

CITY COUNCIL MINUTES

City Council Chambers
July 5, 1972

The Meeting was called to order at 7:00 p.m.

Present on roll call: 9 - Egan, Herrmann, Jarstad, Maule, Moss, Nalley, Schroeder, Sonntag and Mayor Johnaton. Absent - 0.

The Flag Salute was led by Dr. Herrmann.

CONSENT AGENDA

Approval of the minutes of the meeting of June 27, 1972.

RESOLUTIONS:

- Resolution No. 21731 Fixing Monday, July 24, 1972 at 4:00 p.m. as the date for hearing L.I.D. 3734 for sanitary sewers in Brookside Terrace from approximately 230' south of South 17th to South 19th Street.
- Resolution No. 21732 Fixing Monday, July 24, 1972 at 4:00 p.m. as the date for hearing L.I.D. 3736 for sanitary sewers in Orchard Street from approximately 700' north of South 48th Street northerly approximately by 4,300'.
- Resolution No. 21733 Fixing Tuesday, July 25, 1972 at 7:00 p.m. as the date for hearing the request for rezoning the south side of North 21st Street approximately 120' east of Proctor Street from an "R-2" to an "R-4" District. (John L. Lindstrom)
- Resolution No. 21734 Fixing Tuesday, July 25, 1972 at 7:00 p.m. as the date for hearing the request for rezoning the east side of Orchard Street approximately 1,000' north of South 48th Street from an "R-2" to a "M-1" District. (William G. Glundberg, et al.)
- Resolution No. 21735 Fixing Tuesday, August 8, 1972 at 7:00 p.m. as the date for hearing the request for vacation of Cedar Street r/o/w between South 19th and South 23rd Streets. (Dept. of Public Works)

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Minutes of Public Utility Board meeting of June 14, 1972
- b. Minutes of City Planning Commission meeting of June 19, 1972
- c. Minutes of Maintenance Center Subcommittee, CCTFD, meeting of June 27 and 29, 1972
- d. Minutes of Citizens' Subcommittee on Storm Drainage, CCTFD meeting of June 27; 1972
- e. Minutes of Street Lighting Subcommittee, CCTFD, meeting of June 27 and June 29, 1972.
- f. Minutes of 1972 Executive Committee, CCTFD, meeting of June 27, 1972
- g. Minutes of Arterial Streets and L.I.D. Subcommittee, CCTFD, meeting of June 28, 1972
- h. Dept. of Public Works filing Aging Schedule for various Urban Arterial Projects
- i. Monthly report, Fire Department, May, 1972
- j. Monthly report, Director of Finance, May, 1972
- k. Report on Review of Management and Fiscal Procedures, Municipal Court by Knight, Vale & Gregory
- l. Report on Review of Management and Fiscal Procedures, Tacoma Municipal Transit System by Knight, Vale & Gregory
- m. Report on review of System of Internal Control and Miscellaneous Billing Procedures, Finance Department by Knight, Vale & Gregory

Mr. Moss moved to approve all of the items listed on the Consent Agenda, including Resolution Nos. 21731, 21732, 21733, 21734 and 21735. Second by Mr. Nalley. Voice vote was taken and carried. The items were declared approved.

Mayor Johnston moved for a five minute recess in order to consider the appointment, employment or dismissal of a public employee. Seconded by Dr. Herrmann. Voice vote was taken and carried. Mayor Johnston invited members of the press to attend.

The meeting reconvened at 7:10 p.m.

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REGULAR AGENDA

FINAL READING OF ORDINANCES:

Ordinance No. 19623 Appropriating the sum of \$75,000 or so much thereof as may be necessary from the Traffic Records Revolving Fund and authorizing a temporary loan in the sum of \$25,000 from the General Fund for the implementation of Project Safetar II and authorizing the execution of a contract with Computech Corp. d/b/a Firstbank Services Corp.

Roll call was taken, resulting as follows:

Ayes: 9 - Egan, Herrmann, Jarstad, Maule, Moss, Nalley, Schroeder, Sonntag and Mayor Johnston

Nays: 0

The Ordinance was declared passed.

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FIRST READING OF ORDINANCES:

Ordinance No. 19620 (Continued from the meeting of June 20th)
Amending Section 1.12.550 of the Official Code to add
the classification of Police Investigator.

Police Chief Smith advised that this ordinance is a result of long negotiations and will provide for the creation of a classified position which would be between that of Police Patrolman and Police Sergeant. The intention will be to gradually phase out the existing classification of Police Detective.

Mr. Lewis Hatfield, Chairman of the Civil Service Board, advised that many hearings on the matter had been held due to the fact that the Police Chief had requested the positions in this classification be appointive. Historically, the Police Department has followed the Rule of One on appointments. However, after the hearings, the Civil Service Board has come up with a compromise and the recommendation that the entire list be certified in order that the Chief may select the person or persons that he feels will be right for certain positions.

Mr. Nick Nickolas, President of Police Local #224, advised that for several months the Union had been working with the City Manager, Chief of Police, and Civil Service Board in drafting the qualifications for the new position. They approved the creation of the new position as it would permit an opportunity for advancement for the Patrolmen. However, historically the Police Department has followed the Rule of One, and it is felt that if the procedure of certifying the entire list for this position is allowed a precedent would be set in Civil Service which would open the path for other positions in the classified service to be handled in the same manner.

It was the feeling of some Council members that the Chief should have latitude as an administrator in making appointments in sensitive areas such as community relations as perhaps the individual with the highest academic grade on an examination would not necessarily be the best person personality-wise for the job. It was pointed out, however, that the Chief has the authority to transfer men from one assignment to another.

Mr. Joseph Betzendorfer, Attorney representing the Police Union, advised that the Union is in complete opposition to appointive positions in the classification of Police Investigator. He advised that the initial number of appointments to be made in this classification is 27 and eventually there will be approximately 60 men in this classification, and by following the Rule of One in filling these positions, the Chief can in fact place the men that he would want for a particular position.

Chief Smith reported that the positions in the Police Investigator classification called for specialized talents. He said that he would suggest that the management team, when working on this, notify Council if they should find any fallacies in this plan after it has been in operation.

Mr. Sonntag moved to amend proposal number five on line three after the word "apply" by striking everything beyond that, which would mean that the Rule of One would apply to all positions being created for Police Investigator. Seconded by Mr. Nalley.

Mr. Lewis Hatfield advised Council that the City Charter places the budget and the position classifications in the Compensation Plan under the jurisdiction

of the City Council, and that is what is now before them--the establishing of a new position of Police Investigator. However, the Civil Service Board felt that the Council should know of the Board's feelings. He also advised that under the City Charter the Civil Service Board is charged with administering and interpreting the Civil Service Rules. Presently the Rule of Three applies to all open appointments and the Rule of One on promotions. However, where the Civil Service Board feels extenuating circumstances exist they can without authority from the Council or without appeal to the Council certify the entire list on any examination.

Mr. Hamilton, City Attorney, advised that there is only one thing before Council, and this is, shall they or shall they not include in the Compensation Plan the position of Police Investigator. Any supporting material forwarded to the Council and recommendations by the Civil Service Board are not a part of the ordinance. He concurred with Mr. Hatfield's statement that the Civil Service Board is charged with amending the personnel rules. There are no personnel rules amendments before Council tonight for confirmation. Therefore, Mr. Sonntag's motion is out of order.

Mr. Sonntag withdrew his motion.

Mr. John C. Frai, 1423 South 43rd, spoke against the ordinance.

Mr. Tom Wells, 841 East 48th, spoke against the ordinance.

Mr. Ted Amell, 422 Tacoma Avenue South, spoke in favor of the ordinance.

After further discussion, the ordinance was set over for final reading next week.

Ordinance No. 19624

Vacating a portion of the Union Avenue r/o/w across the Burlington Northern property occupied by the original Union Avenue Viaduct. (Dept. of Public Works)

In the absence of Mr. Buehler, Mayor Johnston advised that Council had previously held a hearing on this request. There being no further discussion of the ordinance, the ordinance was set over for final reading next week.

Ordinance No. 19625

Appropriating the sum of \$5,000 or so much thereof as may be necessary from the General Fund for the purpose of paying the cost of appointed counsel for indigent defendants in the Municipal Court of the City of Tacoma.

Mr. Hamilton advised that a recent Supreme Court ruling stated that indigent defendants in a crime punishable by imprisonment or fine were entitled to appointed counsel at the expense of the prosecuting authorities. This amount is intended to cover such a contingency. The fee schedule is the one that is now being used by the Superior Courts. On inquiry of Council Members, Mr. Hamilton advised that the City is now in the process of examining certain ordinances relative to minor type offenses and considering eliminating the jail term and merely levying a fine.

Mr. John C. Frai, 1423 South 43rd, made a suggestion that newly qualified attorneys coming out of Law School be delegated to handle such cases.

The Ordinance was set over for final reading next week.

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RESOLUTIONS:

Resolution No. 21726 (Continued from the meeting of June 27th)
Designating the Camp Six exhibit located within
Point Defiance Park as a historic park.

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

Mrs. Mavis Kallsen, representing Camp Six, gave a review of the origin of the Camp and its historic contents. She advised that it is the most comprehensive logging operation exhibit in the nation. It is the history of logging and they are requesting that Camp Six be designated as a historic park in order that they may apply to the federal government for funds for the preservation, development and maintenance of the camp.

Mr. Nalley referred to his request of last week in which he asked for information relative to the financial status of the organization.

Mayor Johnston ruled that the detailed questions being raised by Mr. Nalley were not pertinent to the content of the Resolution and ruled him out of order in terms of the language of the Resolution.

Mr. Nalley appealed the decision of the chair and asked for a vote of Council on the ruling of the chair.

Roll call was taken on the ruling of the chair, resulting as follows:

Ayes: 6 - Egan, Maule, Moss, Schroeder, Sonntag and Mayor Johnston

Nays: 1 - Nalley

Abstaining: 1 - Dr. Herrmann

Absent: 1 - Jarstad

The ruling of the chair was upheld by the vote.

Mr. Nalley then called for a question of a personal privilege as he felt it should be established that the operating agent has the capability and therefore it is necessary to go into the operation and financial records of the past decade. The question was called for and roll call was taken on the Resolution resulting as follows:

Ayes: 8 - Egan, Herrmann, Maule, Moss, Schroeder, Nalley, Sonntag and Mayor Johnston

Nays: 0

Absent: 1 - Jarstad

The Resolution was declared adopted.

Resolution No. 21736 Commending Frank Russell for the performance of his duties as the Director of the Model Cities Program.

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

Resolution No. 21737 Authorizing the execution of a lease agreement between the Water Division of the City of Tacoma and Nalley's Fine Foods, Div. of W. R. Grace & Company for property in the area east of the Water Division distribution building on the south side of 35th Street.

Dr. Herrmann moved that the Resolution be adopted. Seconded by Mrs. Egan. Voice vote was taken and carried. The Resolution was declared adopted.

Resolution No. 21738 Authorizing the execution of a Memorandum of Agreement with the Amalgamated Transit Union, Division #758, relating to working conditions to be effective July 5, 1972 through December 31, 1972.

Dr. Herrmann moved that the Resolution be adopted. Seconded by Mrs. Egan.

Mr. Bill Hull, representing the Transit Union, Division #758, advised Council that his union was in agreement with the Memorandum of Agreement but he had objections to the contents of the Personnel Director's letter which had been inserted with the Resolution, as this matter was not discussed in the negotiations.

Mr. Fred Van Camp, Business Representative, Civil Service League, spoke against the practice of using part time employees.

Mr. Charles Walsh, Superintendent of Transportation, spoke in favor of the Resolution.

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

Resolution No. 21739 Authorizing the execution of a Memorandum of Agreement with Firefighters, Local No. 31 relating to working conditions to be effective from July 5, 1972 to December 31, 1972.

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

Mr. John Willis, Business Representative of the Firefighters Local No. 31, advised that their union had been involved in the negotiations and were in agreement with the working conditions of the Memorandum of Agreement.

Mr. Donaldson, City Manager, commended the Transit Union and the Firefighters Local for their fine cooperation in the negotiations.

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

Resolution No. 21740 Awarding contract to Art Pearson on his bid of \$4,305 for the remodeling of 1301 South "K" Street for the Manpower Satellite Project of Model Cities.

Dr. Herrmann moved that the Resolution be adopted. Seconded by Mrs. Egan. Voice vote was taken and carried. The Resolution was declared adopted.

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Resolution No. 21741 Awarding contract to various bidders for the furnishing of heating fuel requirements for the period July 1, 1972 to June 30, 1973.

Dr. Herrmann moved that the Resolution be adopted. Seconded by Mrs. Egan. Voice vote was taken and carried. The Resolution was declared adopted.

Resolution No. 21742 Authorizing the transfer of moneys within the salaries and wages category of the Tacoma Police Department budget.

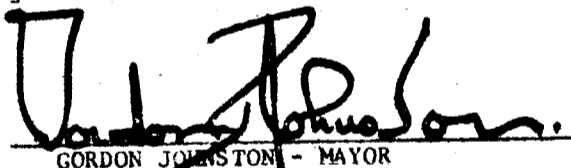
Chief Smith requested that the Resolution be continued for one week as it is premature since the salary funds in the resolution are related to Ordinance No. 19620 which will be on final reading next week.

Dr. Herrmann moved that the Resolution be continued for one week. Seconded by Mr. Jarstad. Voice vote was taken and carried. The Resolution was continued until July 11, 1972.

COMMENTS BY MEMBERS OF THE CITY COUNCIL:

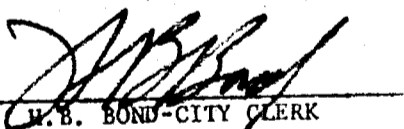
Mayor Johnston advised that Tacoma and Gig Harbor were honored in Seattle at the Klondike Festival in the historical area of Seattle commemorating the 75th Anniversary of the great Gold Rush. He attended along with Councilman Schroeder, Mr. Baerslag, Superintendent of the Water Division, and Mr. Gerla, Chairman of the Planning Commission. The City of Tacoma was presented with an attractive plaque with the words "The Klondike Festival Salutes the City of Tacoma, July 2, 1972."

On proper motion, the meeting was adjourned at 9:50 p.m.



GORDON JOHNSTON - MAYOR

ATTEST:



W.B. BOND - CITY CLERK