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CITY COUNCIL MINUTES

City Council Chambers  
December 14, 1976

The meeting was called to order at 5:09 p.m.

Present on roll call: 8 - Bichsel, Hudson, Nelson, Nielsen, Schroeder, Sonntag, Strege, and Warnick. Absent: 1 - Mayor Johnston. Mayor Johnston arrived at 5:15 p.m.

The Flag Salute was led by Mr. Nielsen.

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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 December 7, 1976.

PETITIONS:

Larry G. Hohn requesting the rezoning of the property located on the south side of South 40th Street between South "L" and South "M" Streets from an "R-1" to an "R-3" District.

For referral to the Hearings Examiner.

RESOLUTIONS:

Resolution No. 24177

Setting Tuesday, January 4, 1977 at 9:00 a.m. for hearing by the Hearings Examiner the request for vacation of the alley between South "K" and South "L" Streets from South 16th and South 17th Streets. (Community Development Department)

Resolution No. 24178

Setting Tuesday, January 4, 1977 at 1:30 p.m. for hearing by the Hearings Examiner the request for vacation of North "E" Street from No. 1st to No. 3rd Street. (Dept. of Public Works)

Resolution No. 24179

Setting Tuesday, January 18, 1977 at 5:00 p.m. as the date for hearing on the Comprehensive Transportation Plan for Elderly and Handicapped.

ASSESSMENT ROLLS:

The Director of Public works present the assessment roll for the following:

L.I.D. 3764 - sanitary sewers along So. 95th Street from Alaska Street west 625 feet. Alaska Street from So. 94th to 95th Street; and Cheyenne from So. 64th north 350 feet.

Fixing Monday, January 10, 1977 at 4:00 p.m. as the date for hearing.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Minutes of the meeting of Plaza-Pavilion Advisory Committee meeting of December 2, 1976, in which they amended the Pavilion Policies, Rules and Regulations of Use.
- b. Minutes of Community Development Citizens Advisory Committee meeting of December 2, 1976.
- c. Minutes of Public Utility Board meeting of November 17, 1976.
- d. Minutes of the Board of Pierce County Commissioners meeting of November 30, 1976.
- e. Minutes of Human Relations Commission meeting of November 18, 1976.
- f. Dept. of Emergency Services filing September Supplemental Personnel and Administrative claim.
- g. Monthly Statistical Report, November, 1976, Municipal Court.

Mr. Nelson moved that all of the items listed on the Consent Agenda, including Resolution Nos. 24177, 24178 and 24179, be approved. Seconded by Mr. Schroeder. 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

FINAL READING OF ORDINANCES:

Ordinance No. 20921

Authorizing the acceptance of the sum of \$30,964.66 from Pacific First Federal Savings and Loan Association, appropriating said sum, or so much thereof as may be necessary, from new Tacoma Urban Renewal R-14 Fund No. 144; and authorizing the expenditure of the sum of \$44,948 of Community Development Funds for construction of 12th Street Mini-Park.

Roll call was taken, resulting as follows:

Ayes: 3 - Hudson, Nelson, Schroeder

Nays: 5 - Bichsel, Nielsen, Sonntag, Strege, Warnick

Absent: 1 - Mayor Johnston

The Ordinance was declared failed.

Ordinance No. 20922

Appropriating the sum of \$40,275, or so much thereof as may be necessary, from certain Public Works Department General Fund accounts for acquisition of certain property in the River Street Urban Arterial Project.

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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Ordinance No. 20927

Amending Chapter 13.06 of the Official Code to reclassify the West side of Sprague Avenue beginning approximately 450 feet south of So. 66th Street from a "C-F-V", "C-F-P", "R-5-PRD" and "R-2" to a "C-P-N" and "R-4-L PRD" District.  
(Hillcrest Properties, Inc.)

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. 20928

Appropriating the sum of \$33,559.00, or so much thereof as may be necessary, from various funds of the City for the purpose of paying the cost of retirement benefits for certain military service 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. 20930

Amending Chapter 1.30 of the Official Code relative to filling vacancies on the Board of Administration of the City Employees' Retirement System.

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. 20931

Amending Chapters 4.02, 13.04, 13.06 and repealing and reenacting Chapter 13.10 which set forth shoreline segment designations, use regulations, and permit procedures to implement the goals and policies of the Master Program for Shoreline Development.

Mr. Hudson moved that on page 49, under Section 13.10.090, subsection 1, on line 7, after the word "development" add the words "and which will recognize the continued operation of pre-existing uses, but". Seconded by Mr. Warnick.

After discussion, roll call was taken on the motion resulting in Ayes: 6 - Hudson, Nelson, Nielsen, Schroeder, Warnick, Mayor Johnston. Nays: 3 - Bichsel, Sonntag, Strege. 4  
The motion carried.

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Mr. Hudson moved that on page 118, Section 13.10.360, should read as follows: "SEVERABILITY. If any provision of this chapter or its application to any person or circumstances is held invalid, the remainder of this chapter or the application of the chapter to other persons or circumstances shall not be affected." Seconded by Mr. Schroeder.

After discussion, roll call vote was taken on the amendment resulting in Ayes: 9 - Bichsel, Hudson, Nelson, Nielsen, Schroeder, Sonntag, Strege, Warnick and Mayor Johnston. Nays: 0. The motion carried.

Mr. Warnick commented that on page 108, Section 13.10.190, was confusing and the City Attorney proposed that the wording be clarified. Mr. Warnick moved that paragraph 3, under Section 13.10.190, be amended to read as follows: "A pre-existing use (including a pre-existing permitted or conditional use the expansion of which is limited by this chapter) shall be permitted to expand from the site it lawfully occupied at the time of the adoption of this chapter only on to continuous undevelopment property owned by or under lease by the user at the time of the adoption of this chapter." Seconded by Mr. Nelson.

Roll call vote was taken, resulting in Ayes: 7 - Hudson, Nelson, Nielsen, Schroeder, Sonntag, Warnick, Mayor Johnston. Nays: 2 - Bichsel and Strege. The motion carried.

Mr. Warnick commented on the wording on page 22, line 20, where it states that piers or docks determined to be unsightly and/or unsafe by the Buildings Inspector of the City of Tacoma shall be repaired or disposed of in a manner satisfactory to the City. He moved that the words "unsightly and/or" be stricken. Seconded by Mr. Nelson. After discussion, roll call vote was taken, resulting in Ayes: 2 - Nelson and Warnick. Nays: 7 - Bichsel, Hudson, Nielsen, Schroeder, Sonntag, Strege, Mayor Johnston. The motion was declared failed.

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

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

Nays: 0

The Amended Ordinance was declared passed.

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FIRST READING OF ORDINANCES:

Ordinance No. 20932

Vacating South 16th and 17th Streets from Puget Sound to Union Avenues.  
(First Assembly of God)

Bob Backstein, Hearings Examiner, reviewed the request for Council and advised there was no opposition.

The Ordinance was set over to a date to be determined.

Ordinance No. 20933

Vacating an alley between N.E. 55th and 56th Avenues from N.E. 27th to 29th Streets.  
(Metropolitan Park District)

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Bob Backstein, Hearings Examiner, reviewed the request for Council and advised there was no opposition.

The Ordinance was set over to a date to be determined.

Ordinance No. 20934

Authorizing the transfer of the sum of \$3,500 from the Contingency Fund to the General Fund and appropriating said sum, or so much thereof as may be necessary, for the purpose of paying certain Bicentennial Commission expenditures for the balance of 1976 and declaring an emergency making necessary the passage of this Ordinance.

Earl Mittelstaedt, Finance Director, advised that at the beginning of the year when the budget was prepared, after the salary increases took place, the City was not aware of this until now that the funds have run out and this money would pay the City's portion of the salaries for the balance of the year.

John Jarstad, Executive Director of the Bicentennial Commission, reported on the closing activities of the Bicentennial year to be held in the Pavilion. He thanked Council for all of their cooperation the past year.

The Ordinance was set over for final reading next week.

Ordinance No. 20935

Amending Title 11 of the Official Code to remove parking meters and revise parking time limits.

Ron Button, Director of Public Works, advised there were some typographical errors on pages 1, 3, 7 and 11. He asked that these be substituted in the Ordinance.

Mayor Johnston moved that pages 1, 3, 7 and 11 be substituted. Seconded by Mr. Sonntag. Voice vote was taken and carried.

Speaking against removal of the parking meters were Bruce Kelley, 4301 6th Avenue and Amy Wang.

Speaking in favor of the ordinance was Rohn Burgess, Executive Vice-President of the Downtown Association.

The Ordinance was set over for final reading next week.

Ordinance No. 20936

Amending Chapter 12 of Title 1 of the Official Code relative to the Suggestion Award Program.

Virginia Dymont, Assistant Personnel Director, outlined the changes for Council members and answered questions.

Eric Herrmann, Secretary of the Suggestion Award Program with the Department of Public Utilities, advised that the Department of Public Utilities approves the suggested changes.

Mr. Sonntag suggested that a proposed amendment be drafted by next meeting to implement that payment of an award in the event of retirement prior to the time of payment of the award, or if this is not possible, he asked for a legal opinion.

The Ordinance was set over for final reading next week.

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Ordinance No. 20937

Amending the Compensation Plan relative to holidays, sick leave and other miscellaneous items.

Odd A. Lund, Personnel Director, reviewed the Ordinance for Council and reported it was for housekeeping purposes.

The Ordinance was set over for final reading next week.

Ordinance No. 20938

Amending the Pay and Compensation Plan to provide longevity pay for all classes.

Odd A. Lund advised that the ordinance contains the longevity pay for fire and police personnel, which they presently receive, and also contains the proposed rate of longevity pay for other City employees. During the discussion, Mr. Warnick asked that wording be placed into the Ordinance that would indicate the retirement benefits would be computed on the basis of base salary without computing longevity.

Mr. Nelson suggested appointive employees deleted from the longevity pay.

Mr. Sonntag suggested the deletion of only certain appointive personnel and that a poll be taken to determine what the majority of them wish.

After considerable discussion, Mayor Johnston inquired of Bob Hamilton, City Attorney, as to whether language could be incorporated into the Ordinance specifying that longevity would never be an add on matter.

Mr. Hamilton advised he doubted this could be legally done.

Speaking against the Ordinance were Ruth Kors, representing the Tacoma Area Chamber of Commerce and Thomas Dixon, Executive Secretary of the Tacoma Urban League.

The Ordinance was set over for final reading next week.

Ordinance No. 20939

Amending the salaries for certain unrepresented classes in the Compensation Plan.

Odd A. Lund advised that the Ordinance reflects the unrepresented employees and, with the exception of a few instances, has a salary increase of 5.5 percent for 1977. He advised, however, that he would be presenting to the Council next week a substitute ordinance containing a 4 percent increase in the event the longevity ordinance passes.

Mr. Warnick asked that a memo be given to Council members prior to next week's meeting identifying those positions which are receiving more than the 5.5 percent increase.

The Ordinance was set over for final reading next week.

Ordinance No. 29040

Adopting the 1977 Annual Budget of the City of Tacoma.

Earl Mittelstaedt, Finance Director, reviewed the Ordinance for Council, which shows a total budget of the City for 1977 in the amount of \$142,448,903.

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Mr. Hudson moved to increase the budget of the Civic Arts Commission by the sum of \$11,000 for the purpose of paying salaries and wages and to appropriate said amount from the Public Works Employment Act funds to the General Fund and further that the administrative officers of the City be directed to request said change by making all necessary and appropriate amendments in the preliminary budget as amended now on file in the office of the City Clerk. Seconded by Mrs. Bichsel. Voice vote was taken and carried.

The Ordinance was set over for final reading next week.

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RESOLUTIONS:

Resolution No. 24180

Appointing James M. Healy, Jr. to the Plaza-Pavilion Advisory Committee for a term expiring on February 10, 1978.

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

Resolution No. 24181

Confirming the appointments of Dr. Ronald Field, Allan Overland and Lyn H. Messenger to the Landmarks Preservation Commission for terms expiring on April 3, 1979 and Thomas C. Lowry to a term expiring April 3, 1977.

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

Purchase  
Resolution No. 24182

Awarding contracts to: (1) N.C. Machinery on its bid of \$13,856.38 for Electric Forklift with Battery and (2) to Cliff Sign Company on its bid of \$4,261.00 for an information sign.

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

Resolution No. 24183

Authorizing the purchase of a reconditioned mobile platform for the Bicentennial Pavilion from Capitol Material Handling Company for the sum of \$4,750.00 and waiving the competitive bidding.

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

Resolution No. 24184

Authorizing the sale of a certain parcel of land on South 96th Street off South Tacoma Way to Lakeview Light & Power Company.

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

Mr. Aldo Benedetti, Director of Utilities, asked that this be continued for one week.

Mr. Sonntag moved that the Resolution be continued for one week. Seconded by Mr. Schroeder. Voice vote was taken and carried. The Resolution was continued to December 21st. 8

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Resolution No. 24185

Authorizing execution of an agreement and an addendum agreement with Oscar and Olivann Hokold concerning the development of an "R-4-L PRD" District located on the southwest corner of Hosmer and South 92nd Street extended west.

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. 24186

Authorizing execution of an agreement with the Pierce County Department of Assigned Counsel to furnish legal counsel to indigent defendants.

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

Courtland Fawver, Municipal Court, reviewed the Resolution for Council.

Fred Weedon, Director of the Pierce County Department of Assigned Counsel spoke in favor of the Resolution.

Roger Wilson, representing the Puget Sound Legal Assistance Foundation, spoke against the Resolution.

After discussion, Mr. Strege moved that the Resolution be continued for one week. Seconded by Mr. Nelson. Roll call vote was taken, resulting in Ayes: 4 - Hudson, Nelson, Strege and Warnick. Nays: 3 - Bichsel, Schroeder, Mayor Johnston. Absent: 2 - Nielsen and Sonntag. The motion carried. The Resolution was continued to December 21st.

Resolution No. 24187

Authorizing an amendment to the agreement with the Municipal Authority extending the agreement through June 30, 1980.

Mr. Hudson 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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UNFINISHED BUSINESS:

Ellida Kirk, President, Tacoma-Pierce County Civic Arts Commission asked for permission to speak regarding the budget. Mayor Johnston granted her request. Mrs. Kirk asked that the funds allocated for four uncompleted contracts be carried over to the 1977 budget in order to honor those contracts. She also asked for \$56,000 in programs in the combined supplemental and revenue sharing request for 1977.

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COMMENTS AND COMMITTEE REPORTS BY MEMBERS OF THE CITY COUNCIL:

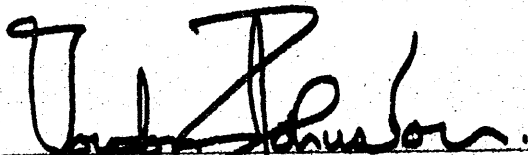
Mayor Johnston commended on the two weeks of programs for the Bye Bye Bicentennial and reported he had attended a performance and found it to be excellent.

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Mr. Schroeder referred to Ordinance 20921 which failed and commented that the money is for payment for the park over the escalade which the Pacific First Federal Savings and Loan had agreed to pay for and his information is that the contract for the work has been awarded. If the funds from Pacific First Federal are refused, then it would become necessary for the Council to arrange for payment of the park.

There being no further business to come before the Council the meeting adjourned at 8:30 p.m.

  
GORDON JOHNSTON - MAYOR

ATTEST:

  
H. B. BOND - CITY CLERK

