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CITY COUNCIL MINUTES

Washington Elementary School
December 14, 1971

The fourth City Council meeting to be held in the various communities of the City this year was called to order by Mayor Johnston at 7:00 P.M. in the auditorium of the Washington Elementary School in the North End of the City.

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

Mayor Johnston expressed the appreciation of the Council to the Principal and the staff of the school and to the PTA for its cooperation in publicizing the meeting.

Councilman Herrmann led the Flag Salute.

Mr. James Washburn, Officer in Charge of the Tacoma Post Office, commented that there are over 5,000 stamp collectors' clubs in the United States and announced that it is now possible to purchase an entire year's issue of stamps at one time in a commemorative stamp folder that is available at the local post office.

Mayor Johnston presented one of the 1971 Commemorative Stamp albums to Alan Caddy, Wilson Jr. High School student who represented the Tacoma Stamp Club.

Mayor Johnston proclaimed Friday, December 17th, as Stadium High School Concert Band Day in the City and announced that the band had been one of the 2,600 high school bands from 50 different countries throughout the world invited to participate in the international festival to be held in Vienna next July. This band will be the only such band from the State of Washington.

Dr. Herrmann moved to approve the minutes of November 30th as submitted. Seconded by Mr. Schroeder. Voice vote taken, and carried.

HEARINGS AND APPEALS:

University of Puget Sound appealing the decision of the Planning Commission's denial to issue a Special Use Permit on the south side of North 16th between Alder and Lawrence (3210 No. 16th). (Planning Commission 11/15/71 denied 5 - 3, 1 absent.) Last date to file an appeal was Nov. 29th and an appeal was filed. Suggested date for hearing is January 4, 1972.

Mr. Schroeder moved to set the date of January 4th as the date for hearing the appeal. Voice vote taken, and carried. The date was set.

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PETITIONS:

a. Property Holding & Development, Inc. requesting rezoning of the west side of Sprague Street between So. 64th and So. 66th Sts. from an "R-4-L" to an "R-4-L-T" Dist.

Mayor Johnston referred this to the Planning Commission.

b. Joan Johnson requesting rezoning of south of South 30th St. between Orchard and Hosmer Streets from an "R-1" to an "R-4-L" District.

Mayor Johnston referred this to the Planning Commission.

COMMUNICATIONS:

Communication from H. B. Bond, City Clerk, relative to Civil Service and Personnel Rules amendments.

Mr. H. B. Bond, City Clerk, advised that the Civil Service Board had filed in his office on December 8, 1971 amendments to the Civil Service & Personnel Rules in the manner prescribed by the City Charter.

Mr. Robert Deutscher, member of the Civil Service Board, explained that the amendments would modify the Employees' Oath. In June, 1971 some employees of the Model Cities Dept. had refused to sign the Oath on the basis that it was invalid.

Mr. Robert Hamilton, City Attorney, stated that it was questionable that the previous oath was constitutional in view of recent U. S. Supreme Court decisions with reference to subversive activities and organizations. A revised oath was drafted and has been in use by the City Personnel Department ever since September 6, 1971. The former oath required employees to swear they would not engage in subversive activities.

Mr. Deutscher further stated that in revising the Oath the Civil Service Board felt that an employee should not be required to sign a stronger or more restrictive Oath than the one taken by the elected and appointed officials of the City. The decision of the Board to revise the oath, as submitted to the Council, was unanimous.

After discussion, Mr. Schroeder made a motion that an ordinance on the Civil Service Personnel Rule amendments be brought to the Council, together with copies of the existing and the proposed oaths. Seconded by Mr. Jarstad. Mr. Donaldson advised that the ordinance would be brought to the Council as requested.

RESOLUTIONS:

Resolution No. 21422

Authorizing the execution of a Contractual Agreement with the Kassuba Development Corporation for the development of property from North 14th to North 17th and between Pearl and Defiance Street.

Dr. Herrmann moved that the resolution be adopted. Seconded by Mr. Moss.

Mr. Russell Buehler, Director of Planning, advised that this contract is an agreement on certain conditions for developing the area.

Voice vote taken on the resolution, resulting as follows:

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

Nays 0. The Resolution was declared adopted.

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Resolution No. 21423

Authorizing the execution of a permit with Concrete Technology Corporation relative to movement of heavy equipment across the Port of Tacoma Road.

Mr. Jarstad moved the resolution be adopted. Seconded by Mr. Schroeder.

Mr. G. M. Schuster, Director of Public Works, advised that Concrete Technology Corporation has agreed to all conditions of the permit. They will place and pay for an extra thick section of roadway where their equipment will cross, and will maintain that section.

Voice vote taken, resulting as follows:

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

Nays 0. The Resolution was declared adopted.

Resolution No. 21424

Authorizing the execution of an amendatory contract with the United States of America for grant to acquire and/or develop land for open space purposes along Ruston Way.

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

Mr. Buehler advised that this closes out the Ruston Way project, reducing the scope of the project in accordance with the direction of the previous Council. The City had hoped to purchase approximately 4,000 feet, but were only able to acquire about one-half of that amount due to the inflation of prices from the time the project was conceived in 1966. The City had appropriated additional monies to fulfill the minimum acquisitions required by the State. This allowed the closure of the project with the Federal government furnishing 50% of the funds and the State 25%.

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

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

Nays 0. The Resolution was declared adopted.

Resolution No. 21425

Authorizing the execution of an agreement with the State of Washington Planning and Community Affairs Agency for a Grant Award in the sum of \$100,633.00 to be sub-contracted with the Central Employment Agency for an Adult Outreach project in the Model Cities program.

Dr. Herrmann moved the resolution be adopted. Seconded by Mr. Schroeder.

Mr. Frank Russell, Model Cities Director, advised the Council that this project had been reviewed by the Council on Nov. 3, 1971 and is now ready for final approval and signature, in order to complete the state requirements.

Council members called attention to the fact that the flow chart on the project indicated that the Pierce County Commissions were in charge, and requested that it be changed to the City Council.

After discussion, Mayor Johnston moved that the resolution be postponed one week in order that more information be submitted to the Council on the work that has been done up to the present by the Central Employment Agency. Seconded by Mr. Schroeder.

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Roll call vote was taken on the motion to continue, resulting as follows:

Ayes 5: Egan, Jarstad, Nalley, Schroeder, and Mayor Johnston.
Nays 4: Herrmann, Maule, Moss and Sonntag.

The Resolution was continued for one week, until December 28th.

Resolution No. 21426

Authorizing the proper officers of the City to submit to the Urban Arterial Board of the State of Washington the project prospectuses for the Urban Arterial Development Program for the 1971-73 biennium.

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

Mr. Bill Donaldson, City Manager, outlined the financial arrangements which had been made regarding the street improvement projects.

Mr. Schuster explained that there is a series of nine projects on which the City is submitting prospectuses to the State Urban Arterial Board.

Mayor Johnston announced that the nine individual projects in the application would be reviewed by the Citizen Arterial Street Advisory Committee.

Mrs. Nancy Kroening, 2119 No. Alder, representing the Concerned Residents on Arterial Matters, spoke against two of the proposed projects, requesting that a larger percentage be allowed for beautification.

After discussion, a motion was made by Mr. Moss and seconded by Mr. Sonntag that the resolution be amended urging the Urban Arterial Board to provide beautification costs up to 5% of the total project. A voice vote was taken on the amendment and passed unanimously.

Mr. Donaldson advised that the Public Works Dept. would have a representative appear before the Urban Arterial Board to recommend the increase.

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

Ayes 9: Egan, Herrmann, Jarstad, Maule, Moss, Nalley, Schroeder, Sonntag, and Mayor Johnston.
Nays 0. The Resolution was declared adopted.

Resolution No. 21427

Awarding contract to George Madsen Co., Inc. on its bid of \$28,558.50 for improvements on South 12th between Stevens and Tyler St., Improvement No. 4959.

Mr. Schroeder moved the resolution be adopted. Seconded by Mrs. Egan.

Mr. Schuster, Director of Public Works, described the project and recommended approval of the bid.

Voice vote taken, resulting as follows:

Ayes 9: Egan, Herrmann, Jarstad, Maule, Moss, Nalley, Schroeder, Sonntag and Mayor Johnston.
Nays 0. The Resolution was declared adopted.

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Resolution No. 21428

Awarding contract to Tucci & Sons, Inc. on its bid of \$87,683.25 for L.I.D. 3707, improvements along Narrows Drive from North 30th to North 35th and other nearby streets.

Mrs. Egan moved the resolution be adopted. Seconded by Dr. Herrmann.

Mr. Schuster advised that the low bid was considerably under the engineer's estimate.

Discussion was held on the affirmative action ordinance recently passed by the Council concerning a policy of including minority persons in contractors' operations.

Mr. Moss made a motion to continue the resolution one week pending the development of procedures for implementing the affirmative action ordinance. Seconded by Mrs. Egan.

Roll call was taken on the motion to continue, resulting as follows: Ayes 6: Egan, Jarstad, Maule, Moss, Schroeder and Mayor Johnston. Nays 3: Herrmann, Nalley and Sonntag. The Resolution was continued for one week.

Resolution No. 21429

Authorizing the execution of an agreement with the Washington State Department of Fisheries relative to the operation of the George Adams Hatchery.

Dr. Herrmann moved the resolution be adopted. Seconded by Mr. Schroeder.

Mr. A. J. Benedetti, Asst. Director of the Dept. of Public Utilities, advised that this resolution would provide for the updating of the agreement with the State Dept. of Fisheries relative to the reimbursement to the City for the operation and maintenance of the hatchery which was built in connection with the Cushman Dam Project.

Voice vote taken, resulting as follows:

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

Nays 0. The Resolution was declared adopted.

Resolution No. 21430

Authorizing the acquisition of property in North Fork of Green River from the St. Regis Paper Company for the sum of \$1,692.00.

Dr. Herrmann moved the resolution be adopted. Seconded by Mr. Schroeder.

Mr. Benedetti explained that this acquisition involves 300 acres in the Green River water shed and would be one of the key acquisitions to accomplish the City's water program. Thorough exploration and the digging of 13 wells thus far, it has been determined that there is sufficient water in that area to meet the City's requirements.

The City has been dealing with St. Regis for over a year and a satisfactory negotiation has now been reached. The transaction will involve an exchange of 103 acres in the Lake Kapowsin area and the acquisition of 115 acres in the South Prairie area. The difference of \$1,692.00 in appraised values will be paid by the City to St. Regis, which the Utility Board considers to be satisfactory.

Mayor Johnston suggested that an appraisal be made by the County Assessor's office, for the record.

Mr. Benedetti explained that the City relies heavily on the "transaction evidence" or the use value at the time of transaction, and his people gather all the evidence from the County Assessor before making up the appraisals.

A voice vote was taken on the resolution, resulting as follows:

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

Nays 0. The Resolution was declared adopted.

Resolution No. 21431

Authorizing the execution of a supplemental agreement with Ohio Ferro-Alloys Corporation for the purpose of modifying the rate schedule.

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

Mr. Benedetti advised that the Ohio Ferro-Alloys Corporation has requested the electric rate changed from a CP-2 rate schedule to a CP-1 schedule because of their necessity to operate in compliance with air quality standards. The Utility Board is in agreement with the change, on the condition that Ohio Ferro-Alloys remain on the CP-1 rate for at least one year.

A voice vote was taken on the resolution, resulting as follows:

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

Nays 0. The Resolution was declared adopted.

Resolution No. 21432

Authorizing the sale of salvage items to various bidders.

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

Mr. Benedetti advised that the bids are considered to be good ones and recommended that they be approved.

A voice vote was taken, resulting as follows:

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

Nays 0. The Resolution was declared adopted.

The meeting recessed from 9:25 to 9:45 P.M.

FIRST READING OF ORDINANCES

Ordinance No. 19485

Amending Chapter 13.06 of the Official Code by adding a new section to include the north side of East 34th between "A" and East "B" Street from an "R-4" to a "C-2" District. (Mickey's Inc.)

Mr. Buehler advised that a hearing had been held before the Council two weeks ago and the petitioner has complied with all the requirements.

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

Ordinance No. 19486

Adoption of the 1970 Edition of the Uniform Building Code.

Mr. Ron Button, Chief Engineer of the Building Division of the Public Works Dept. reported that this ordinance would adopt the current building code, with some amendments.

Those speaking against the ordinance, particularly with regard to the amendments requiring the use of 1/2" plywood instead of 3/8" for roof sheathing, and the requirement of installing building paper between wall studs and outer covering, were: Joe Patterson, builder; Dick Anderson, American Plywood Association; and Ray Dalley, Chairman of Home Builders' Association.

Speaking in favor of the ordinance was Hal Birkeland, Engineer and member of the City's Building Code Board of Appeals.

After the discussion, the Ordinance was placed in order for final reading next week.

Ordinance No. 19487

Creating a new fund to be known as Law and Justice Planning Fund No. 549, and appropriating the sum of \$20,180.80 or so much thereof as may be necessary for the purpose of implementing the program under the grant award contract No. 549.

Mr. Earl Mittelstaedt, Asst. Finance Director, advised that this would set up the procedure for proper record keeping.

Speaking in favor of the ordinance were Robert Casad, Pierce County Law & Justice Planning Coordinator, and Dale Smith.

After discussion, the ordinance was placed in order for final reading next week.

Ordinance No. 19488

Amending Title 13 of the Official Code relative to zoning ordinance text amendments on Christmas tree sales lots.

Mr. Buehler advised that the hearing on this was held before the Council one week ago.

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

Ordinance No. 19489

Amending Chapter 13.06 of the Official Code relative to zoning ordinance text amendments on height regulations in the "C-3" Commercial Districts.

Mr. Buehler advised that the hearing on this was held before the Council one week ago.

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

FINAL READING OF ORDINANCES

Ordinance No. 19481

Creating a new fund to be known as "Water Division EDA Project 07-1-007719 Fund" for accounting purposes pertaining to the construction of the Alexander Avenue water trunk main.

Roll call vote 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.

Ordinance No. 19482

Designating right-of-way lying between South Hosmer St. and FAI #5 Freeway between South 90th and 92nd Streets extended, as South 90th Street.

Roll call vote 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.

UNFINISHED BUSINESS

The Directors of Public Utilities and Public Works present the assessment rolls for the cost of the following:

LID 1012 - installation of 6-inch fire hydrants in Browns Point Blvd. between Silver Bow Road and 51st St. N.E.

LID 3715 - sanitary sewers in alley west of Sunset Drive from So. 15th to So. 17th Sts. and other nearby streets.

LID 4911 - paving along East "J" St. from East 40th St. south 300' and other nearby street

LID 4949 - paving on East 61st St. from East "M" to East "N" Streets.

Fixing Monday, January 10, 1972 at 4:00 P.M. as the date for hearing.

Mrs. Egan moved that the date of January 10, 1972 at 4:00 P.M. be set as the date for hearing. Seconded by Mr. Schroeder.

A voice vote was taken and unanimously approved.

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REPORT BY CITY MANAGER

Mr. William Donaldson, City Manager, requested that approval be granted to waive the residence requirement for Assistant Finance Director. Dr. Herrmann moved that the residence requirement be waived. Seconded by Mrs. Egan. Voice vote was taken, and carried.

COUNCIL COMMENTS

Mr. Jarstad announced that the League of Women Voters was holding a meeting on January 6, 1972 on the subject "Shall Puget Sound Have a Super Port."

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Mrs. Egan announced that the Puget Sound Governmental Conference would hold a discussion on Thursday evening, December 16th at 7:30 P.M. at the University of Puget Sound.

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ITEMS FILED IN THE OFFICE OF CITY CLERK:

- a. Minutes of City Planning Commission, November 15, 1971.
- b. Minutes of Civil Service Board, November 15, 1971.
- c. Minutes of Public Utility Board, November 24, 1971
- d. Monthly Report, County and City Dept., Citizens' Information & Service Bureau, Nov. 1971.
- e. Monthly Report, City Planning Department, Nov. 1971.
- f. Dept. of Public Works filing Update Cost Estimates for Urban Arterial Project No. 8-1-128(25) - South 84th St., Park Avenue to "A" Street.
- g. Dept. of Civil Defense filing Personnel and Administrative Claim 606-72-5(41), November, 1971.
- h. Monthly Report, Police Department, October 1971.
- i. Light Division, Water Division and Belt Line Division Monthly Financial Reports, October 1971.

Mr. Schroeder moved to place the items on file. Seconded by Mrs. Egan. Voice vote taken, and motion carried.

ADJOURNMENT

Mr. Maule moved to adjourn. Seconded by Mr. Jarstad. The meeting was adjourned at 11:00 P.M.

Attest: 
H. B. Bond - City Clerk


GORDON N. JOHNSTON - MAYOR