

CITY COUNCIL MINUTES

City Council Chambers
May 22, 1973

The meeting was called to order at 7:05 p.m.

Present on roll call: 8 - Egan, Herrmann, Jarstad, Nelley, Schroeder, Schuur, Sonntag and Mayor Johnston. Absent: 1 - Moss. (Mr. Moss arrived at 9:35 p.m.)

The Flag Salute was led by Dr. Herrmann.

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PROCLAMATIONS:

Mayor Johnston proclaimed the week of May 28 through June 3, 1973 as "Dr. R. Franklin Thompson Week" in the City of Tacoma.

Mayor Johnston proclaimed the week of May 20 through May 26, 1973 as "Tacoma Public Works Week".

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CONSENT AGENDA

Approval of the minutes of the meeting of May 15, 1973.

PETITIONS:

Daun E. Olson requesting the rezoning of the property located on the northwesterly corner of South 19th Street and Union Avenue from an "R-2" to an "R-2-TM" District.

For referral to the Planning Commission.

RESOLUTIONS:

Resolution No. 22203 Fixing Tuesday, June 5, 1973 at 7:00 p.m. as the date for hearing the request for rezoning the northeast corner of South 19th and State Streets from an "R-2" to an "R-2-T" District. (Allen V. Creten, P.E. & Associates)

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Minutes of Tacoma Public Library Board of Trustees meeting of April 17, 1973.
- b. Minutes of City Planning Commission meeting of May 7, 1973.

- c. Minutes of Tacoma Model Cities Program Land Use Review Board meeting of May 7, 1973.
- d. Monthly report, April, 1973, Fire Department.
- e. Monthly report, Traffic Division, March, 1973, Police Dept.
- f. Quarterly Financial Report, March 31, 1973, Tacoma Industrial Airport.
- g. Summary of Revenue Sharing Proposals--Program Management System.
- h. Summary of Revenue Sharing Evaluation Process--Program Management System.

Mr. Schroeder moved that all of the items listed on the Consent Agenda, including Resolution No. 22203, be approved. Seconded by Mr. Nalley. Voice vote was taken and carried. The items were declared approved.

REGULAR AGENDA

PRESENTATION: Safe Driver Awards.

Police Chief Smith announced that last week, in conjunction with National Police Week, Councilwoman Catherine Egan, Councilman John Schuur, George Nalley, and Richard Sonntag escorted by traffic officers observed motorists and selected those who would receive good driver citations. The respective Councilmen presented awards to Karen Lynn Brau, Nancy Jo Green, Kenneth Leroy Yedon and Roland Day. Virginia Lee Phillips also received an award but was not present.

- HEARINGS & APPEALS:
- a. This is the date set for hearing proposed text changes to the Zoning Ordinance relative to Day Care Centers and Family Day Care Homes. (4-16-73 Planning Commission recommended approval 7-0, 2 absent)

Russell Buehler, Planning Department Director, pointed out to Council that this proposed change in the Zoning Ordinance was primarily definitions of day nurseries to family day care homes and day care centers, and would prohibit the day care centers in the M-2 and M-3 districts.

Dr. Herrmann moved to concur in the recommendation of the Planning Commission. Seconded by Mr. Schroeder. Voice vote was taken and carried.

- b. This is the date set for hearing John H. McCormick's appeal on Planning Commission's decision to grant a Special Use Permit to Kiwanis Boys' Homes, Inc. for a foster home at 72nd and Alaska Streets. (4-16-73 Planning Commission recommended approval 7-0, 2 absent).

Mr. Buehler advised that the Special Use Permit is for a youth care home at 7010 South Alaska Street. He reviewed the area and pointed out that the property is 210 feet deep and 100 feet wide. The present ordinance allows for six children in a group care facility. The Planning Commission granted a Special Use Permit for eight children.

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Sam Allotta, attorney representing Mr. McCormick and several of the neighbors, introduced Mr. John H. McCormick.

John H. McCormick, 7004 South Alaska, stated that he resides immediately adjacent to the site of the proposed boys home. He objected to the Special Use Permit for the Boys' Home because he felt there was not enough room on the proposed site. There are presently three other homes of that type in the area and he did not feel that there should be another home of this type in the neighborhood.

Sister Norine, Administrator of St. Ann's Home at 6602 South Alaska, gave a definition to Council of a dependent child as opposed to a delinquent child. She pointed out that St. Ann's Home is a home for dependent girls ranging in ages from 13 to 17½ years old. She also pointed out that St. Ann's Home is situate on property comprised of 15 acres, part of which is woods which go in back of some of the houses on that block down to the proposed Kiwanis Boys' Home. She felt that her girls would be affected by the eight dependent boys and did not feel she would be able to control the situation. She felt that an additional home of this type was too much to expect the neighbors to absorb.

Hardwick Smith, 7018 South Alaska, advised that his property is adjacent to the south side of the proposed Boys' Home. He felt the size of the property was inadequate; he would not be able to sell his house in the event he found it necessary to move and that adding a fourth childrens' home in the area would be a burden to the neighborhood.

Sam Allotta advised that he has a report from a counselor at St. Ann's which indicates if this home for boys were placed in this area it would cause control problems for St. Ann's children. The other neighbors in the area are retired people or those whose children are grown. He asked that Council deny the Special Use Permit in this area.

Mr. W. S. Brantley, representing the Kiwanis Boys' Home, Inc. reviewed the reasons for their request for a boys' home. He advised that the home would be for eight boys of Jr. High School age. They would have house parents. They selected this home and site because of the fine neighborhood and they wanted a home-like atmosphere for these boys of broken homes. He advised that they had a meeting with the neighbors. He confirmed the fact that the neighbors are against the home but felt that in time they could overcome the fears of the neighbors.

Tom Oldfield, attorney, advised Council that the home has four bedrooms, and they plan to remodel the house and build two more bedrooms. He felt that the size of the property and home would be adequate for the boys. He pointed out that the present ordinance permits six boys in such a home without any special use permit. Therefore, they are only talking about two additional boys. He called Council's attention to the Planning Commission's letter on their findings and their reasons for granting a Special Use Permit. After further questions, Mr. Schroeder moved to concur in the recommendation of the Planning Commission. Seconded by Mayor Johnston.

Roll call was taken, resulting as follows:

Ayes: 4 - Egan, Herrmann, Schroeder, Mayor Johnston

Nays: 4 - Jarstad, Nalley, Schuur, Sonntag

Absent: 1 - Moss

The motion was declared failed.

Mr. Schroeder moved for a ten minute recess. Seconded by Mayor Johnston. Voice vote was taken and carried. The meeting recessed at 9:20 p.m.

The meeting reconvened at 9:35 p.m. Mr. Moss arrived at 9:35 p.m.

Mrs. Egan changed her vote on the appeal of Mr. McCormick from aye to nay to be on the prevailing side, in order to be able to move for reconsideration next week.

FINAL READING OF ORDINANCES:

Ordinance No. 19825 Creating a new fund to be known as "Law and Justice Fund No. 938", appropriating the sum of \$60,000 or so much thereof as may be necessary for the purpose of implementing certain programs through the Model Cities Department and authorizing the execution of a contract with Washington State Planning and Community Affairs Agency.

Roll call was taken, resulting as follows:

Ayes: 8 - Egan, Herrmann, Jarstad, Moss, Schroeder, Schuur, Sonntag, Mayor Johnston

Nays: 1 - Nalley

The Ordinance was declared passed.

Ordinance No. 19826 Creating a new fund to be known as "Law and Justice Fund No. 1046", appropriating the sum of \$59,450 or so much thereof as may be necessary for the purpose of implementing certain programs through the Model Cities Department and authorizing the execution of a contract with State of Washington Planning & Community Affairs Agency.

Roll call was taken, resulting as follows:

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

Nays: 0

The Ordinance was declared passed.

Ordinance No. 19827 Amending Chapter 13.06 of the Official Code to add the area between South 56th and Railroad Streets from the center line of Steele Street to the alley immediately east from an "R-2" to an "R-4-L" District. (Fred Roberson)

Roll call was taken, resulting as follows:

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

Nays: 0

The Ordinance was declared passed.

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Ordinance No. 19828 Vacating Steele Street from Railroad Street to South 56th Street. (Fred R. Roberson)

Roll call was taken, resulting as follows:

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

Nays: 0

The Ordinance was declared passed.

Ordinance No. 19829 Amending subsection 0560 of the pay and compensation plan relative to change in classification of Retirement System Board of Administration employee.

Roll call was taken, resulting as follows:

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

Nays: 0

The Ordinance was declared passed.

Ordinance No. 19830 Appropriating the sum of \$25,000 from the County-City Health Pooling Fund for the purpose of fulfilling certain terms of grant agreements.

Roll call was taken, resulting as follows:

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

Nays: 0

The Ordinance was declared passed.

Ordinance No. 19831 Providing for the improvement of L.I.D. 8017 for paving along North 43rd from Stevens to Verde Street, Frace from North 46th to North 48th and other nearby streets.

Ken Jorgenson, Public Works Department representative, advised that additional protests have been received against one unit of this L.I.D., North 33rd Street from Stevens to Verde Street now has 73 percent protest.

Mr. Schroeder moved that that portion be deleted from the Ordinance. Seconded by Mr. Sonntag. Voice vote was taken and carried.

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

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

Nays: 0

The amended Ordinance was declared passed.

Ordinance No. 19832 Providing for the improvement of L.I.D. 8008 for paving along East "I" Street from 56th to 57th Street; East 65th from East "S" to East "T" Street and other nearby streets.

Roll call was taken, resulting as follows:

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

Nays: 0

The Ordinance was declared passed.

Ordinance No. 19833 Approving and confirming the assessment roll for L.I.D. 5517 for water mains in 57th Avenue N.E. from 29th Street N.E. to 25th Street N.E. and in 25th Street N.E. from 57th Avenue to 58th Avenue N.E.

Roll call was taken, resulting as follows:

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

Nays: 0

The Ordinance was declared passed.

FIRST READING OF ORDINANCES:

Ordinance No. 19834 Amending Ordinance No. 19655 to provide for extension of temporary loan in the amount of \$10,000 to Public Service Careers Program Fund.

Earl Mittelstaedt, Finance Director, explained that the \$10,000 loan had previously been made for a six month period. They now need to extend this loan for a period of 90 days beyond the termination of the grant itself which is May 31, 1973.

The Ordinance was set over for final reading next week.

Ordinance No. 19835 Amending Chapter 1.40 of the Official Code relative to the City Beautification Committee.

Mr. Sonntag commented that these amendments would cover some of the proposed amendments requested by the Civic Arts Commission at the time the Beautification Committee ordinance was adopted.

Mr. Schroeder, Council's representative on the Civic Arts Commission, reported on the problems of the Civic Arts Commission not being able to receive equal funds from the County which have been offered by the City. He reported on the fact that the State Auditor at the last Civic Arts Commission meeting had commented that under certain circumstances the County could contribute to the Civic Arts Commission. He also reported that there was some discussion that perhaps the County members of the Civic Arts Commission might resign resulting in the Civic Arts Commission being a Civic body. He hoped it would not be necessary.

Mr. Schroeder said he discussed the proposed ordinance with Mrs. Kirk, President of the Civic Arts Commission, and it was felt that the proposed changes could be handled administratively. He felt the original ordinance was satisfactory.

Mr. Schroeder moved that Ordinance No. 19835 be tabled. Seconded by Mr. Sonntag. Voice vote was taken and carried. The ordinance was tabled.

Ordinance No. 19836 Appropriating the sum of \$338,084.00 or so much thereof as may be necessary from the Public Employment Program Fund for the purpose of carrying on the programs and declaring an emergency making necessary the immediate passage of this ordinance and its taking effect immediately upon publication.

Odd Lund, Personnel Director, advised that the Department of Labor has made the final allotment of funds which this ordinance represents. This appropriation would enable the City to run the program during the phase-out period from now until the end of June, 1974.

The Ordinance was set over for final reading next week.

Ordinance No. 19837 Amending Section 1.12.414 of the Official Code to add the position of Assistant to the City Manager.

Bill Donaldson, City Manager, reviewed for Council the reasons for his requesting this position. He commented on the fact that there is now an urban fellow from the Ford Foundation in his office who has an engineering background and has been responsible for bringing together and completing the necessary documents for the Communications systems and the grant and processing of the work being done on the harbor service craft grant. He is now looking into the Transit system and a long range plan. He advised that it is his desire to keep this man aboard to complete these projects which he has to date successfully brought together. The funds for the salary would be coming from the federal grant which has been obtained for these projects.

Mr. Ted Amell spoke against the ordinance.

The Ordinance was set over for final reading next week.

Ordinance No. 19838 Creating a new fund to be known as "Radio Communications Revolving Fund No. 531", authorizing a temporary loan in the sum of \$500,000 from the General Fund and \$150,000 from the General Fund unappropriated surplus and declaring an emergency making necessary the passage of this ordinance.

Severo Esquivel of the City Manager's Office advised that this ordinance would create an accounting system to properly control the project and allow for the orderly progress towards the project's completion.

The Ordinance was set over for final reading next week.

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RESOLUTIONS:

Resolution No. 22201 (Continued from the meeting of May 15th)
Approving certain projects for the Tacoma Model Cities Final Action Year.

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Keith Palmquist, Model Cities Department Director, advised that this Final Action Year Plan will bring \$630,000 to the City for the program. He advised that there are some changes in the plan. On Exhibit No. 1, the Laymen's Education Program, he said the budget has been changed from \$44,352 to \$43,398. Exhibit No. 11, Boy Scouts Project, which is \$7,030 now is to read "0". Model Cities Executive Board recommends that most projects be continued through June, 1974 and that the Homemaker Project and the Senior Citizen Project be continued only through December, 1973. The Executive Board recommended that the Transportation Project and the Boy Scouts Project and a couple of other projects be terminated September 3, 1973, the end of the Second Action Year. Changes in the Plan: Page 27, change the figure on the Second Action Year which is \$94,372 to read \$78,904 for NDP. Page 36, Layman's Education Program, Final Action Year, instead of \$54,938 it should read \$43,398.

Junior N. R. Ellis, 5528 No. 45th Street, Chairman of the Model Cities Executive Board, urged that the recommendations of the Executive Board be accepted by Council.

On question of Mayor Johnston, Robert Hamilton, City Attorney, said that federal requirements call for the adoption of the Final Year Plan which consists of a number of projects which are not enumerated on the budget summary of this plan. He felt Council should indicate which projects it wishes to carry as a part of this plan.

Mr. Sonntag suggested that each exhibit be considered separately and amendments made thereon, and Council indicate which exhibits they wish to carry.

Mayor Johnston moved to adopt Resolution No. 22201, Exhibit Nos. 1 through 24, with the exception of Exhibit No. 11. Seconded by Mr. Moss.

Dr. Herrmann moved to amend Exhibit No. 1, Laymen's Education Project, to read \$43,398. Seconded by Mrs. Egan. Voice vote was taken and carried.

Mrs. Egan moved that on Page 27, the Second Action Year figure on NDP which is \$94,372 be changed to read \$78,904. Seconded by Mayor Johnston. Voice vote was taken and carried.

Mayor Johnston moved to insert in Resolution 22201 the amended Exhibit Nos. 1 through 24, with the exception of Exhibit No. 11. Seconded by Dr. Herrmann.

Mr. Nalley inquired as to whether there had been a legal opinion on the final plan as he would like one.

Mr. Palmquist advised that if the plan is adopted tonight, the final document will be prepared next week and a legal opinion will accompany the document to Washington. At that time the legal opinion will be available.

Mr. Hamilton advised that the legal opinion is prepared after the adoption of the final plan.

Mr. Nalley asked that he be allowed to see the document as soon as it is prepared.

Voice vote was taken on the Resolution, containing amended Exhibit Numbers 1 through 24, with the exception of Exhibit No. 11, and carried, with Mr. Nalley dissenting.

Resolution No. 22204 Extending the lease agreement with Tacoma Harley-Davidson, Inc. for twelve motorcycles until September 30, 1973.

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

Resolution No. 22205 Directing the proper officers of the City to develop a complete implementation schedule for improvement of sewage treatment plants in order to comply with standards set forth in Federal Water Pollution Control Act.

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

Resolution No. 22206 Authorizing the execution of an agreement with Walter Gordon and Theodore J. Cross, d/b/a Gordon and Cross, Engineers for the furnishing of electrical engineering services for improvement of the Central Sewage Treatment Plant.

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

Resolution No. 22207 Authorizing the execution of a supplementary agreement with The Boeing Company to provide assistance in performing the Technical Integration into City Operations Project.

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

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UNFINISHED BUSINESS: The City Clerk advising that the L.I.D. Committee has recommended to the City Council that L.I.D. 8009 for paving along East 86th from "F" Street to McKinley Avenue and storm drains only in East "D" from East 86th to East 91st and in East 86th from East "D" to East "F" Street not be created due to 61% protest filed against the district.

Dr. Herrmann moved that L.I.D. 8009 not be created. Seconded by Mr. Sonntag. Voice vote was taken and carried.

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Mayor Johnston called Council's attention to an appeal by Lindy's Restaurant on the Fire Code Board of Appeals relative to a second exit in the restaurant and certain other modifications, and he called attention to the Fire Marshall's suggestion that a hearing date be set for May 29, 1973.

Mr. Sonntag moved to set the date of Tuesday, May 29, 1973 at 7 p.m. as the date for hearing the appeal. Seconded by Mrs. Egan. Voice vote was taken and carried.

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COMMENTS BY MEMBERS OF THE CITY COUNCIL:

Mayor Johnston commented on our fine relations with our Sister City in Japan and the Japanese Community in Tacoma. He advised that Mrs. Paul Inouye starting this week will be coming into the Mayor's Office once a week to make Japanese floral arrangements. He invited Council members and citizens to stop in and see them when they are in the building.

Mr. Moss reported on an apprenticeship graduation class which he had attended which had approximately 30 minorities and complimented those who are involved in the orderly process which guarantees equal opportunity and results.

Mr. Schroeder commented that the City has received a new Bond rating, the second highest rating obtainable, which means the City's business affairs are in good order.

Dr. Herrmann moved that the meeting be adjourned. Seconded by Mrs. Egan. Voice vote was taken and carried. The meeting adjourned at 11:15 p.m.


GORDON JOHNSTON - MAYOR

ATTEST: Catherine Ursich
CATHERINE URSICH, DEPUTY CITY CLERK