

CITY COUNCIL MINUTES

City Council Chambers
Tuesday, March 16th, 1971.

The meeting was called to order by Mayor Johnston at 7:00 P. M.

Present on roll call 9: Corsi, Egan, Finnigan, Herrmann, Jarstad, Maule, Moss, Schroeder and Mayor Johnston. Absent 0.

The Flag Salute was led by Mr. Maule.

Mayor Johnston presented a \$25.00 check for a joint Suggestion Award to Mr. Dale Sherk and Mr. Robert Stoumbaugh, employees of the Fire Department, to install a lip on the lower edge of the footpads on aerial ladders as a means of helping to prevent accidents.

Mayor Johnston read a Proclamation designating the week of February 15th thru February 21 as Retarded Children's Week, which had been previously presented to citizens active in the field of assistance to retarded and handicapped children.

Mayor Johnston asked if there were any corrections or additions to the minutes being submitted for February 23rd.

Mrs. Egan moved to approve the minutes as submitted. Seconded by Mr. Schroeder. Voice vote was taken. Motion carried.

HEARINGS & APPEALS:

This is the date set over for hearing on the appeal filed by V. F. Halsey requesting a Special Use Permit for an airfield (Helistop) at the east side of Pacific Ave. at So. 80th Street extended.

A communication was received from Mr. Halsey requesting to withdraw his appeal. Mr. Moss moved that the appeal be withdrawn. Seconded by Mr. Schroeder. Motion carried.

PETITIONS:

(a) William W. and Mary L. Haire requesting an open space land classification under RCW 84.34 for an area along the east side of Swan Creek between East 51st and 56th Sts. extended.

(b) Property Holding & Development, Inc. requesting rezoning of the northwest corner of South 96th and Hosmer Streets from an "R-4-L PRD" to a "C-P-N."

Referred to the City Planning Commission.

RESOLUTIONS:

Resolution No. 21075 (Continued from the meeting of March 9th)

Amending Rule 14 of the Rules for the government of the City Council relative to Council minutes.

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

Mayor Johnston commented that the resolution had been amended last week.

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

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

Nays 2: Egan and Finnigan.

The Resolution was declared passed by the Chairman.

Resolution No. 21077

Authorizing the sale of two operating units of Light Division equipment located at Hosmer Substation to Atlas Foundry & Machine Company for a total of \$9,013.13 including sales tax.

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

Mr. Al Benedetti, Assistant Director of Utilities, explained in 1970 the Light Division had constructed an additional substation to serve the electric load at Atlas Foundry as a new furnace was being added at that time. Since Atlas Foundry wishes to retain its existing equipment, negotiations were made with Atlas to combine both sources of power on one meter. However, inasmuch as it is the City's policy to furnish only one transformer for each metering point, it is necessary to sell the original transformer. The Atlas Foundry desires to buy the transformer and the bank breaker and they are being offered for sale to that company at a total cost of \$9,013.13.

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

Ayes 9: Corsi, Egan, Finnigan, Herrmann, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.

Nays 0.

The Resolution was declared passed by the Chairman.

Resolution No. 21078

Authorizing the execution of Amendment No. 1 to the Agreement of Sale between the City of Tacoma and Dean Witter & Company for property in the New Tacoma Urban Renewal Project.

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

Mr. Robert Hamilton, Acting City Attorney, explained the agreement with Dean Witter for redevelopment in the downtown area has been amended as a result of discussions held at the study session last week between the staff and representatives of the Dean Witter Company. The amendment changes paragraph 4 of the agreement of sale by omitting the words relating to the "occupied footings and improvements thereto" and revises paragraph 6 by adding a new paragraph relative to the City's

right to, or have constructed, two additional stories on the south parking garage building.

Mr. Hamilton further explained that he has been advised by Mr. King of Dean Witter that at the suggestion of the Planning Dept., in order to place the columns further back from the curb line on Commerce Street, the entire building be shifted 2-1/2 feet in an easterly direction toward Pacific Avenue, which means there will be an additional 2.6 feet encroachment on Pacific Avenue. However, the addendum on the second half of the proposed ordinance (Exhibit B) will satisfy the vacation of the air rights for that encroachment.

There will be eight squares located on the sidewalk area on Commerce Street, each to be 5' square, in which the support columns will be located. This will be definitely indicated by metes and bounds descriptions in the ordinance. There will also be 10 squares on Pacific Avenue into which the support columns will be placed. The air space above the sidewalks will be vacated in order that the supporting columns may be constructed.

The subsurface areas both on Pacific Avenue and Commerce Street will be vacated in order that the necessary footings can be constructed to support the columns. At this time the structural and civil engineers are not quite sure of the subsurface conditions to give a definite location of the footings. These vacations, however, will be subject to the reservations of the right of the City to grant or maintain easements for utilities which are needed on the Commerce Street level.

Dr. Herrmann asked if there will be a definite understanding that there is to be no encroachment or any projection near the curb line prior to the issuance of the building permit.

Mr. Schuster said since the discussions on the amendments, the Public Works Dept. has received some plans which show that the columns will be two feet from the curb, instead of two and a half, so apparently that aspect has been changed.

Mr. Schroeder asked Mr. Hamilton if he felt the amendment as now written properly protects the City's interests.

Mr. Hamilton replied that having the 5' squares vacated would protect the City. Initially Dean Witter had requested the vacation of the entire 17' on Pacific Avenue, but if the Council as a matter of policy has determined in order for Dean Witter to construct the building, the City will permit the vacation of certain portions of Commerce and/or Pacific Ave., that would protect the City. Once the policy determination has been reached, the protection is there.

Mr. Hamilton said the 2-1/2' variance was requested by Mr. Martin and Mr. Wisner of Dean Witter Company. They had indicated that Mr. Buehler of the City Planning Dept. had requested the change so that the columns would not be as close to the curb on Commerce Street.

Mr. Buehler said he had not attended the study session when discussions were held. He added if the building were moved 2-1/2' to the east, it would protrude out perhaps 10 to 13' to the garages. He said he would not recommend the building protrude farther than the garages or the Commonwealth Building, which is approximately 10'.

Mr. Finnigan remarked it was his understanding that the Dean Witter officials would have to vacate the entire sidewalk in order to put in the columns and could then return the unused portion of the sidewalk to the City.

Mr. Hamilton advised that the initial proposal had included the entire sidewalk with the above provisional plan, but it had been decided that the City would not legally grant such a request. The matter was then returned to the drawing board to construct columns. The present agreement provides that the City will pass the necessary ordinance as soon as the exact position and legal descriptions for the squares of land are determined. At that time the Council may vote on the ordinance that will determine which portions are to be vacated and prior to that time the plans will have been approved by the City departments.

City Council Minutes - Page 4 - March 16th, 1971.

Mr. Finnigan moved to amend the agreement to the resolution as stated by Mr. Hamilton. Seconded by Dr. Herrmann.

Mr. Finnigan moved to adopt the resolution as amended. Seconded by Mayor Johnston. Voice vote was taken, resulting as follows:

Ayes 9: Corsi, Egan, Finnigan, Herrmann, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.

Nays 0.

The Resolution was declared passed by the Chairman.

Dr. Herrmann left the meeting temporarily at 7:30 P. M.

Resolution No. 21079

Authorizing a 5% cost-of-living increase for certain classified positions in the Model Cities Planning Program for the remainder of the year 1971.

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

Mayor Johnston asked if the increases would come out of the federal funds since they have received approval for the Model Cities program for the First Action Year.

Mr. Gaisford replied it would.

Mr. Maule asked what the classification "Advocate Representative" entailed.

Mr. Gaumer, of the Model Cities staff, explained that part of the Model Cities concept is participation by the community and the classification in question pertains to informing the citizens of the programs so that these persons are advocates of the people. The positions mentioned in the resolution are not classified Civil Service positions but pertain to a special project, so therefore requires a special action by the Council to equalize them with the same wage increase the rest of the City employees are receiving.

Mr. Finnigan asked how many paid employees were on the Model Cities staff at the present time.

Mr. Gaumer said in addition to the four mentioned in the resolution, there are three other employees, making a total of seven.

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

Ayes 8: Corsi, Egan, Finnigan, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.

Nays 0. Absent 1: Herrmann (temporarily).

The Resolution was declared passed by the Chairman.

Resolution No. 21080

Awarding of contracts to various bidders for furnishing of certain Refuse Containers.

Mr. Corsi moved that the resolution be adopted. Seconded by Mrs. Egan.

Mr. Gib Schuster, Public Works Director, explained that these drop boxes are for use by large industrial concerns. The City has equipment that picks up the larger containers and takes them to the disposal area for dumping. These containers are rented to the industrial users at \$25 and \$30 per month according to size. In

in addition there is a charge of \$1.00 per pickup for the hauling to and from the dump. This service is more in demand since the prohibition of burning materials in the City.

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

Ayes 8: Corsi, Egan, Finnigan, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.
Nays 0. Absent 1: Herrmann (temporarily).
The Resolution was declared passed by the Chairman.

Resolution No. 21081

Awarding contract to Morris Construction, Inc. on its bid of \$26,729.80 plus sales tax for W. O. No. 91128, Unit "C".

Mr. Finnigan moved that the resolution be adopted. Seconded by Mrs. Egan.

Mr. Schuster explained the construction is for an overloaded sewer line which is causing backup of sewage in the area. The project will require tunneling under the railroad tracks and this is the reason for the seemingly high cost estimated. This line will feed into the South Tacoma trunk line and then down to the sewage treatment plant.

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

Ayes 8: Corsi, Egan, Finnigan, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.
Nays 0. Absent 1: Herrmann (temporarily).
The Resolution was declared passed by the Chairman.

Resolution No. 21082

Fixing Monday, April 12, 1971 at 4 P.M. as the date for hearing for L.I.D. 3715 for sanitary sewers in alley west of Sunset Drive from So. 15th to So. 17th Sts., So. 17th from the alley west of Sunset Drive to Titlow Road and other nearby streets.

Mrs. Egan moved that the resolution be adopted. Seconded by Mayor Johnston.

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

Ayes 8: Corsi, Egan, Finnigan, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.
Nays 0. Absent 1: Herrmann (temporarily).
The Resolution was declared passed by the Chairman.

Resolution No. 21083

Fixing Monday, April 12, 1971 at 4:00 P.M. as the date for hearing L.I.D. 4968 for paving on So. "G" from So. 72nd to So. 74th, Tacoma Ave. from So. 74th to So. 76th and other nearby streets.

Mrs. Egan moved that the resolution be adopted. Seconded by Mayor Johnston.

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

Ayes 8: Corsi, Egan, Finnigan, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.
Nays 0. Absent 1: Herrmann (temporarily).
The Resolution was declared passed by the Chairman.

Resolution No. 21084

Fixing Tuesday, March 30, 1971 at 7:00 P.M. as the date for hearing for the rezoning of the Southwest corner of So. 15th and Puget Sound Ave. from an "R-2" to an "R-2-T" District. (Nelson, Krona & Kiegler)

Mrs. Egan moved that the resolution be adopted. Seconded by Mayor Johnston.

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

Ayes 8: Corsi, Egan, Finnigan, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.

Nays 0. Absent 1: Herrmann (temporarily).

The Resolution was declared passed by the Chairman.

Resolution No. 21085

Fixing Tuesday, April 6, 1971 at 7:00 P.M. as the date for hearing for the rezoning of the Southwest corner of So. 48th and Ferry Streets from an "R-2" to an "R-2-T" District. (Jack A. Benaroya Company)

Mrs. Egan moved that the resolution be adopted. Seconded by Mayor Johnston.

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

Ayes 8: Corsi, Egan, Finnigan, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.

Nays 0. Absent 1: Herrmann (temporarily).

The Resolution was declared passed by the Chairman.

Mr. Schroeder moved to suspend the rules to consider Resolution No. 21062 which had been continued for two weeks in order to resolve some legal problems. Seconded by Mr. Moss. Voice vote was taken. Motion carried.

Resolution No. 21062

Authorizing the proper officers of the City to execute an agreement with F. G. Marr, Jr., d/b/a Brig O'Dune Kennels, for providing services for the board and caring of small animals at the Tacoma Industrial Airport.

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

Mr. Hamilton explained in answer to Mrs. Egan's question that he would assume since the business is being operated in the County it would be governed by the County regulations, but he did not know if the matter had been checked with the County departments. Relative to the liability insurance, the landlord would not be guilty of any act of malpractice by a tenant. If the lessee performed a negligent act in the operation of his business, and there was no inherent defect in the land itself, the responsibility would be that of the lessee. The actual contract would be between the operator-lessee and the person desiring to have an animal housed at the kennels.

Mr. Archie Fidler, Director of the Tacoma-Pierce County Humane Society, said he has written a letter to the members of the Council expressing his views as a citizen and as Director of the Humane Society. He said he had talked to Mr. Marr, the lessee, and he had assured him that his sole intent was to not to get into any other animal-related business activities, but only to have a kennel at the airport. Mr. Marr had stated that property in that area is so expensive he could not afford

to buy property and have his own kennels. Mr. Fidler stated he would have no objection under the above conditions, but would have objections if Mr. Marr attempted to obtain a State dealer's license and maintain the kennels as a station to filter dogs through for medical research purposes. The City would not want to become involved in the latter as it would be such a controversial issue. The Humane Society is opposed to the manner in which animals for medical research are acquired. There are persons with trucks in various areas of Tacoma who are picking up stray dogs and then selling them to dealers in other parts of the State. The dealers then filter them back to this area and sell them for medical research purposes. Mr. Marr has assured Mr. Fidler he has no such intention of participating in this type of operation. The legal department has made provisions to assure the City there will be no lawsuits in which they would be involved. Mr. Fidler further stated the Humane Society directors had a meeting last night and have no objections to the approval of this lease.

Mr. F. G. Marr, Jr., the prospective lessee, said it is not his intention to indicate that he was interested solely in housing animals arriving and departing from the airport, as there would not be enough animals passing through the airport to warrant kennels. The monthly payments on the lease had been set at the request of the Council by Mr. Mel Parrish, appraiser, who had worked on the condemnation procedures for the airport. He pointed out that he had gone a step farther and allowed the City to add the 3% as requested by the City, and this was above and beyond the appraiser's estimate of a fair rental.

Mr. Barney commented that the lease in question is the type that the airport is seeking for the industrial area of the airport. The area Mr. Marr desires is approximately 90' below the runway level and the property could not be used as a runway. This is the first lease of this type at the airport and this would set a precedent for other leases in the future.

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

Ayes 5: Finnigan, Jarstad, Maule, Moss and Schroeder.
Nays 3: Corsi, Egan and Mayor Johnston. Absent 1: Herrmann (temporarily).
The Resolution was declared passed by the Chairman.

Under suspension of the rules Resolution No. 21086 was taken up.

Resolution No. 21086

Petitioning and requesting that the Legislature of the State of Washington include in its budget for the State Highways Dept. an item authorizing the construction of the Narrows Interchange on SR-16.

Mr. Jarstad moved that the resolution be adopted. Seconded by Mr. Finnigan.

Mr. Jarstad pointed out that the Council had approved an interchange by a resolution about a month ago and this is a followup resolution. The project has been set by the State for construction six or seven years from now; whereas it would be in the City's best interests to move the project up into the current biennium.

He added this resolution would speed up the scheduling of construction of the interchange to be constructed at the Narrows Bridge as part of SR 16. The resolution indicates the relationship between the proposed interchange on SR 16 and the plans for enlargement of the airport and urging the State Highway Dept. to speed up their plans for development and construction inasmuch as many of the airport plans hinge on the highway construction. The State had previously indicated when there was added interest for the development of the Tacoma airport, they might consider advancing the work.

Mayor Johnston explained that consideration of this resolution is necessary at this time since there will not be a quorum at next week's meeting and also the Highway Budget for the next biennium is now being considered by the State Legislature.

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

Yeas 8: Corsi, Egan, Finnigan, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.
Nays 0. Absent 1: Herrmann (temporarily).
The Resolution was declared passed by the Chairman.

FIRST READING OF ORDINANCES:

Ordinance No. 19315

Creating a new fund to be known as the "Contingency Fund" for the purpose of providing funds for unforeseen municipal expenses and certain emergencies.

Mr. Gaisford, Finance Director, explained when the 1971 budget was adopted, \$98,196 was put in the budget under the Contingency Fund. However the State law in 1969 provided that a Contingency Fund must be authorized by ordinance. However this was overlooked by the Finance Dept. The law provides that a total of 1-1/2 mills of the general property taxes be set aside for this fund. This would amount to \$800,000, but unfortunately the City has only \$98,000 available to set aside for the fund. Therefore it is requested that such a fund be created in order to bring the Finance Dept. into a legal operation.

He added thus far the Contingency Fund has only been used for two purposes, for the Puget Sound Government Conference and for funds to establish the new Municipal Court. If the fund is approved and established, it will merely transfer money from one account to another. This procedure is being recommended by the State Auditor.

After the two above expenditures, the balance in the fund will be \$43,000.

The Ordinance was placed in order for final reading.

Ordinance No. 19316

Appropriating the sum of \$182,000 or so much thereof as may be necessary from the Public Works Revolving Fund for the purpose of paying costs of maintenance and operation and salaries relating to the relocation of Mason-Tyler Street in conjunction with the construction of Henry Foss High School.

Mr. Schuster explained that funds will be received from the School District for these costs and as they are received, the funds will be put into the City's Revolving Fund for the relocation costs of the street. This ordinance authorizes the establishment of the fund and expenditures of moneys for this project. Bids will be advertised for this project on March 19th.

Considerable amount of engineering and design has been done on the project which will be charged to the school. At such time as the bids are called for, the school will put \$50,000 into the City's revolving fund. This will permit the City to make the first monthly payment to the contractor and will enable the school to keep current on the operation.

The Public Works Staff feels the project is now at a point where a more firm estimate can be made. This ordinance is appropriating the sum of \$182,000 which will be adequate for the full amount of work to be done. This will include paving, storm sewers and for construction of underground utilities.

Mr. Finnigan asked if the poles along the present street would be removed and all the wiring put underground from 19th Street to about 23rd Street where the relocated street joins the existing street near Center Street.

Mr. Schuster said the State is relocating the other portion of the street in conjunction with the construction of SR 16, which will overpass the Mason-Tyler Street. The City staff will attempt to get the balance of the wiring underground in that section. However, the poles are to be relocated by the City only in the area to be paid for by the School District.

Mr. Finnigan thought if there were any question whether the School Board will request crosswalks or overpasses for the student, this should be settled at this time.

Mr. Schuster said the ordinance does not include an overpass or crosswalks. If such a facility is required, the City would prefer the crosswalk. However, the school has not progressed with its plans far enough to make this decision.

Mr. Finnigan thought these points should be discussed thoroughly with the School Board before proceeding further.

Mayor Johnston commented the School District would no doubt be happy to get overpasses or crosswalks included in the \$182,000, but the Council had agreed previously only to allow them to relocate the street without any addition to the amount and that it would be up to the City to see that the project costs stay within that amount.

The ordinance was placed in order for final reading.

* * * * *

The Council recessed from 8:45 to 9:00 P.M.
Dr. Herrmann returned to the meeting at this time.

* * * * *

Ordinance No. 19317

Granting a nonexclusive Franchise for a CATV to Community Tele-Communications, Inc.

Mr. Jarstad commented that the Community Tele-Communications, Inc. of Denver, Colorado, was the company that had submitted a franchise which had been voted on favorably a year ago and later was voted down. He added the company has now extended its facilities and are present to request consideration by the Council.

Mr. Sherill Dunn, representative of Community Tele-Communications, Inc., presented a brochure to the Council which showed data on the company's advancement and growth, also in the field of satellites and microwave communications. Since they appeared before the Council in 1969, they have added 22 communications systems and have 8 more under construction thus placing them as fifth largest cable TV system in the United States, having 133,000 existing customers. He pointed out that the interstate network communication developments announced to the Council a year ago by his company had been culminated. The TV programming has expanded and they have developed a company capable of producing TV programs specifically for the cable TV industry. He added Tacoma could be a key-originating point and terminal for a multitude of communication services to and from all points in the United States. This type of program could be used in school classrooms, as well as public safety programming, etc. Also Cable TV can be combined with microwave facilities which is connected to ground stations to receive educational data, public safety information, entertainment, etc.

Mr. Dunn stated his company firmly believes that Tacoma would be a vital part of the company's network because Tacoma would be a terminal point in the Pacific Northwest.

Mr. Corsi said that one of the franchise holders in Tacoma has indicated that their company felt three cable TV systems in one City would be unsatisfactory.

Mr. Dunn explained if the estimates were based on population, there would be 48,000 to 64,000 potential subscribers in Tacoma and if one-third went to each of the three companies, that would allow 16,000 homes for each company.

Mr. Corsi asked how many systems the company has in operation where there are more than 16,000 homes as subscribers.

Mr. Dunn replied that they have none with only 16,000, but have many with far more than 16,000.

Mr. Jarstad pointed out that the Tacoma area has two educational TV stations, plus the circuit at Pacific Lutheran University, and asked if the interchange of educational programs was part of the Community Tele-Communications, Inc. plans. Mr. Dunn commented that his company has microwave systems whereby engineers who are at work, for example, can take courses over the television right in their own plants. This would enable the engineers to be trained and to be qualified to move up into management categories. This method could be expanded into many other areas.

Mr. Corsi asked what legal documents would be required relative to the financial responsibilities of the companies.

Mr. Hamilton, Acting City Attorney, advised that both companies holding the present franchises had previously furnished performance bonds and duly approved liability insurance policies to the legal department and that is all they have so far. Financial statements were furnished at the time the original proposals were submitted and the City has access to their records at any time. The same requirements would apply to a new franchise according to the ordinance already passed.

Mr. Nels Nelson, attorney representing the TelePrompter Corp. with temporary offices at 3013 Sixth Avenue, one of the present franchise holders in Tacoma, said his company has had excellent cooperation from the City Manager's office and all other City departments, also with the telephone company in Tacoma. He added his company has commenced work on 55 miles of cable in Tacoma, which will cover from So. 19th Street to the City limits and from Orchard Street to the City limits at Fircrest. In another 45 days another contract will be awarded for an additional 70 miles of cable. Each segment must be completed within 90 days and the TelePrompter will be in operation on April 25, 1971.

Mr. Nelson felt that the question of three franchises in Tacoma would be a relative matter; however, TelePrompter opposes having three franchises. If the City is divided into three areas, with each of the three companies working independently, his company feels this would be an unhealthy condition which would just lie dormant for sometime. TelePrompter has made its studies and has worked on the basis of only two franchises being awarded. If there are three companies, each working toward services to only one-third of the City, each company could not have as large a studio, as many gratuities to give to the City; also, could not work as freely as they would if they had to share the business with only one other company.

TelePrompter has its own equipment, except for the signal antenna and will apply for the necessary special permit as soon as the location is determined. They will lease the antenna itself from Puget Sound Cable Company for approximately one year before having its own antenna.

Mr. Corsi asked at what point a company was considered to be "in operation."

Mr. Nelson stated that they would be in operation when they are sending signals to consumers, but this type of company is in constant construction as they are continually adding service to customers. The company is now in the process of constructing 55 miles of cable in the south end of Tacoma and they would be continually carrying on an advertising and a sales program. They will never be completely finished,

but they will be considered as in operation, he added.

Mr. Nelson felt that a cable TV company in Tacoma could not run on a short budget and still make the system work. Whenever technology changes, the system has to be improved and the TelePrompter Company would not hesitate to update its system whenever required. In many cases when the company has moved into a different city, TelePrompter has even torn out the outmoded equipment if it does not meet their standards.

In answer to a question by Mr. Corsi relative to the optimum number of cable companies for a city, Mr. Nelson remarked that the most satisfactory answer would be an exclusive operation where they could have the entire area to develop as quickly as possible whereby the revenue would be greater to the company. The next best arrangement would be for only two companies in the business. The more companies there are, the less attractive a proposition.

It would take a capital of approximately three to four million dollars to begin with. This would include programs sent by microwave by computer to hospital, for police training programs and all the various other service programs for the City. Prior to the April 26th starting date and prior to the first broadcast programs, the company would have invested approximately \$6,000 or \$7,000 per mile of cable not counting the studio facility. Mr. Nelson stated that in most cases, where there are too many cable systems for the size of the cities, the number dwindles down as all are not able to survive.

He said every type of broadcasting will be available, including microwave and satellite computer programs and, as the technology changes, the company will improve its transmitting equipment, etc.

Mr. Moss asked if the TelePrompter Company planned to establish Tacoma as an originating and terminal City, the same as the other company has planned.

Mr. Nelson said it is planned that Tacoma would have its own local origination and colored transmission programs.

Mr. Jarstad pointed out that the one-year period the City had allowed both of the companies to get established seemed to come prematurely as they had found it necessary to take much longer to get the details worked out relative to the joint use of the poles, etc., arrangements with the telephone company and of the City and the other ground work.

Mr. Hal Brotman, Vice President and General Manager of Tacoma Cable Company, which is one of the two franchises in Tacoma, explained that Bellarmine High School has been wired for closed circuit television and Tacoma Cable Company will have its studio there. Other schools will also be wired at no cost to the schools. The company has followed all regulations and procedures set up by the Public Works Dept. and all other City departments including the Utilities Department. The preliminary arrangements and work on the operation has been delayed approximately two months, but they hope to have the cable in operation next week.

He explained that microwave and satellite are only controlled by an "open-air" franchise; therefore, any company could operate on that wave length. It is not only designated for one CATV station regardless of how many stations are awarded franchises. The Tacoma Cable Company is locally owned and would plan to do the best it can for the City. There are six subscribers hooked up. This has been done in order for the company to qualify for the franchise. These subscribers have reported they are very happy with the service.

Mr. John Munson, President of Tacoma Cable Company, said it is significant that the area near Bellarmine High School has the best reception in Tacoma and that the six test installations are near there and all on the same topographical elevation as the TV transmitter. It is significant that all six are extremely happy with the pictures. There are seven channels on Adams Street where the six test installations are located. There will be an eighth channel shortly and another four in a few months.

Mayor Johnston asked Mr. Munson's opinion relative to granting a third franchise.

Mr. Munson stated that Tacoma Cable Company would be willing to take its chances even in the event the City grants a third, or more, franchises. He felt the job could be done best by having only two companies as that would promote an element of competition even though the methodology of the two companies differs. They have agreed upon inter-connection systems so that any program which might originate from one would also be available on the other system. It is hoped they can lump their budgets relative to closed circuit broadcasting. There are plans to have closed circuit studios in most of the City's high schools and plan to build a real showplace at Bellarmine auditorium. The building permit for the company's master control building has just been received and will be set in place within the next thirty days and the equipment will follow shortly thereafter. Bellarmine is planning to build a new science building and the Tacoma Cable Company hopes to be equipped with a closed circuit originating installation.

Mr. Jarstad asked how much of the City's entire system would the Tacoma Cable Company be capable of building.

Mr. Munson said their projected plans, based on a 10-year term, call for an investment of \$7 to \$8 million depending on the money market and their success in selling the installations.

Mr. Jack Gamble, 6826 So. M Street, associated with Gold 'N Gamble Cable Company, one of the companies that had applied for a franchise in Tacoma previously, advised that they had employed Mr. Riconosciuto as a consultant and had already spent considerable amount of money for studies relative to matters pertaining to CATV in Tacoma.

Mr. Marshall Riconosciuto explained that he is no longer associated with the Tacoma Cable Company in any way, but has been acting as a consultant and is making studies throughout the United States and one in a foreign county. He said that an associate in a firm in California, a pioneer in the field of computers and developing transmission of cable facilities, is well qualified to make an economic study for a third franchise in Tacoma. He said his firm has been commissioned to make the study by the Gold 'N Gamble Company. His company has investigated the economic feasibility of having one, two, three or more franchises. This study, however, has not yet been completed. He felt the decision should be delayed until the Council is able to make a more complete, objective study. He added he is making similar evaluation studies in the California area.

Mr. Riconosciuto pointed out that the Community Tele-Communications, Inc., which is applying for the third franchise, operates in one city of 200,000 homes, but have only 1,000 hookups in that city. The main concern of the Community Tele-Communications, Inc. seems to be that Tacoma would serve as a terminal city for microwave and other services and he did not feel this was a particular point the Council should be concerned with or take into account when considering another franchise. He added his company could generate more basic information and provide the Council with the necessary facts and, after concluding its study, might even recommend to their client that they do not proceed in this City.

As a citizen of Tacoma, he is concerned that the Council and the other cable companies have not discussed the matter openly as there is still a great deal of misinformation existing in Tacoma. He does not feel that having only six test hookups is adequate. He felt the Council is not adequately informed to vote on granting another franchise. He felt the Council should not compound the establishment of Cable TV in Tacoma by making a premature decision. He felt a more complete study should be made by the Council and asked that the Council postpone action until his company's studies are completed.

Mayor Johnston asked the name of the consulting firm with which Mr. Riconosciuto is associated and in what cities studies were presently being made by them.

Mr. Riconosciuto said the name of the firm is Emmert & Associates and studies are being made in Baja California and in Malibu, California.

Mr. Corsi asked how long it would take to make such a study.

Mr. Riconosciuto replied that it depends on the amount of time he can personally devote to the study, plus the time of the experts he calls in to evaluate the basic data he has assembled. He said he does not do the technical evaluating himself, but has technical assistants available who are experienced with TV technicalities.

Mr. Maule asked how long Mr. Riconosciuto had been associated with Gold 'N Gamble to make such a study.

Mr. Riconosciuto stated he has been retained by them several months. The company is coming to the conclusion through this study that the granting of three franchises may not be economically feasible or in the best interests of the City. However, if the City is planning to grant a third franchise, Gold 'N Gamble would like to be considered. He pointed out that the study is being made primarily to determine the financial aspects. The conclusions reached will relate to recommendations as to whether or not the City should pursue a third franchise. He felt these same basic considerations should be part of the Council's decision.

He said he agreed with Mr. Nelson's earlier statement that if a company had an exclusive right in the area, a much better and more expensive system could be established in the City.

Mr. Schroeder pointed out that the Council has no application before them from Gold 'N Gamble or from Mr. Riconosciuto at this time and he has failed to see the necessity for all the questions and remarks that had been made this evening for the last 1-1/2 hours.

Mr. Fred Crisman (a/k/a John Gold) 928 No. Grant Street, member of the firm of Gold 'N Gamble, advised that a year ago when they had first applied to the Council for a franchise, the members had felt it had been an excellent presentation, but later had withdrawn their application. However he added their company is now ready to supply a performance bond, a qualified financial statement and to provide all the necessary funds within reason.

Mr. Crisman said he wanted to make one point clear. There had never been anything in the records to indicate there could not be a third franchise. The only question was whether a third company could maintain itself financially on a long-range scale. Such a company must produce a feasibility study which indicates they have the financial backing to develop a worthwhile project.

Mayor Johnston remarked that according to the Charter, the ordinance has to be set over for fifteen days before action is taken on the ordinance. Therefore, the ordinance will be back on the agenda for the April 6th meeting.

FINAL READING OF ORDINANCES:

Ordinance No. 19305

Authorizing the issuance and sale of \$1,500,000.00 Sewer Revenue Bonds.

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

Ayes 9: Corsi, Egan, Finnigan, Herrmann, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.

Nays 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 19313

Authorizing a temporary loan in the sum of \$9,764.00 from the General Fund to a new fund known as "Police Department Planning Revolving Fund--1970 for the purpose of carrying on Police Department planning functions.

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

Ayes 9: Corsi, Egan, Finnigan, Herrmann, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.

Nays 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 19314

Amending Section 6.62.020 of the Official Code relative to statewide bowling tournaments.

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

Ayes 5: Finnigan, Herrmann, Jarstad, Schroeder and Mayor Johnston.

Nays 4: Corsi, Egan, Maule and Moss.

The Ordinance was declared passed by the Chairman.

UNFINISHED BUSINESS:

The Director of Public Works presents the Assessment Rolls for the following:

LID 4917 paving on East "G" from East 46th to East 48th Street.

LID 4909 Paving on East Howe Street from East 36th to East 38th Street

Mr. Finnigan moved that the date of hearing be set for Monday, April 26, 1971, at 4:00 P.M. Seconded by Dr. Herrmann. Voice vote was taken. Motion carried.

* * * * *

COMMENTS BY MEMBERS OF THE COUNCIL:

Mr. Finnigan said he noticed that the Port of Tacoma had received a \$26,000 grant for study on solid waste disposal and since the Council had indicated its desire to work with the County on this subject, he wondered if it were possible for the three groups to work together.

Mr. McCormick, Acting City Manager, said he knew the County had been working with the City on this subject and the City is planning to build a burning pit in the Port area, so as to comply with the ordinance, also regarding the burning of demolished buildings. However, he added he will investigate the matter and report back to the Council.

* * * * *

Mrs. Egan remarked that the Council recently passed a resolution of intent to provide funds to the Senior Centers, Inc., but no action has been taken on the matter. She said this has placed the Senior Citizens program in an untenable position

as they have no funds to carry on its program. She asked that some action be taken as soon as possible so funds can be made available to them.

Mr. McCormick explained that the City Attorney's staff is in the process of drafting an emergency appropriation ordinance; however, there must be a meeting with the Park Board to set up some guidelines for the expenditure of that sum. According to the resolution of intent the \$22,000 was to be appropriated to the Park Board's budget and in turn to be used for the purpose of carrying on the Senior Citizens program.

He added Mr. Hamilton attended a Park Board meeting on March 15th, but proper notice had not been given to the staff and as a result no further information had been obtained from the Senior Citizens group. A meeting has, therefore, been scheduled for the week of March 22nd to review the proposed Park Board budget to determine what part of the Senior Citizens program the Park Board can assume and which is to be eliminated from the Park Dept. budget. There is also a possibility of consolidating the Wright Park Center with the Old Fire Station Center; however, no definite plans have yet been formed.

Mrs. Egan said she had talked with Miss Pruitt, Executive Director of the Senior Centers, Inc., and Miss Pruitt had not been aware that a meeting of the Park Board was necessary.

Mr. McCormick explained that the Park Dept. is in the process of moving to new quarters and is thereby in a state of confusion and Mr. Bratrud, Chairman of the Park Board, will be gone for another week. Mr. McCormick agreed with Mrs. Egan that the matter should be implemented as rapidly as possible.

* * * * *

Mayor Johnston said that a communication was received from the Port Commissioners inviting the Council members on April 8th on a tour of the Port area. He added he is hopeful that all of the members can attend. The Council in its majority, he thought will be out of town next week attending the National League of Cities in Washington, D. C. and there will not be a quorum for the meeting on March 23rd. Therefore, the members attending will have to be excused from the meeting.

Mayor Johnston moved that Mr. Finnigan, Dr. Herrmann, Mr. Jarstad, Mr. Maule, Mr. Moss, Mr. Schroeder and he be excused from the meeting of March 23rd. Seconded by Mr. Finnigan. Motion carried.

[Handwritten signature]
* * * * *

Mayor Johnston advised that at the time he had run for the office of Mayor, he had commented of the advisability of having an Advisory Board that could meet with him periodically regarding the needs of the City. He said he has now selected ten citizens from a cross-section of the City to form such a Board. They are: Frank Hayes, James Salatino, Steve Pease, Harland McCord, John Kane, Peter Byrne, Frank Ruffo, Robert Maguinez, Shelbourne Zollman and Mrs. Rosalie Cummings. He added this is a group of people who are deeply involved in the well-being of the City of Tacoma.

* * * * *

Mr. Schroeder moved to suspend the rules in order to vote on postponing the L.I.D. Meeting scheduled for Monday, March 22nd. Seconded by Mr. Finnigan. Motion carried.

City Council Minutes - Page 16 - March 16th, 1971.

Mr. Schroeder moved that L.I.D.'s 4965, 4966, 4967 and 5506 and the final hearings on L.I.D.'s 3706, 4886 and 4905 be continued until Monday, March 29th at 4:00 P.M., and that notices to that effect be sent to the proper persons by the City Clerk. Motion seconded by Mr. Finnigan. Voice vote was taken. Motion carried.

* * * * *

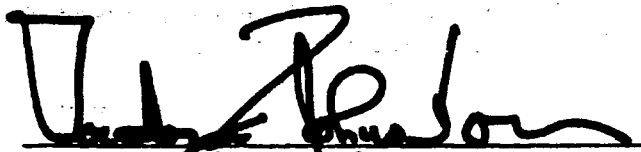
ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Minutes of Tacoma Board of Adjustment meeting of February 11, 1971.
- b. Public Works Dept. filing two additions dated, February 24th and March 9th, 1971 to EDA Applications for sewerage facilities in the Port Industrial Area in Tacoma.
- c. Tacoma Civil Defense filing Personnel and Administrative Claim in the amount of \$1,453.99.
- d. Tacoma-Pierce County Health Dept., Division of Vital Statistics, Report for the week ending March 6, 1971.

Placed on file.

* * * * *

Dr. Herrmann moved to adjourn the meeting. Seconded by Mr. Finnigan. The meeting was adjourned at 11:40 P. M.



 Gordon N. Johnston - Mayor

Attest: 
 Josephine Melton - City Clerk