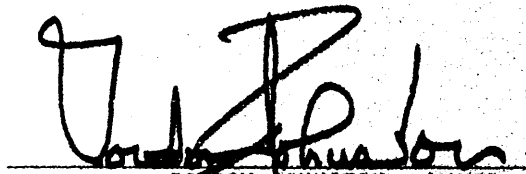
Mayor Johnston moved that the City Manager of the City of Tacoma be and he is hereby authorized and directed to execute a temporary permit authorizing the Tacoma Tides Soccer Team to play soccer games at Cheney Stadium, pending the execution of a formal agreement. Said permit to be conditioned upon said soccer organization furnishing to the City proof of public liability and property damage insurance in such amounts as may be equivalent to or greater than policy limits required of the Tacoma Twins Baseball Team, and further

That said organization agree to be bound by all of the pertinent terms and conditions of the City's standard leasehold agreement for the rental of Cheney Stadium, and upon the payment to the County of Pierce/City of Tacoma/Metropolitan Park District of Tacoma of the sum of \$500.00 per game. Seconded by Mr. Sonntag. Voice vote was taken and carried.

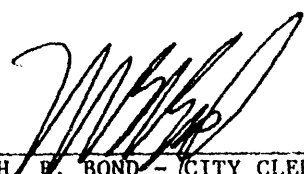
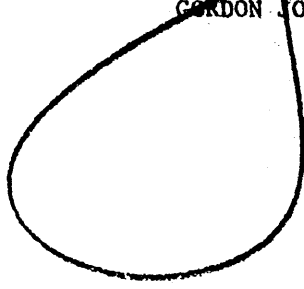
Mr. Sonntag made a motion to instruct the management of the City to prepare a plan using 50 percent of the additional General Fund tax monies generated by Ordinance No. 20750 to reduce the water rates paid by low income, senior, and handicapped citizens of the City. The motion died for lack of a second.

Mr. Strege asked for a clarification from the City Attorney's Office with respect to the calling of special meetings of the Council, with particular reference to the State Open Meetings Law.

There being no further business, the meeting was adjourned at 8:53 p.m.



GORDON JOHNSTON - MAYOR



ATTEST:

H. E. BOND - CITY CLERK