

CITY COUNCIL MINUTES

City Council Chambers
October 19th, 1971.

Mayor Johnston called the meeting to order at 7:00 P. M.

Present on roll call - 7: Corsi, Egan, Herrmann, Maule, Moss, Schroeder and Mayor Johnston. Absent - 2: Finnigan and Jarstad.

The Flag Salute was led by Councilman Schroeder.

Mr. Schroeder moved to approve the minutes of October 5th, as submitted. Seconded by Mr. Moss. Voice vote was taken and carried.

HEARINGS & APPEALS:

This is the date set for hearing the appeal on the Planning Commission's denial of the request for rezoning the northerly side of FAI #5 (Freeway) between East "E" and East "F" Streets from an "R-4" to a "M-1" District. (David V. Sheehan & Associates) (Planning Commission hearing 8-16-71 recommended denial 7-0, 2 absent.) Petitioner has requested a continuance until November 9, 1971 due to unavoidable business commitments.

Dr. Herrmann moved to continue the hearing on the appeal until November 9, 1971, as requested by the petitioner. Seconded by Mr. Schroeder. Voice vote was taken and carried.

The hearing was continued until November 9, 1971.

PETITIONS:

Property Holding & Development, Inc. - requesting rezoning of the east side of Orchard at South 40th Street, extended, from an "R-2" and a "C-1" to a "M-1" District.

Referred to the Planning Commission.

PROCLAMATIONS:

Mayor Johnston read a Proclamation commending Father Thomas Pitsch of St. Patrick's Catholic Church for his many beneficial services to the community and wishing him well upon his transfer to a parish in Seattle.

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Mayor Johnston read a Proclamation designating the week of October 25th through October 31st, 1971, as "Military Appreciation Week."

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RESOLUTIONS:

Resolution No. 21340 (Continued from the meeting of October 5th)

Granting an extension of 90 days on the agreement of sale to Raymond Merriwether on certain property in the Center Street Urban Renewal area.

Mr. Gary Sullivan, Urban Renewal Director, reported that Mr. Merriwether has not as yet received the necessary "certificate of need" from the State for his proposed intermediate care facility. That is the reason for the request for a 90-day extension. Without this certificate of need, he cannot proceed with his final plans as called for in the agreement with the City. When he will receive this certificate is not known. Mr. Sullivan further reported that within the past two weeks a letter of intent to bid on the property has come from a new prospect.

After discussion, it was established that if new bids were called for it would take more than 90 days for the new applicant to present definite plans.

Voice vote was taken on the resolution, resulting as follows:

Ayes 6: Corsi, Egan, Maule, Moss, Schroeder and Mayor Johnston.
Nays 1: Herrmann. Absent 2: Finnigan and Jarstad.
The Resolution was declared adopted.

Resolution No. 21341 (Continued from the meeting of October 5th)

Authorizing the sale of certain L.I.D. Guaranty Fund property located at South 14th & Bantz Blvd. to the State of Washington for the sum of \$1,685.00 for highway purposes.

Mr. Bill Donaldson, City Manager, stated that the staff has requested that this resolution be removed from the agenda.

Dr. Herrmann moved to remove the resolution from the agenda. Seconded by Mr. Corsi. Voice vote was taken and motion carried unanimously.

Resolution No. 21356 (Continued from the meeting of October 12th)

Authorizing the proper officer of the City to submit an application for a federal grant (EDA) for the construction of North 37th from Vassault to Stevens Street and for Orchard from North 35th to North 37th Street.

Dr. Herrmann moved to adopt the resolution. Seconded by Mr. Corsi.

Mayor Johnston explained that a resolution had been adopted to appoint a Citizens' Advisory Board to work with the Public Works Department regarding various urban arterial projects. He explained that the committee had not yet been named and moved to continue the resolution until such a time as the Citizens' Advisory Committee has been named and

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given an opportunity to meet with the Public Works Department and advise Council on the proposed project. Seconded by Mrs. Egan.

Mr. Jack Warnick, 4412 North 37th Street, representing the residents of the 37th Street area, presented petitions bearing 266 signatures and representing 230 homes, opposing the proposed improvement construction on 37th Street.

A question was raised whether the Council could postpone a matter indefinitely or if a resolution would have to be continued until a certain date. After discussion, the Chair ruled that it was proper to take a vote on the motion to continue the matter until the committee had been named and had consulted with the Public Works Department.

Roll call vote was taken to continue the resolution indefinitely, resulting as follows:

Ayes 4: Corsi, Egan, Herrmann and Mayor Johnston.
Nays 3: Maule, Moss and Schroeder. Absent 2: Finnigan and Jarstad.
The resolution was continued indefinitely.

Resolution No. 21359

Authorizing the proper officers of the City to execute an agreement between the United States of America, Dept. of Interior, acting by and through the Bonneville Power Administrator and Utilities in the Pacific Northwest, for delivery of Exportable Energy.

Dr. Herrmann moved to adopt the resolution. Seconded by Mr. Schroeder.

Mr. Joe Cockrell, Superintendent of Light Division, Dept. of Public Utilities, advised that this resolution would authorize a contract with the Bonneville Power Administration for the sale of surplus energy to the California Utilities. The Dept. of Public Utilities recommends approval, especially as the City of Tacoma has realized an income of approximately \$100,000 from the sale of this type of energy in the past year and the energy would have otherwise gone to waste.

Voice vote was taken on the resolution, resulting as follows:

Ayes 7: Corsi, Egan, Herrmann, Maule, Moss, Schroeder and Mayor Johnston.
Nays 0. Absent 2: Finnigan and Jarstad.
The Resolution was declared adopted.

Resolution No. 21360

Authorizing the proper officers of the City to execute revised Exhibits "C" and "D" to contract with Bonneville Power Administration and Public Utility District No. 2 of Grant County, (Priest Rapids Wheeling Agreement).

Dr. Herrmann moved to adopt the resolution. Seconded by Mrs. Egan.

Mr. Joe Cockrell advised that the resolution authorizes the adjustments in rates in the contract. This rate adjustment is downward, retroactive to January 1, 1971, and approval is recommended.

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Voice vote was taken on the resolution, resulting as follows:

Ayes 7: Corsi, Egan, Herrmann, Maule, Moss, Schroeder and Mayor Johnston.
Nays 0. Absent 2: Finnigan and Jarstad.
The Resolution was declared adopted.

Resolution No. 21361

Authorizing the transfer of certain property located in the vicinity of South 45th and Warner, South 48th and Cushman and South 95th and Sheridan Street from the Light Division to the Dept. of Public Works for the purpose of widening South Warner, South 48th and South 95th and Sheridan Streets.

Dr. Herrmann moved to adopt the resolution. Seconded by Mr. Schroeder.

Mr. Cockrell explained that there are inactive substations on two of these pieces of property. The third piece of property has been sold to a private individual, but the City has retained a portion for dedication to the Public Works Dept. for right of way.

Voice vote was taken on the resolution, resulting as follows:

Ayes 7: Corsi, Egan, Herrmann, Maule, Moss, Schroeder and Mayor Johnston.
Nays 0. Absent 2: Finnigan and Jarstad.
The Resolution was declared adopted.

Resolution No. 21362

Awarding contract to The Electric Construction Company on its bid of \$5,767.50 for Improvement No. 4929 Unit "C", street lighting on Pine from South 35th to South 38th Street.

Mr. Corsi moved to adopt the resolution. Seconded by Dr. Herrmann.

Voice vote was taken on the resolution, resulting as follows:

Ayes 7: Corsi, Egan, Herrmann, Maule, Moss, Schroeder and Mayor Johnston.
Nays 0. Absent 2: Finnigan and Jarstad.
The Resolution was declared adopted.

Resolution No. 21363

Fixing Monday, November 8, 1971 at 4:00 P.M. as the date for hearing L.I.D. 5513 for water mains in Adams Street from South 66th to South 68th Street produced.

Mrs. Egan moved to adopt the resolution. Seconded by Mr. Moss.

Voice vote was taken on the resolution, resulting as follows:

Ayes 7: Corsi, Egan, Herrmann, Maule, Moss, Schroeder and Mayor Johnston.
Nays 0. Absent 2: Finnigan and Jarstad.
The Resolution was declared adopted.

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Resolution No. 21364

Fixing Monday, November 8, 1971 at 4 P.M. as the date for hearing L.I.D. 4983 for paving along Lawrence from South 68th to South 72nd; Alaska Street from South 23rd to South 25th; State Street from South 15th to South 17th and alley between South 11th and South 12th from Adams to Proctor Street.

Mrs. Egan moved to adopt the resolution. Seconded by Mr. Moss.

Voice vote was taken on the resolution, resulting as follows:

Ayes 7: Corsi, Egan, Herrmann, Maule, Moss, Schroeder and Mayor Johnston.

Nays 0. Absent 2: Finnigan and Jarstad.

The Resolution was declared adopted.

Resolution No. 21365

Fixing Monday, November 8, 1971 at 4 P.M. as the date for hearing L.I.D. 6935 for street lighting along South Fife from South 15th to South 17th Streets.

Mrs. Egan moved to adopt the resolution. Seconded by Mr. Moss.

Voice vote was taken on the resolution, resulting as follows:

Ayes 7: Corsi, Egan, Herrmann, Maule, Moss, Schroeder and Mayor Johnston.

Nays 0. Absent 2: Finnigan and Jarstad.

The Resolution was declared adopted.

FIRST READING OF ORDINANCES:

Ordinance No. 19452 (Continued from the meeting of October 5th)

Amending Section 6.56.050 and adding Chapter 7.18 to the Official Code relative to towing and storage services.

Police Chief Lyle Smith advised that Mr. Betzendorfer, attorney representing the towing and storage services companies, was away from the City. He, therefore, recommended that first reading of this ordinance be continued for one week, until October 26th.

Dr. Herrmann moved to continue this ordinance until October 26th. Seconded by Mr. Maule. Voice vote was taken and carried.

The first reading was continued until October 26th.

Ordinance No. 19463

Amending Section 1.12.360 of the pay and compensation plan to add a new class designated as Legal Secretary.

Mr. Stanley Bixel, Personnel Director, advised that this reclassification had been requested by the City Attorney. The new classification of Legal Secretary would replace the existing classification of Clerk Stenographer III in the City's Legal offices and would permit recruitment for the position from the present employees in the Legal Department.

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Mr. Fred Van Camp, Civil Service League Business Representative, said that the Civil Service League endorses the reclassification.

The ordinance was placed in order for final reading next week.

Ordinance No. 19464

Repealing Sections 7.16.010 through 7.16.060 of Chapter 7.16 of the Official Code relative to the registration of ex-felons.

Police Chief Lyle Smith advised the Council that requiring convicted felons to register with the City is a legitimate and necessary tool of law enforcement. He pointed out that the law is aimed primarily at identifying the habitual offender. Recidivism is a problem and this fact is used in the investigation of crimes. He added that registration information is confidential and is not used to harass felons. He also added that most of the other cities and counties have similar registration laws.

LeRoy Annis, legal chairman of the Pierce County Chapter of the ACLU, advised the Council that the ACLU will challenge the constitutionality of the ordinance. They contend that the registration of ex-felons infringes on an individual's right to travel, privacy and the right to due process under the law.

Others speaking for the passage of the ordinance repealing Chapter 7.16 of the Official Code were:

Reverend O. R. Pigford, 402 North G.
Dennis Flannigan, 416 North Tacoma Avenue.
Shelia Penn, Secretary for Associated Ministries.
Tom Fairchild, 12161 Lakeside Drive.
Dan Lazare, 8603 - 41st Street West.
Mario Honore, Field Representative, State Human Rights Commission.

Those speaking against the ordinance to repeal Chapter 7.16 of the Official Code were:

William Buell, 32 California Street.
Al Anderson 5231 South "M" Street.
Amy Wang, 1511 South Prospect.
Tony Passanante, 4406 North 11th, wanted the ordinance tabled.

After considerable discussion, Mrs. Egan moved that first reading of the ordinance be postponed for two weeks at which time a re-drafted ordinance could be brought to Council for consideration. Seconded by Mr. Corsi. Voice vote was taken and carried.

Mayor Johnston suggested that the City Manager advise the Legal Department that anyone concerned with the language of the ordinance should leave their names with the City Attorney's office and an effort will be made for both sides to meet and discuss the matter prior to bringing the ordinance to Council in two weeks.

First reading of the ordinance was postponed for two weeks, until November 3rd, 1971.

FINAL READING OF ORDINANCES:

Ordinance No. 19457

Vacating East "E" Street from East 3rd to approximately 200 feet north. (Puget Sound Plywood, Inc.)

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Roll call was taken on the ordinance, resulting as follows:

Ayes 6: Corsi, Egan, Maule, Moss, Schroeder and Mayor Johnston.
Nays 0. Absent 3: Finnigan, Herrmann (temporarily) and Jarstad.
The Ordinance was declared passed.

Ordinance No. 19458

Vacating a portion of the old Mason-Tyler transition south of South 19th Street.
(School District No. 10)

Roll call was taken on the ordinance, resulting as follows:

Ayes 6: Corsi, Egan, Maule, Moss, Schroeder and Mayor Johnston.
Nays 0. Absent 3: Finnigan, Herrmann (temporarily) and Jarstad.
The Ordinance was declared passed.

Ordinance No. 19459

Fixing the amount of the ad valorem tax levies for the year 1972 for the City
of Tacoma.

Roll call was taken on the ordinance, resulting as follows:

Ayes 7: Corsi, Egan, Herrmann, Maule, Moss, Schroeder and Mayor Johnston.
Nays 0. Absent 2: Finnigan and Jarstad.
The Ordinance was declared passed.

Ordinance No. 19460

Authorizing a temporary loan in the sum of \$150,000 from the L.I.D. Guaranty
Fund to the Firemen's Relief & Pension Fund and appropriating the sum of \$240,000
or so much thereof as may be necessary from the Firemen's Relief and Pension Fund
of the City for the purpose of paying firemen's pensions for the balance of the
year 1971.

Roll call was taken on the ordinance, resulting as follows:

Ayes 7: Corsi, Egan, Herrmann, Maule, Moss, Schroeder and Mayor Johnston.
Nays 0. Absent 2: Finnigan and Jarstad.
The Ordinance was declared passed.

Ordinance No. 19461

Authorizing the proper officer of the City to purchase or institute condemnation
action of certain properties along South 84th from Yakima Avenue to "A" Street for
street construction.

Roll call was taken on the ordinance, resulting as follows:

Ayes 7: Corsi, Egan, Herrmann, Maule, Moss, Schroeder and Mayor Johnston.
Nays 0. Absent 2: Finnigan and Jarstad.
The Ordinance was declared passed.

Ordinance No. 19452

Creating a new fund to be known as "Model Cities Transportation Project Fund" and appropriating the sum of \$48,325.00 or so much thereof as may be necessary for the implementation of said fund.

Roll call was taken on the ordinance, resulting as follows:

Ayes 7: Corsi, Egan, Herrmann, Maule, Moss, Schroeder and Mayor Johnston.
Nays 0. Absent 2: Finnigan and Jarstad.
The Ordinance was declared passed.

COMMENTS BY MEMBERS OF THE COUNCIL:

Mayor Johnston moved to excuse Mr. Jarstad from this evening's meeting. Seconded by Mr. Schroeder. Voice vote was taken and carried.

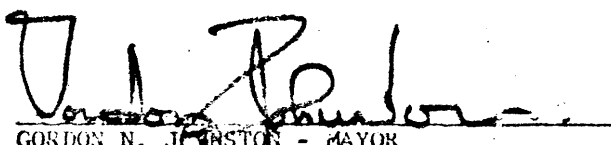
Mayor Johnston announced that he wanted to make it a matter of record that at last week's meeting the Council members had received from the Civil Service Board proposed amendments to the Civil Service and Personnel Rules.

ITEMS FILED IN THE OFFICE OF CITY CLERK:

- a. Minutes of Board of Adjustment meeting of September 9, 1971.
- b. Minutes of Public Utility Board meeting of September 22, 1971.
- c. Minutes of City Planning Commission meeting of October 4, 1971.
- d. Monthly report, City Planning Department, September, 1971.
- e. Monthly report, Police Department, Identification & Records Div., September, 1971.
- f. Civil Defense Department filing Personnel and Administrative Claim 606-72-3(41).

Placed on file.

There being no further business to come before the Council, the meeting adjourned at 9:55 P. M.



 GORDON N. JOHNSTON - MAYOR

ATTEST: 

 B. Bond - City Clerk