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CITY COUNCIL MINUTES

City Council Chambers  
January 18, 1972

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

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

The Flag Salute was led by Councilman Schroeder.

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Mayor Johnston announced that Mr. Ralph Matteson could not be present to accept an award for his suggestion on the improvement of watering landscaped areas. The award was accepted by Mr. Schuster, Director of Public Works, for later presentation to Mr. Matteson.

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Mr. Schroeder moved to approve the minutes of January 4th as submitted. Seconded by Dr. Herrmann. Voice vote carried.

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HEARINGS & APPEALS:

- (a) This is the date set for hearing the request for vacation of a portion of Sprague Avenue from South 25th Street to approximately 375 feet south. (12-6-71 Planning Commission recommended approval, 9 - 0) (Tacoma School District & Metropolitan Park District.)

Mr. Buehler, Planning Department Director, reviewed for Council the reasons for the Planning Commission's recommendation for approving this rezone.

Dr. Herrmann moved that the Council concur in the recommendation of the Planning Commission. Seconded by Mr. Schroeder. Voice vote carried.

- (b) Wm. Edwards Construction Company appealing the decision of the Planning Commission to deny the request for rezoning the north side of North 26th between Vassault and Narrows Drive. (1-3-72 Planning Commission recommended denial, 9 - 0) (Petition of Forrester Realty & Mortgage Company.)

Last day to file an appeal is January 17, 1972 and an appeal was filed. Suggested date for hearing is Tuesday, March 7, 1972 at 7:00 P.M.

Dr. Herrmann moved that the date of March 7, 1972 be set as the date for hearing the appeal. Seconded by Mr. Schroeder. Voice vote carried.

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PETITIONS:

Pochel Distributing Company requesting rezoning of the northwest corner of 88th & Pacific Avenue from an "R-2" to a "C-1" District.

Mayor Johnston referred this to the Planning Commission.

COMMUNICATIONS:

Communication from City Planning Commission recommending acceptance of Joan Johnson's request for withdrawal of application for rezoning the south side of South 30th Street between Orchard and Huson Streets from an "R-2" to an "R-4-1" District.

Mr. Buehler, Planning Department Director, reviewed the reasons given by Mrs. Joan Johnson for her request to withdraw the application for rezoning and advised that it is customary under the circumstances in this particular request for withdrawal to refund the filing fee of \$170.00. Dr. Herrmann moved that the request be granted and refund be made. Seconded by Mr. Schroeder. Voice vote carried.

RESOLUTIONS:

Resolution No. 21473 (Continued from the meeting of January 11th)

Authorizing the proper officers of the City to execute an Owner-Participation Agreement with the trustees of the estate of John B. Geiger and Pearl A. Geiger on Parcel 1108-4 in the New Tacoma Urban Renewal Project, Wash. R-14.

Dr. Herrmann moved to adopt Substitute Resolution No. 21473. Seconded by Mr. Schroeder.

Voice vote: Ayes - 6. Nays - 1: Nalley. Absent - 2: Egan and Moss.  
The Substitute Resolution was declared adopted.

Resolution No. 21478

Authorizing the execution of appropriate instruments reserving the real property acquired along Ruston Way for open space and recreation purposes.

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

Mr. Buehler advised the Council that the acquisition of property along Ruston Way had been completed and that this resolution would finalize this by recording all the deeds with the Pierce County Auditor. Mr. John C. Frai, 1422 South 43rd Street, spoke in favor of the resolution.

Voice vote: Ayes - 7. Nays - 0. Absent - 2: Egan and Moss.  
The Resolution was declared adopted.

Resolution No. 21479

Authorizing the sale of a small parcel of land at South 18th and Union Streets to the abutting property owner, First Assembly of God Church, for the appraised value of \$100.

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

Voice vote: Ayes - 7. Nays - 0. Absent - 2: Egan and Moss.  
The Resolution was declared adopted.

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Resolution No. 21480

Authorizing the proper officers of the City to amend the Mental Health Project contract of the Model Cities Department with the Comprehensive Mental Health Center.

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

Mr. Robert Hamilton, City Attorney, advised that this resolution would merely authorize the payment of something that had previously been approved and amend the commencement date of the contract to August 3, 1971 to coincide with that of the resolution passed on August 3, 1971.

Mr. William Buell, 32 California Street, spoke against the resolution. He felt that hereafter there should be a moratorium on Model Cities contracts.

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

Voice vote: Ayes - 6. Nays - 1: Nalley. Absent - 2: Egan and Moss.  
The Resolution was declared adopted.

Resolution No. 21481

Authorizing the proper officers of the City to amend the Information and Referral Project Contract of the Model Cities Department with the Comprehensive Mental Health Center.

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

Mr. Frank Russell, Model Cities Director, advised the Council that this resolution would amend the effective date of the contract which was authorized last year. HUD has recommended that the effective date be August 3, 1971, the same date as the resolution authorizing the contract.

Voice vote: Ayes - 6. Nays - 1: Nalley. Absent - 2: Egan and Moss.  
The Resolution was declared adopted.

Resolution No. 21482

Authorizing the payment of claim in the amount of \$5,308.16 filed by the Colored Women's Clubs for services performed to the City prior to December 1, 1971.

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

Mr. Robert Hamilton advised Council that this resolution differs from the two preceding resolutions because the initial resolution adopted by Council last summer authorizing the project did not name a specific contracting party. Subsequently the Council did authorize the contract with the Colored Women's Clubs. Therefore this resolution authorizes the payment for services rendered prior to December 1, 1971, the date of the contract.

Mr. Ted Amell and Mr. John Frai spoke in favor of this resolution.

Mrs. Bertie Edwards, 5414 East "G" Street, reviewed the services that the Club has been providing the neighborhood. She quoted figures on the number of hot meals served and other services performed, beginning on August 26, 1971 to December 1, 1971.

Voice vote: Ayes - 6. Nays - 1: Nalley. Absent - 2: Egan and Moss.  
The Resolution was declared adopted.

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Resolution No. 21483

Approving the "Puyallup River Basin Sewerage General Plan" as prepared by Coensoer Townsend and Associates for Pierce County with certain modifications and stipulations.

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

Mr. G. M. Schuster, Public Works Director, reviewed the two alternate proposals for the Puyallup River Basin sewage service, designated as Plan "A" and Plan "B", which have been prepared by consulting engineers of the County Commissioners. This Resolution would endorse Plan "A". This would divide the sewage treatment between the City of Puyallup and the City of Tacoma; whereas Plan "B" would designate that the City of Tacoma service the entire area.

Mr. John Frai spoke in favor of Plan "A".

After discussion, the Council felt that it would be in the best interests of the City to endorse Plan "A".

Voice vote: Ayes - 6. Nays - 1: Sonntag. Absent -2: Egan and Moss.  
The Resolution was declared adopted.

Resolution No. 21484

Awarding contract to Totem Electric of Tacoma, Inc. on its bid of \$13,487.50 for arterial street lighting South 47th/48th Streets, Ferry to Oakes Street, constituting W. O. No. 74184.

Mr. Maule moved to adopt the resolution. Seconded by Mr. Schroeder.

Voice vote: Ayes - 7. Nays - 0. Absent -2: Egan and Moss.

The Resolution was declared adopted.

Resolution No. 21485

Fixing Tuesday, February 1, 1972 at 7:00 P.M. as the date for hearing the request for rezoning the west side of Sprague Avenue between South 64th and 66th Streets from an "R-4-L" to an "R-4-LT" District. (Property Holding & Development, Inc.)

Mr. Maule moved to adopt the resolution. Seconded by Mr. Sonntag.

Voice vote: Ayes - 7. Nays - 0. Absent - 2: Egan and Moss.

The Resolution was declared adopted.

Resolution No. 21486

Fixing Tuesday, February 8, 1972 at 7:00 P.M. as the date for hearing the request for rezoning the south side of 6th Avenue between Pearl and Mildred Streets (6110 - 6th Avenue) from an "R-2" to a "C-2" District. (Goofy's Inc.)

Mr. Maule moved to adopt the resolution. Seconded by Mr. Sonntag.

Voice vote: Ayes - 7. Nays - 0. Absent - 2: Egan and Moss.

The Resolution was declared adopted.

Resolution No. 21487

Appointing members to the Citizens Arterial Committee.

Mayor Johnston moved to adopt the resolution. Seconded by Mr. Maule.

Voice vote: Ayes - 6. Nays - 1: Dr. Herrmann. Absent - 2: Egan and Moss.  
The Resolution was declared adopted.

FIRST READING OF ORDINANCES:

Ordinance No. 19505

Authorizing the condemnation of a parcel of land for street right-of-way purposes on Marine View Drive at Highline Drive.

Mr. G.M. Schuster reviewed for the Council the reasons for the condemnation of the land to be used for right-of-way purposes.

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

Ordinance No. 19506

Establishing permits and permit procedures for Shoreline Development in the City of Tacoma.

Mr. Ron Nelson, Principal Planner for the Planning Department, reviewed the aspects of the ordinance for the Council. This ordinance would establish procedures for processing of Shoreline Management substantial development permits in the City of Tacoma.

After discussion Mayor Johnston moved to continue the first reading until February 1st in order that the Planning Commission could review the contents of the ordinance. Seconded by Mr. Sonntag. Voice vote carried.

FINAL READING OF ORDINANCES:

Ordinance No. 19503

Amending subsection 1140 of Section 1.12.430 of the Official Code to establish the position of Assistant Manpower Coordinator in the classified services.

Roll call vote was taken, resulting as follows:

Ayes 5: Jarstad, Nalley, Schroeder, Sonntag and Mayor Johnston.  
Nays 1: Maule.  
Absent 3: Egan, Herrmann (temporarily) and Moss.  
The Ordinance was declared passed.

Ordinance No. 19504

Creating a new fund to be known as "Fund No. 442, Cumulative Reserve Fund - Transit System" for accounting purposes in accordance with State law.

Roll call vote was taken, resulting as follows:

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

Ordinance No. 19507

Amending Section 1.24.470 of the Official Code and repealing Sections 1.24.200 and 1.24.205 thereof relative to employee loyalty oath and declaring an emergency making necessary the immediate passage of this ordinance and its taking effect immediately upon publication.

Since this ordinance was an emergency ordinance on first and final reading and requiring an immediate vote, the audience was permitted to speak on the ordinance.

Mr. Robert Deutcher, vice chairman of the Civil Service Board, advised that the Civil Service Board had opposed the ordinance at their meeting the previous evening by a unanimous vote.

Mr. Jarstad gave his reasons for proposing the ordinance and moved to amend the ordinance by adding "and in which I share these goals of subject organization" after the word "violence" in Section 1.24.470. The motion was seconded by Mr. Maule. Roll call vote on the motion to amend resulted as follows:

Ayes 6: Herrmann, Jarstad, Maule, Nalley, Schroeder and Mayor Johnston.

Nays 1: Sonntag

Absent 2: Egan and Moss. Motion carried.

Mrs. Ann Jacobson, citizen, spoke against the ordinance.

Mr. John Frai, Mr. William Buell and Mr. Fred VanCamp, Civil Service League representative, spoke in favor of the ordinance. Mr. Tom Wells also spoke in favor of the ordinance and said he was against the City funding the DuBois Club.

After discussion, Mr. Jarstad moved to amend his prior amendment, as follows:

Section 1.24.470 - Employee Oath. At the end of line 7 strike the word "revolution" and add the words "and share the specific intent to further the illegal aims of any organization, foreign or otherwise, which engages in or advocates the overthrow, destruction, or alteration of the constitutional form of government of the United States or the State of Washington, or any political subdivision of either of them, by force or violence." Motion seconded by Mr. Nalley. Roll call was taken on the amended amendment as follows:

Ayes - 5: Herrmann, Jarstad, Nalley, Schroeder and Mayor Johnston.

Nays - 2: Maule and Sonntag.

Absent - 2: Egan and Moss. Motion carried.

Mr. Deutcher advised that most oaths dealing with subversive activities have been declared unconstitutional, and oaths prohibiting certain activities, such as belonging to certain organizations, have been judged to be too vague. He felt that the oath the Civil Service Board proposes is constitutional. They considered all the aspects of the questions when preparing this oath which they called a "support oath."

Mayor Johnston stated that he would not vote in favor of this ordinance as he felt the language in the oath the Civil Service Board had composed, which asked an employee to uphold the constitution and the laws of the United States and the State of Washington, and to comply with the City Charter and all ordinances of the City, and that they will faithfully and impartially discharge the duties of their position, is a patriotic and sound oath; and that any additional language would not make anyone a better employee or a better citizen.

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

Ayes - 2: Jarstad and Nalley.

Nays - 5: Herrmann, Maule, Schroeder, Sonntag and Mayor Johnston.

Absent - 2: Egan and Moss.

The Ordinance was declared failed.

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Ordinance No. 19508

Creating a new fund to be known as "Law and Justice Fund No. 515" for accounting purposes for all transactions of the City of Tacoma Model Cities and the State of Washington Planning and Community Affairs Agency and appropriating the sum of \$100,633.00 or so much thereof as may be necessary for carrying on said program, and declaring an emergency making necessary the immediate passage of this ordinance and its taking effect immediately upon publication.

Since this ordinance was an emergency ordinance on first and final reading and requiring an immediate vote, the audience was permitted to speak on the ordinance.

Mr. Frank Russell explained that the ordinance pertains to the disbursement of funds expended in the operation of the Adult Outreach Project. The program had already been approved by the Council on December 21, 1971, and authorized all expenditures from August 3, 1971 to date. This ordinance is to create a specific fund for book-keeping purposes.

Speaking in favor of the ordinance was Harold Botley.  
Speaking against the ordinance were Ted Amell and William Buell.

Roll call was taken, resulting as follows:

- Ayes - 6: Herrmann, Jarstad, Maule, Schroeder, Sonntag and Mayor Johnston.
  - Nays - 1: Nalley.
  - Absent - 2: Egan and Moss.
- The Ordinance was declared passed.

Ordinance No. 19509

Providing for the improvement of L.I.D. 6931 for installation of modern street lights on wood poles at intersections along 58th Ave. N.E. from 25th St. N.E. south 600 feet.

Roll call was taken, resulting as follows:

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

Ordinance No. 19510

Providing for the improvement of L.I.D. 6934 for installation of modern street lights on wood poles at street intersections in the vicinity of Proctor Street to Union Avenue from No. 21st to No. 31st Streets.

Roll call was taken, resulting as follows:

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

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Ordinance No. 19511

Approving and confirming the assessment roll for L.I.D. 1012 for installation of fire hydrants in Browns Point Blvd. between Silver Bow Road and 51st St. N. E.

Roll call vote was taken, resulting as follows:

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

Ordinance No. 19512

Approving and confirming the assessment roll for L.I.D. 3715 for sanitary sewers in alley west of Sunset Dr. from So. 15th to So. 17th St.; Brookside Dr. from So. 15th to So. 17th St.; So. 17th from alley west of Sunset Dr. to Titlow Rd.; Crystal Springs Rd. from So. 19th to 22nd St. West extended.

Roll call vote was taken, resulting as follows:

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

Ordinance No. 19513

Approving and confirming the assessment roll for L.I.D. 4911 for paving on East "J" St. from Ea. 40th St. south 300 feet; Ea. 45th from "A" to Ea. "B" St. and other nearby streets.

Roll call vote was taken, resulting as follows:

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

Ordinance No. 19514

Approving and confirming the assessment roll for L.I.D. 4949 for paving on East 61st from East "M" to East "N" Street.

Roll call vote was taken, resulting as follows:

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



UNFINISHED BUSINESS:

(a) The City Clerk advising that the L.I.D. Committee has recommended to the City Council that L.I.D. 4985 for pavement on South 88th Street from Pacific Avenue to South "D" Street not be created due to 55% protest filed against the district.

Dr. Herrmann moved to concur in the recommendation of the L.I.D. Committee to abandon L.I.D. 4985. Seconded by Mr. Sonntag. Voice vote carried.

(b) The Director of Public Works presented the assessment rolls for the cost of the following:

LID 4947 for paving on So. 72nd St. from Oakes to Prospect St.; So. "I" from So. 63rd to So. 64th St.; Reade St. from Gove to Mason Ave.; and So. Mullen St. from Reade to Gove Place.

LID 4956 for paving of American Lake Boulevard from So. Gove St. to So. Mullen St.

Fixing Monday, February 14, 1972 at 4:00 P.M. as the date for hearing.

Mr. Maule moved to fix the date of February 14, 1972 at 4:00 P.M. as the date for hearing these L.I.D.'s. Seconded by Mr. Jarstad. Voice vote carried.

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COMMENTS BY MEMBERS OF THE COUNCIL:

Mayor Johnston announced that he had received word regarding the Governor's "Jobs Now" Program, and recommended that the Council go on record as approving the Governor's program for "Jobs Now." There was discussion for and against the Governor's proposed additional tax on gasoline to fund this program.

Mayor Johnston moved that the Council go on record as endorsing the program. Seconded by Mr. Jarstad. Roll call vote was taken, resulting as follows:

Ayes 4: Herrmann, Jarstad, Schroeder and Mayor Johnston.

Nays 3: Maule, Nalley and Sonntag. Absent 2: Egan and Moss. Motion carried.

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Mayor Johnston moved to endorse the extension of the 1/2¢ sales tax to cities. Seconded by Mr. Sonntag. Voice vote was taken, resulting as follows:

Ayes - 7: Nays - 0. Absent - 2. Motion carried.

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Mr. Jarstad stated that he had been contacted regarding a meeting of the Council, Port Commissioners and the County Commissioners to discuss shoreline management to be held preferably the latter part of next week.

Mayor Johnston asked Mr. Erling Mork, Assistant City Manager, to coordinate the meeting.

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Mr. Sonntag suggested that the Council have more representation at the State Legislative Sessions now being held. He asked that the Manager's office supply information on pieces of legislation requiring support or denial by the Council, and that the Council be kept advised of such legislation.

Mr. Mork advised that the Association of Washington Cities presently sends out legislative bulletins. The Manager's office will report on Bills of interest to the City.

Mr. Sonntag asked for a weekly report on this.

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Mr. Jarstad requested that the City Manager and the City Attorney investigate the charges made this evening by Mr. Tom Wells regarding the DuBois Club and asked that a report be made to the Council.

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ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- (a) Minutes of City Planning Commission meeting of January 3, 1972.
- (b) Minutes of Public Utility Board meeting of December 22, 1971.
- (c) Monthly report, City Planning Department, December, 1971.
- (d) Monthly report, Municipal Court of Tacoma, Traffic Violations & Court Cases, December, 1970 & 1971.
- (e) Monthly report, Citizens Information and Service Bureau, County & City Departments, December, 1971.
- (f) Monthly report, Traffic Division, Police Department, December, 1971.
- (g) Monthly Financial Report, Light Division, Water Division and Belt Line Division, November 30, 1971.
- (h) Civil Defense Department filing Personnel and Administrative Claim for December, 1971.
- (i) State Auditor Report of Examination of Sewer Utility Division, Public Works Department, for the year 1970.
- (j) State Auditor Report of Examination of Tacoma Municipal Transit System for the year 1970.

Placed on file.

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There being no further business, Mr. Maule moved to adjourn. Seconded by Mr. Sonntag. Voice vote carried. Adjourned at 10:55 P.M.

  
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 GORDON N. JOHNSTON - MAYOR

Attest:   
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 R. B. Bond - City Clerk