

CITY COUNCIL MINUTES

City Council Chambers  
Tuesday, March 3, 1970

The meeting was called to order by Mayor Johnston at 7:20 P. M.

Present on roll call 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.

The Flag Salute was lead by Mr. Zatkovich.

Mayor Johnston asked if there were any omissions or corrections to the minutes of February 17, 1970.

Mr. Cvitanich moved that the minutes of February 17th be approved as submitted. Seconded by Mr. Zatkovich. Voice vote was taken. Motion carried.

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Mayor Johnston read a Proclamation proclaiming the first week of March as National Housing for the Handicapped Week.

Mr. Wm. S. Buell, 32 California, thanked Mayor Johnston in behalf of all handicapped persons in the City for proclaiming such a week.

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HEARINGS & APPEALS:

This is the date set for hearing for the vacation of portions of West Union Ave. and So. 18th Street, submitted by Edith Olson, et al.

Mr. Buehler, Director of Planning, explained that the next hearing coming up on the agenda is in the same area. He said the petitioners intend to utilize the proposed vacations for additional yard spaces. In the recent reconstruction of Union Avenue, it was necessary to purchase the westerly six-foot strip of right-of-way extending from So. 18th to So. 19th Streets. The portions vacated are not needed and are not anticipated for future use. The efficiency of the street pattern of the area will not be adversely affected.

Mr. Cvitanich commented that the Council and the Planning Commission should look into the over-all policy of allowing property to be vacated without the City receiving some type of compensation.

No one appearing and no protests being made, Mr. Finnigan moved to concur in the recommendation of the Planning Commission to vacate the above properties and that an ordinance be drafted approving same. Seconded by Mr. Dean. Voice vote was taken, resulting as follows: Ayes 8: Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston. Nays 1: Banfield. Absent 0. Motion carried.

This is the date set for hearing for the rezoning of the S. W. corner of So. 18th and Union Ave. from an "R-2" to an "R-2-T" District, submitted by Persing, Dyckman & Toynbee.

Mr. Buehler, explained the reclassification has been requested to construct a two story insurance office which is compatible with the present development along Union Avenue. The applicants have agreed to a number of conditions and off-street parking will be provided and developed according to the standards of the City.

No protests being made, Mr. Finnigan moved to concur in the recommendation of the Planning Commission to rezone the above property and that an ordinance be drafted approving same. Seconded by Dr. Herrmann. Voice vote was taken, resulting as follows: Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston. Absent 0. Motion carried.

The City Planning Commission recommending denial of the petition submitted by Laney and Mallos for rezoning of the north side of So. 19th between State and Sprague Avenue from an "R-2" to an "R-4-L" District.

An appeal was filed by the petitioners and the suggested date set for hearing is April 7, 1970.

Mr. Buehler asked that the date of April 7th be changed to March 31, 1970.

Mr. Finnigan moved to change the date of April 7th to March 31st, 1970, as the date of hearing on the above appeal. Seconded by Dr. Herrmann. Voice vote was taken. Motion carried.

PETITION:

The Briston Corporation requesting rezoning of the east side of Pearl between No. 37th & 42nd Street from an "R-2" to a "P-R-D-2" District.

Referred to the City Planning Commission.

COMMUNICATIONS:

Communication from Greg Liptak, Vice President of LVO Cable Inc., expressing an interest in providing cable television service to Tacoma.

Place on file.

Communication from Lewis C. Hatfield, Secretary-Treasurer of Automotive & Special Services No. 461, requesting favorable consideration to increase the budget allocation to the Humane Society \$15,000.00.

Mr. Hatfield explained he was representing the eighteen employees of the Tacoma-Pierce County Humane Society. At the time the 1970 budget was adopted their employees had not received a wage increase. The only increase received was approximately \$3,000 for maintenance and operation of the Society. They have submitted, as the Council has requested, a comparison of their wages with Seattle and Portland. He noted if the increase of \$15,000 is granted, Tacoma will be paying a salary higher than Portland and lower than Seattle. He urged the Council to approve the requested increase. If this is not possible, he added, he would recommend that a cat license of \$2.00 be instituted for 1970 and then in 1971 increase the dog license fee to \$5.00. If these suggestions were adopted, there would be no need to grant an additional subsidy to the Society for 1970, as there would probably be a decrease of subsidy for 1971 because of the fee increase.

Mr. Dean moved to refer this matter to the Finance Audit & Investigating Committee. Seconded by Mrs. Banfield. Voice vote was taken. Motion carried.

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RESOLUTIONS:

Resolution No. 20575 (postponed from the meeting of Feb. 17th)

Authorizing the execution of a written contract with the firm of Candeub, Fleissig & Associates to render technical advice and assistance in connection with the Community Renewal Program.

Mr. Finnigan moved that the resolution be adopted. Seconded by Mr. O'Leary.

Mrs. Banfield requested that a report be submitted in writing as to what the firm of Candeub, Fleissig & Associates has actually done.

Mr. Cvitanich, Chairman of the Finance Audit and Investigation Committee, explained his committee has reviewed and discussed this resolution at length. There is a portion of the program that remains to be completed and the committee recommends that the contract attached to this resolution be approved by the Council.

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

Ayes 8: Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.

Nays 1: Banfield. Absent 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20582 (postponed from the meeting of Feb. 24th)

Amending the Rules of the Government of the City Council under Rule 5 to add the item "Committee Reports".

Mr. Cvitanich moved that the resolution be adopted. Seconded by Mr. O'Leary.

Mr. Dean, Chairman of the Rules and Agenda Committee, explained he agreed with the addition of the title 'Committee Reports' to the agenda, however, an amendment has been suggested.

Mr. Cvitanich moved to postpone the resolution for a week, until March 10th so the Council Committee can discuss the suggested amendment. Seconded by Mrs. Banfield. Voice vote was taken. Motion carried.

Resolution No. 20583

Approving and confirming the action of the Public Works Dept. in allocating the unencumbered balance of the L I D Participation Funds derived from the 1969 Bond Issue as follows: \$50,000 for residential street lighting and the balance to be apportioned to other L I D projects.

Mr. O'Leary moved that the resolution be adopted. Seconded by Mr. Cvitanich.

Mr. O'Leary explained this resolution was reviewed by the Public Works Committee as well as the Finance Audit & Investigating Committee. The recommendation is that \$50,000 be retained and set aside in the residential street lighting category and that the balance of the funds be allocated among the other categories of L I D projects as petitions and applications are filed by the citizens.

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

Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.

Nays 0. Absent 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20587 (postponed from the meeting of Feb. 24th)

Declaring the intent of the City Council to continue and complete the Center, Fawcett and New Tacoma Urban Renewal Projects as quickly as possible.

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

Mr. O'Leary explained he would submit at this time a substitute resolution which requests reports, statements of fact and projections that should be produced for the Council's information before the original Resolution No. 20587 is adopted.

Mr. O'Leary then moved to adopt the substitute resolution. Seconded by Mr. Cvitanich.

Mayor Johnston felt Mr. Sullivan, Urban Renewal Director, could respond to the questions raised in the substitute resolution.

Mr. Sullivan noted the Urban Renewal Dept. can provide the administrative costs which have been expended for each of the projects as the department is subject to audit by the Federal Government at all times. There is also an audit at the close of each project. The Center Street project is due to be closed shortly and when the particular parcel is sold, the entire Center Urban Renewal project will go into a 'close-out' audit.

Mr. Sullivan informed the Council that the Pacific Cascade property representative has informed him that their plans will be submitted to the Urban Renewal Dept. on Friday, March 6th. Funds for these projects are channeled through the City and to that extent there is always a cross-check. He added he did not understand the questions relative to the selling of piece-meal parcels in the Fawcett Street project, as each sale of a parcel is examined by the Council and approved by resolution. He also noted that at least one amendment to the Fawcett Street project was approved by the Council so this changed the original plan, however, this was a matter of a public hearing and the Council's approval.

Mr. Sullivan also mentioned that the New Tacoma project has been amended relative to changing the use in connection with the Dean-Witter development and this, again, was a matter of public hearing and approved by the Council. He further pointed out that they will be able to provide information in regard to credits as requested under Paragraphs 1 and 2 of the substitute resolution. The Urban Renewal Dept. is recommending that new amendatory loan and grant contracts be granted in the Fawcett project and in the New Tacoma project for the purpose of obtaining added non-cash, grant-in-aid credits which will go toward the payment of the 1/3 City participation in the program. However, these figures will be computed by the Federal Government. He also felt it would be impossible to compute an actual dollar and cents cost of the project because of the various problems than can arise, but projected costs can be submitted, he added.

Mr. Sullivan said that his department would provide the Council with any or all information that is available, but to the final accounting and cost-projection requested, he could not see how this could be given until the projects are closed out.

Mr. O'Leary said it was the concern of the Council that the Council has not been given information and especially in regard to cost figures in a number of areas. He asked Mr. Sullivan if he was sure the reports could be obtained.

Mr. Sullivan said he would provide the information which is at the Department's disposal at this time. He would also provide a resume of the disposition procedures in the Fawcett Street project. He noted that non-cash credit reports would take a longer time to obtain.

Mr. Sullivan urged that the resolution be adopted as it is a reaffirmation of the intent and attitude of the Council relative to continuing the Urban Renewal Projects.

Mr. Cvitanich explained the Council has previously stated their intention to proceed with the urban renewal projects and no matter how a person feels individually, he thought the adoption of the resolution is required.

Mayor Johnston asked that Mr. Sullivan include in his report how much the tax base has been increased, as in reality that is the purpose of Urban Renewal, to rid the City of decayed buildings and replace them with new buildings.

Mr. Cvitanich also felt that a report should include how much the citizens of the community have paid for the demolition and also for site acquisition. Then, a clearer picture of the total cost of the projects can be noted.

Mr. O'Leary withdrew his motion to adopt the substitute Resolution No. 20587, with the consent of the second.

Mrs. Banfield moved to amend the resolution to delete paragraph No. 2 under "Be It Resolved by the Council of the City of Tacoma". Seconded by Mr. Cvitanich.

Mr. Jarstad explained this paragraph relates to the specific work of the Legal Dept. He wondered if the proposed deletion would make any difference.

Mr. McCormick, City Attorney, explained that the Legal Dept. in this particular paragraph is simply requesting that the original ordinances and resolutions pertaining to the urban renewal projects be reaffirmed by the City Council. The Department felt this was a precaution that should be made in case any action is started in court, the opponents could not say that such ordinances and resolutions were passed a number of years ago. Therefore, he asked that the first sentence of paragraph No. 2 be allowed to remain in the resolution, as it would suffice in place of the entire paragraph.

Mr. Cvitanich moved to amend Mrs. Banfield's motion to leave the first three lines of the paragraph intact and place a period after the word "Tacoma". Seconded by Mr. O'Leary. Voice vote was taken. Motion carried.

Voice vote was taken on Mrs. Banfield's motion as amended. Motion carried.

Mr. Cvitanich pointed out that in the first paragraph under the "Be It Resolved", it stated: "Provided, however, that the Council shall retain the right to hereafter amend said Plans in order to carry out the basic intention of the original project and as may be required by peculiar circumstances hereafter arising". He wished the record to indicate that this is by no means a commitment in terms of the Broadway Mall or Plaza.

He mentioned that in the Design for Progress report approximately a month ago discussion was held in terms of L I D participation for the Broadway Plaza rather than using public funds. He, therefore, wanted it strictly understood that if this resolution is supported, it is not a commitment either way in terms of the Broadway Plaza. As far as he was concerned, over the past ten years he has consistently opposed the application of Urban Renewal in the Fawcett and Downtown area. However, he did feel this particular resolution must be adopted.

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

Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.

Nays 0. Absent 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20588

Awarding contract to Tucci & Sons on its bid of \$76,755.92 for Improvement No. 4841, 4854 and 4913.

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

Mr. Cvitanich explained that the Council has adopted a policy that improvements such as these would be in areas of close proximity rather than all over the City. He wondered why this policy was not followed.

William Howe from the Public Works Dept. explained these improvements are relative to the Urban Arterial allocations and not for LID's and were placed in a joint contract due to the nature of the construction. They are all similar-type intersection contracts. It is felt this would be for the best interest of the City.

Mr. Cvitanich mentioned he had raised a question previously relative to the traffic hazard on No. 30th and McCarver. He wondered if this had been checked.

Mr. Howe explained this construction will eliminate the side-hazards at North 30th and McCarver.

Mr. Cvitanich said he would like to renew his request that a synopsis be submitted with all resolutions regarding bids for the Council's information.

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

Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.

Nays 0. Absent 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20589

Rejecting all bids received for (6) L I D Improvements for street lighting.

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

Mr. O'Leary asked that the Public Works Dept. inform him what survey is being taken at 51st and McKinley Ave.

Mr. Howe thought, perhaps, this would pertain to a proposed paving L I D, however, he said he would check into the matter.

Mr. Zatkovich asked that an explanation be given as to why the second lowest bidder was not accepted for this contract.

Mr. Howe said after discussions had been held and talking with the contractors, it was felt that by readvertising a better bid would be obtained.

Mr. Dean requested that an explanation be given in detail as to why the low bid was not accepted and what was defective.

Mr. Howe explained the job was put out under unit bid prices for ten items. In addition to these items, the low bidder had placed one additional item for miscellaneous material and this was not in conformance with the bid specifications. Therefore, the low bid was rendered invalid.

Mr. Dean requested that background information be submitted to the Council on these resolutions, so it can be determined whether a bid is unsatisfactory or not.

Mr. Howe stated in the future the information Mr. Dean requests will be included.

Mr. Oles, City Manager, stated he would check into the matter of always including explanations relative to the resolutions as requested.

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

Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.

Nays 0. Absent 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20590

Granting a special use permit for a service station at the S. E. corner of So. 15th & Union Ave. and waiver of the lot area development standards and attaching conditions. (Time Oil Company)

Mr. O'Leary moved that the resolution be adopted. Seconded by Mr. Zatkovich.

Mr. Buehler, Director of Planning, explained this resolution formalizes the action taken by the City Council at last week's Council meeting. However, Mr. Paul Olson of Time Oil Company has submitted a letter requesting that the resolution be amended by providing an exception on the screening requirement as it applies to the easterly edge of that portion of Time Oil's tract zoned "C-1".

Mr. Olson, Time Oil Company's representative, explained that a screening along the backside or easterly line of their property, will obscure the view which is not in compliance with the fire code. It will also hinder the operator's free ingress and egress to the "C-1" gasoline facility area.

He further stated his company would have no objection to screening along the residential tract which they own.

Mrs. Banfield felt the suggested arrangement is satisfactory for the present; however, if the company would decide to sell the residence at some future date, screening could be placed on either side of the house so it would not be a hinderance to any particular zoning.

Mr. Olson explained his company would not object to such a provision.

Mr. Dean asked if this screening requirement is changed from the "R-2" District would it in effect create a "C-1" District.

Mr. Buehler explained this is a fine point. There is an "R-2" District, and the attendant of the gasoline station will live in quarters which will also have remote controls for the self-service dispensing units. It could be possible to have a gradual encroachment into the "R-2" area near the house by another service station operation if the business were sold.

He added another item should be called to the Council's attention relative to the fire prevention code of the City for which certain requirements must be met, which states that the dispensing of Class (I) liquid shall be under the observation and control of a competent attendant at all times and that the emergency controls be installed at a location acceptable to the Chief of the Bureau of Fire Prevention. As yet, the Fire Dept. has not informed the Planning Commission as to their decision on this matter.

Mr. Dean felt that the house becomes a portion of a "C-1" District in an "R-2" District.

Mr. Buehler thought this would probably create some problems later on.

Mr. Dean asked that Mr. Buehler submit information regarding the Fire Department's recommendation of this particular matter.

Mr. Buehler explained his department felt that Mr. Olson's request for an exception on the screening requirement should not be granted.

Mr. Dean explained the Council is faced with a multiple problem, if the suggested screening is not approved one ordinance is not being followed, and if it is approved, another ordinance would be violated.

Mr. Dean, therefore, moved to continue the resolution for one week until more information can be obtained. Seconded by Mr. Cvitanich. Voice vote was taken. Motion carried.

The Resolution was postponed until March 10, 1970.

Resolution No. 20591

Accepting the petition for annexation from Richard H. Shaw and Helen Hall for property adjoining the southeasterly side of FIA #5 (freeway) approx. 630 feet No. of So. 96th Street.

Mr. Cvitanich moved that the resolution be adopted. Seconded by Mrs. Banfield.

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

Ayes 8: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary and Mayor Johnston.

Nays 0. Absent 1: Zatkovich (temporarily).

The Resolution was declared passed by the Chairman.

Resolution No. 20592

Authorizing the selection of International Training Consultants, Inc. to assist in the preparation of a Comprehensive Model Cities Plan for the designated Model Neighborhood of the City of Tacoma.

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

Mr. Walker, Director of the Model Cities Program, said that International Training Consultants, Inc. was selected for this work from four other firms who had all visited the Model Cities area and discussed their intent to provide their services to assist in the preparation of the Comprehensive Model Cities Plan.

He explained that International Training Consultants, Inc. is presently performing consultant services in the Bay area and they have also performed work for the Urban Affairs Foundation in Los Angeles. The prices from the firms ranged from a blanket bid of approximately \$11,000 for (60) days of work to \$25 an hour. It is felt that this firm would provide the City with adequate service for the least amount of money.

Mrs. Banfield requested a complete evaluation of the staff of International Training Consultants, Inc. and their qualifications; how long they have been in the business, etc. She noted there was a fee schedule, but she would like to know what their maximum fees would be.

Mr. Walker explained that the International Training Consultants, Inc. submitted the lowest bid. However, the cost should not exceed \$5700 for a sixty-day period. He noted that these funds are included in their planning budget.

Mr. Dean moved to refer this resolution to the Finance Audit and Investigating Committee for a report and recommendation. Seconded by Mrs. Banfield.

Mr. Oles, City Manager, explained that the City Manager does not have any jurisdiction relative to the Model Cities Program, therefore, he would suggest that in the fourth "Whereas" of the Resolution the words "the City Manager" be deleted.

Roll call was taken on the motion to refer the resolution to the Finance Audit and Investigating Committee, resulting as follows: Ayes 4: Banfield, Cvitanich, Dean and O'Leary. Nays 4: Finnigan, Herrmann, Jarstad and Mayor Johnston. Absent 1: Zatkovich (temporarily). Motion Lost.

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

Ayes 4: Finnigan, Herrmann, Jarstad and Mayor Johnston.  
Nays 4: Banfield, Cvitanich, Dean and O'Leary. Absent 1: Zatkovich (temporarily).  
The Resolution was declared Lost by the Chairman.

Resolution No. 20593

Approving the Tacoma Model Cities Mid-Planning Statement as finally revised and amended and directing the Director of the Model Cities Program to forward said document to the Dept. of Housing & Urban Development.

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

Mrs. Banfield explained she was not at all satisfied with the Tacoma Model Cities Mid-Planning Statement. She felt that a number of statements were not true and she would refuse to send anything from the City that is a falsehood. She noted corrections had been made as requested, however, other statements have been added and it should be brought to the attention of the citizens of Tacoma.

Mayor Johnston suggested that a study session be called to discuss these further matters of disagreement.

Mrs. Banfield also stated she had not received the information she had requested from Mr. Gaisford, Finance Director, in regard to the travel expenses of the staff of the Model Cities Program. She also requested that a report be submitted as to what had been accomplished on these trips.

Mr. Cvitanich explained that any member of the Council has a right to question any matter that he wishes. He also reminded the Council that this evening happens to be the deadline for the passage of this resolution.



Mrs. Banfield pointed out several areas in which she felt there were discrepancies, in particular, she asked if there is a balance of funds in the "Now Mr. Lincoln" program and she asked for a report on how the funds were used. She explained that the report states there is lack of medical care in the City and as far as she was concerned, there were adequate medical facilities within the City.

Mrs. Banfield was also concerned because the list of persons that appear in the various services that are being conducted in Tacoma are made up of the same people. She felt, she must question the overlapping services because of the thousands of dollars that are being spent.

After some discussion, roll call was taken on the resolution, resulting as follows:

Ayes 3: Finnigan, Herrmann and Mayor Johnston.  
Nays 6: Banfield, Cvitanich, Dean, Jarstad, O'Leary and Zatkovich.  
The Resolution was declared Lost by the Chairman.

Resolution No. 20594

Authorizing awards to the lowest bidder on March 10, 1970 regardless of whether the interest rate exceeds the specified rate in the Loan and Capital Grant Contract and accepting waiver from HUD.

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

Mr. Sullivan, Director of Urban Renewal, explained that this method of accepting private financing, in excess of the contract rates, was adopted at the instigation of HUD last year. Each project has a loan and grant contract and provides for the financing of the projects. This financing can be done according to the contract either through direct HUD financing at a prescribed rate or by the sale of preliminary loan notes. He informed the Council the bids are now being advertised according to the resolutions that were adopted by the Council to finance the urban renewal projects for the coming year. They will be opened on Tuesday at 10:00 A.M., March 10th.

Mr. Sullivan further explained, in the event the bids are in excess of the permissible rate, HUD has authorized a waiver so the City can accept the bids even though they exceed the interest rate prescribed by the loan and grant contract. HUD will, therefore, make a payment to the successful bidder which will be credited to the City. It was also his understanding that the interest rate should be submitted in an area below the permissible contract rate.

Mr. Dean felt this resolution should be passed after the bids have been received as it would indicate that the bidders would not have to bid quite so low.

Mr. Sullivan stated all he could say is that HUD has requested that the waiver be approved at this time, but he would refer the question to the Legal Dept.

Mr. McCormick, City Attorney, felt that HUD requires that the waiver be approved prior to the awarding of the bids, therefore, the next Council meeting would be too late to consider the matter.

Mr. Sullivan said this is purely a bookkeeping situation and an attempt to adjust contract prior to receipt of the bid.

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

Ayes 8: Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.  
Nays 1: Banfield. Absent 0.  
The Resolution was declared passed by the Chairman.

Resolution No. 20595

Accepting an offer to sell property at 1101-5 Market Street from Harold K. Nichols within the New Tacoma Urban Renewal Project No. Wash. R-14 for the sum of \$125,000.

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

Mr. Sullivan explained this piece of property was submitted to the Council a number of months ago, but was not accepted because of some question regarding the title. He noted that the building was of reinforced concrete construction and is three stories high with a partial fourth floor. The building due to its use and condition was included in the Urban Renewal Plan for acquisition, however, after considering the possibility of rehabilitating the structure, the owner has decided to sell.

Mr. Sullivan noted that the matter of the title has been investigated and Mr. Harold K. Nichols is the sole owner of the property.

Mr. Morrison, attorney for Mr. Nichols, explained that Mr. Nichols inherited the property in question from his father and it is his separate property. A bank was a trustee, however, this trust has been terminated and the bank has no beneficial interest or ever did have in the property in question.

Mrs. Banfield asked what is being planned for this building.

Mr. Sullivan explained with other buildings that are adjacent, the combined footage represents quite a substantial parcel of land. If all of the buildings are acquired by the City, in all probability a demolition contract would be called. He felt this site is very desirable and he hoped that negotiations could be agreed upon so that redevelopment can be accomplished to the benefit of the entire City.

Mrs. Banfield said she was concerned that urban renewal property is taken off the tax rolls and she did not feel this was proper.

Mr. Sullivan explained that the taxes as long as the building stands, will be credited as a local cash, grant-and-aid credit. There are two types of credits, the noncash, grant-and-aid credits and the credits that are given for services that are performed which are local cash grant-and-aid credits.

Mr. Morrison pointed out that these negotiations have been pending for sometime and consequently one of Mr. Nichols' tenants have been relocated at the expense of Urban Renewal. He urged that the Council pass this resolution at this time as it would certainly be an unfair and unjust hardship on Mr. Nichols if it were not approved.

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

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

Nays 4: Banfield, Cvitanich, Dean and O'Leary. Absent 0.

The Resolution was declared passed by the Chairman.

FIRST READING OF ORDINANCES:

Ordinance No. 19048

Granting a nonexclusive Franchise for a CATV.

Mr. Cvitanich submitted minutes to the Council of the meeting that was held by the Finance Audit and Investigating Committee with representatives of the various CATV companies. He stated that Mr. Jarstad was Chairman of that meeting.

Mr. Jarstad explained that some of the information presented was new but much of it had been given by the CATV representatives when they submitted their original reports to the Council.

Mr. Cvitanich explained that all of the companies considered have agreed to submit a \$100,000 performance bond and to the provision in the ordinance that there would be no sale or transfer of the franchise. Also the agreement was that union employees will be hired to work on their project.

Mr. Jarstad explained that some of the foremost companies in the world have submitted their proposals to the City in regard to the CATV franchise. Because of this fact he felt that the citizens of Tacoma could expect to have the very latest and best system in the United States.

Mr. Jarstad then moved to insert the name of Community Television Communications, Inc. of Colorado wherever it is required in Ordinance No. 19048. Seconded by Mr. Zatkovich. Roll call was taken on the motion, resulting as follows: Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston. Nays 0. Absent 0. Motion carried.

The Ordinance was placed in order of final reading on March 24, 1970.

Ordinance No. 19049

Granting a nonexclusive Franchise for a CATV.

Mr. Finnigan explained he thought the representative from Tacoma-Time-Life Cable Corp. was a very knowledgeable in reference to CATV systems and he had also been successful in producing parts which are very essential to the Cable TV program.

Mr. Finnigan then moved to insert the name of Tacoma Time-Life Cable Corp. of Washington wherever it is required in Ordinance No. 19049. Seconded by Dr. Herrmann. Roll call was taken on the motion, resulting as follows: Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston. Absent 0. Motion carried.

The Ordinance was placed in order of final reading on March 24, 1970.

Ordinance No. 19050

Granting a nonexclusive Franchise for a CATV.

Mr. Zatkovich felt that sufficient information has been submitted to the Council relative to Cable TV and the top CATV companies in the United States have also submitted their bids. He thought the Council should select two or three at the most this evening so the other companies would know the Council's determination at this time.

Mr. Zatkovich then moved to insert the name of TelePrompter Corp. of New York wherever it is required in Ordinance No. 19050. Seconded by Mr. Jarstad. Voice vote was taken on the motion, resulting as follows: Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston. Absent 0. Motion carried.

The Ordinance was placed in order of final reading on March 24, 1970.

Ordinance No. 19051

Granting a nonexclusive Franchise for a CATV.

Mr. O'Leary moved that the name of Evergreen CATV of Washington be inserted wherever it is required in Ordinance No. 19051. Seconded by Mrs. Banfield. Roll call was taken on the motion, resulting as follows: Ayes 6: Banfield, Cvitanich, Dean, Jarstad, O'Leary and Mayor Johnston. Nays 3: Finnigan, Herrmann and Zatkovich. Absent 0. Motion carried.

The Ordinance was placed in order of final reading on March 24, 1970.

Dr. Herrmann moved that the nominations be closed at this time. Seconded by Mr. Zatkovich. Voice vote was taken, resulting as follows: Ayes 8: Banfield, Cvitanich, Dean, Finnigan, Herrmann, O'Leary, Zatkovich and Mayor Johnston. Nays 1: Jarstad. Absent 0. Motion carried.

Ordinance No. 19052

**Granting a nonexclusive Franchise for a CATV.**

The Ordinance was placed in order of final reading on March 24, 1970.

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Mr. Cvitanich requested that letters received by the Council relative to the CATV be read so there would be no misunderstanding. The City Clerk read the following letters:

Letter dated February 13, 1970, from Max H. Bice, General Manager of Cable TV at Get Sound, requesting consideration of their original proposal.

Letter dated February 18, 1970, from Max. H. Bice, General Manager of Cable TV at Get Sound, requesting that the Council withdraw from consideration their letter of February 13th applying for a CATV franchise.

Letter dated March 2, 1970, from M. W. Kalso, Vice President of Mann-Russell Electronics, Inc. informing the Council of other fees they would charge relative to their application.

Dr. Herrmann asked what will happen to the applications of the four nominees during the fifteen days, until the meeting of March 24, 1970.

Mayor Johnston felt the Committee who had interviewed the applicants could further review the matter.

Mr. O'Leary also felt there should be more study by the committee.

Mr. Jarstad thought a hearing would be advantageous and hoped that more Council members would attend.

After some discussion, Mr. Cvitanich explained that the Finance Audit and Investigating Committee is meeting on Thursday, March 12th at 7:00 P.M., and a public hearing can be conducted.

Mr. Zatkovich felt that the Council need not continue to hold meetings on the CATV applications.

Mr. Jarstad explained there were many legal questions imposed at the meeting on Monday, March 2nd, so he felt another meeting should be called with the full Council present.

Ordinance No. 19053

Authorizing the City of Tacoma to acquire the properties and assets of the Loveland Mutual Company for additions, betterments and extensions of the existing Tacoma Municipal electric plant and system, for the estimated cost as near as may be in the sum of \$800,000.

Mr. Erdahl, Director of Utilities, explained the ordinance relates to the acquisition by the City of Tacoma of the Loveland Mutual electric distribution system. This matter was reviewed with those members of the City Council who were able to be present for the joint Public Utility Board--Council meeting on Wednesday, Feb. 25th. The staff has submitted a position statement of the Utility Board which explains in detail all phases of the proposed acquisition, and this as well as other exhibits have been placed on file, he added.

Mr. Erdahl read the position statement and recommendations of the Public Utility Board on the Loveland Mutual Acquisition. At the same time Mr. Benedetti, Assistant Director of Utilities, pointed out on a map the area in question. Mr. Erdahl noted that the Light Division has served Loveland since its inception on a wholesale rate basis and has provided the necessary substation facilities required for power delivery at 13,000 volts.

Mr. Benedetti pointed out the broad geographical scope of activities which is served on a wholesale basis by Tacoma City Light including Loveland, Ft. Lewis, McChord Air Force Base, Parkland, Elmhurst and many others.

Mr. Erdahl noted that the area served by Loveland Mutual Company has experienced an increase in growth which resulted in a heavy load on its distribution system. Therefore in April of 1969, the Loveland Board invited representatives of Tacoma's Light Division to meet with their Board to discuss the possibility of direct service with the acquisition of their properties and assets by the City of Tacoma.

The Loveland Board then initiated dissolution proceedings with the intent of sale to the Tacoma Light Division. The procedure was halted by court action brought about by a Loveland customer, but the court ruled that dissolution should be accomplished under an Amendatory RCW, Title 24. Upon successful completion of those requirements, the court action was dismissed on December 19, 1969. Mr. Erdahl felt that such acquisition will be mutually beneficial to the City of Tacoma and to the Loveland area. He urged that the City Council approve the Utility Board's recommendation as it will be a desirable base for the City to maintain the lowest cost and best service for all of the customers concerned.

Mr. John Hansler, attorney representing the Loveland Mutual Company, explained that he had not been the attorney for the company prior to July of 1969. However, Mr. Hansler noted that a letter from Mr. Erdahl dated June 17, 1969, indicated that the City would deposit an amount of money sufficient to enable the company to distribute the sum of \$425 per membership, less any amount due Loveland Mutual for unpaid electric bills, also no increase in rates for five years. He felt in essence, this was the substance of the proposal. He noted that two ballots in which more than two-thirds of Loveland shareholders approved the sale have been upheld by court decisions. He believed that all legal steps have been taken with numerous discussions and meetings. and urged the Council to concur with the Utility Board's recommendation.

Mr. Zatkovich felt there seemed to be varied opinions on this matter. However, he wished to know how much the shareholders originally paid for their share and if the equipment and lines had deteriorated to a great extent. He also asked, if this company is acquired by the Dept. of Public Utilities, how will it be serviced.

Mr. Hansler explained they paid \$15.00 a share in 1925. He also explained that over the years approximately 1800 shareholders have paid electric rates, and all of the retained earnings have gone back into the company to help install lines and purchase new equipment. The cost from 1925 has risen to \$600,000 and the replacement value would be much greater, approximately over a million dollars.

Mr. Erdahl explained it was quite difficult to reach a happy medium, but the price was set at \$425 a share. After some discussion with the staff and consultant in New York, it was considered a fair price.

Mr. Erdahl also explained in detail the section of lines that were available in the Loveland area.

Mr. Zatkovich asked if this agreement is consummated, will the rates for Tacoma City Light be raised.

Mr. Erdahl felt that Tacoma will benefit by gaining more residential customers which will provide a better ratio between residential and industrial users.

Mr. Benedetti explained that Loveland Mutual Company desires to change the character of their service. He assured the Council that rates for Tacoma City Light customers will not be affected. He noted the proposition will amortize itself and no one will be subsidizing Loveland in any way. He thought the decision before the Council is whether or not Tacoma is to serve a customer for forty-five years standing.

Mr. Jarstad explained the growth of this particular area is predicted to be tremendous in the near future and it seemed to him this was an extremely opportune time to approve this agreement to purchase the Loveland Mutual Company.

Mr. Dean asked if it would be detrimental to the City if it did not purchase Loveland Mutual.

Mr. Benedetti explained, the other alternative is to not serve the people of this area and he felt it would be a definite disadvantage to all of the customers of City Light.

Mr. Erdahl explained that Loveland will need improvements to its system in the future and they do not have sufficient capital to extend their services as rapidly

as is required. Loveland Mutual has made the proposal to the City Utilities and it has been extensively studied and now the recommendation is being made to the Council to approve such action.

Mr. Fred VanCamp, representative of the Civil Service League, asked if this agreement is consummated would the employees of Loveland Mutual be blanketed into Civil Service or would other Civil Service employees be used on the jobs.

Mr. Erdahl explained that the linemen's employment list has expired. He said the last examination was opened up for the entire State of Washington as it is very hard to recruit linemen. He did not feel this would become a problem.

Mrs. Joyce Emery of Graham spoke against such an agreement as he felt the issues have been purposely confused by Loveland Mutual officials. She also mentioned that the Utility Board had offered \$10,000 to pay expenses to defray the cost to sell their company out from under them.

Mr. Erdahl denied the money charge and explained that the \$10,000 payment referred to in a letter from his office involved sharing the administrative costs of transferring the ownership which, as the Council knows, is a common business practice.

Mr. Pinnigan explained that a two-thirds majority of the Loveland Mutual stockholders voted to sell the company to the City of Tacoma and the Council's concern should be whether this is a good business venture for the City.

Mrs. Emery asked that the Council postpone action on this matter until after their meeting of March 17th.

Mr. Hansler explained that 1,201 written requests have been received in favor of dissolution of Loveland Mutual Company out of 1,601 members. He also mentioned that the agreement relative to the \$10,000 was that if the sale was agreed upon the City of Tacoma would pay \$10,000 toward the cost of the dissolution proceedings.

Mayor Johnston explained that he was convinced that the matter has been satisfactorily settled in Court and the issue is simply, is it to the best interest of the City of Tacoma to purchase this company.

Dr. Herrmann felt this would be an advantage to the customers to be served as well as to the distribution of load for the City as previously stated.

Mr. O'Leary suggested that the matter be postponed until after the Loveland Mutual Board of Directors meeting on March 17, 1970.

Mr. Hansler explained that meeting, is the annual membership meeting and he felt such a delay would serve no purpose, since the proposed sale is not scheduled to be discussed at that meeting. He felt a postponement would work a hardship on the Loveland Mutual Company.

Mr. Erdahl explained that the two-thirds vote of the membership has been taken in favor of selling Loveland Mutual Company to Tacoma which is the final determination. The Loveland Mutual Board couldn't change the vote if they wished.

Mrs. Theresa Dane spoke in opposition to the sale of the company and felt the proceedings leading up to this time were not advertised as they should have been. She also felt that the offer of \$425 a share by the City of Tacoma was inadequate.

Mr. Dean moved to postpone the Ordinance until March 24th for final reading. Seconded by Mrs. Banfield. Voice vote was taken. Motion carried.

The Ordinance was postponed until March 24th, 1970.

#### FINAL READING OF ORDINANCES:

##### Ordinance No. 19047

Appropriating the sum of \$5,000 or so much thereof as may be necessary from the General Fund to the Tacoma Public Library for the purpose of defraying a portion of the costs of maintaining the libraries during evening hours.

Mr. Cvitanich asked if the Library Board was successful in finding \$3,000 in their budget which will make the appropriation \$8,000 which will allow the library to stay open during the evening hours.

Mr. Fred Crisman, a member of the Board of Trustees of the Tacoma Public Library, explained due to the attrition, they will be able to pick up \$3,371.00. He urged that the Council pass this ordinance so evening hours will resume at the libraries.

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

Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.

Nays 0. Absent 0.

The Ordinance was declared passed by the Chairman.

UNFINISHED BUSINESS:

The Director of Public Works presents the assessment roll for the cost of improvement L I D 4855 for paving on Washington from So. 11th to 12th and other nearby streets.

Fixing Monday, May 11, 1970, at 4:00 P.M. as the date for hearing.

Mr. Cvitanich moved to set Monday, May 11, 1970, as the date for hearing on the above assessment roll. Seconded by Mr. O'Leary. Voice vote was taken. Motion carried.

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Mr. O'Leary reported that the Public Works Committee met last Thursday morning and it was brought to their attention that the Department is looking into the aspect of channelization for left turns at the corner of 9th and Tacoma Avenue which was requested.

Mr. O'Leary also asked that March 9th at 7:30 P.M. be set as a study session by the Council to discuss the proposed Bayside Drive and Spur.

Mayor Johnston asked that Mr. Oles, City Manager, make a note of this request. 70

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Mr. Zatkovich explained there was a meeting of the Public Safety Committee relative to the motorcycle equipment bid. He said there is a minimum of twelve cycle riders in the Department at this time which are needed for a City of this size. It was learned that the motorcycle mechanics do not have a union themselves, but the Harley-Davidson Motorcycle Company employ union help.

Mr. Zatkovich felt that the majority of the committee was satisfied with the bid. He further explained that the matter of insurance was discussed and information is being collected in reference to police officers and a recommendation will be forthcoming within the next week or two.

\* \* \* \* \*

Mr. Cvitanich brought up that the Council had voted down the resolution relative to the Mid-Planning Statement of the Model Cities Program; however, it was not determined what the cut-off date was relative to submitting such a statement. He thought perhaps, the areas of concern could be resolved before the deadline.

Mr. Walker, Director of the Model Cities Program, explained the Mid-Planning Statement was due at HUD January 26th, therefore, submission is thirty days behind schedule at the present time. The Regional office had extended the time to allow changes, but his department will have to recheck the matter with HUD to determine what is now involved.

Mr. Cvitanich asked that HUD's opinion be submitted in writing so the Council will have it on record as to the extension of time.

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Mrs. Banfield read a letter written by Mr. Walker to the residents of the Model Cities neighborhood explaining that the representatives of the Model Cities Program will call at their homes to discuss the type of programs the citizen wants and needs in its neighborhood.

Mrs. Banfield said she would like to know who the interviewers are, what program they come from, what training they have had, and where they obtained their training.

Mr. Walker remarked the letter was in reference to a joint survey that is being conducted with the cooperation of the City Planning Dept. and the Tacoma Area Urban Coalition agency. He also explained there are many people in the Model Cities neighborhood who do not attend the Task Force meetings, and this is a method to obtain the opinions of all concerned residents of the neighborhood. He noted that the interviewers are students from the Universities and High Schools in Tacoma. Training for these students is being conducted by Pacific Lutheran University and staff people from the C D A office and the Model Cities.

Mrs. Banfield wondered how this information would help the Census Bureau.

Mr. Walker explained that the federal offices have asked that the Model Cities Program be aware of the census survey which will be taken for 1970. This information that is gathered might possibly be used by them.

Mrs. Banfield said she was asking these questions because when the application for the Model Cities Program had been approved by the Council, there were pages added to it before it was sent to the federal government. She felt, perhaps, this was the probe which the Council had not approved as they did not see the additional pages.

Mr. Walker stated he was not cognizant of this matter.

Mrs. Banfield said it was her understanding that the questions asked by the census bureau cannot be released to anyone including government agencies.

Mr. Walker said they are using the 1960 information as nothing else is official. He also added that the information will be used to further refine the Mid-Planning Statement and he hoped it would be placed on computers for further study. He also explained that an individual does not have to answer questions unless he wishes, and also it is not compulsory to give this information.

Mrs. Banfield read from the minutes of February 25th of the Education Task Force Unit which mentioned the planned Day Care Center in the Hilltop area which is to be funded by the National Episcopal Church. It also mentioned the vacation of I Street and perhaps, in the future, vacating the entire street. She also mentioned that the Immediate Needs Sub-Committee had a report relative to the racial incident that occurred at Hunt Junior High during Negro History Week which had proven to be inaccurate. She asked who the members of the Immediate Needs Sub-Committee are.

Mr. Walker explained that he did not know the committee members, but in reference to the Task Forces and their activities, the people are doing research without pay, to help the problems which are documented in the Mid-Planning Statement.

Mrs. Banfield felt that the Model Cities Program is becoming a government of its own and the City Council should look closely into the matter.

Mrs. Banfield asked that she be informed if the Task Force approves of the Immediate Needs Sub-Committee as she has reason to believe the sub-committee is searching for racial discrimination.

Mrs. Banfield also said she did not believe that the title of "Malcolm X" for the newly reopened Hilltop Youth Center was proper.

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Mr. Zatkovich read an item from the paper relative to the federal government funding a program for a Tacoma employment program sponsored by the National Alliance of Businessmen. He said that two men involved in the program have court records and he did not feel that they should be in any program that receives federal funds.

Mr. Finnigan explained that the NAB program is privately operated.

Mr. Zatkovich felt that all federal funding should be watched by public officials.

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Mr. Cvitanich moved to suspend the rules so that the reading of Item 14 be dispensed with and filed with the City Clerk. Secended by Mrs. Banfield. Voice vote was taken. Motion carried.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Minutes of the City Planning Commission for February 16th.
- b. Personnel Report for December 1969.
- c. Traffic Division report for the month of January 1970.
- d. Fire Dept. report for January 1970.
- e. City Planning Dept. report for January 1970.
- f. Tacoma Police Dept. report for January 1970.
- g. Tacoma Fire Dept. filing of an annual report with the Highway Dept. of the State of Washington.
- h. Report from the Light, Water and Belt Line Divison for December 31, 1969.

Placed on file.

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COMMENTS BY MEMBERS OF THE CITY COUNCIL:

Mr. Dean stated that the Agenda and Rules Committee will meet on Friday, March 6th at 8:30 A.M. in the Deputy Mayor's office.

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Dr. Herrmann asked that he be excused for the next two weeks.

Mr. Cvitanich moved to excuse Dr. Herrmann from the next two Council meetings. Secended by Mr. O'Leary. Voice vote was taken. Motion carried.

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Mr. Cvitanich explained that the National League of Cities have scheduled a conference in Washington, D. C. The Finance Committee has met on this matter and it is their recommendation that Mr. Jarstad and Dr. Herrmann be designated as the official representatives of the City of Tacoma at this Legislative Convention.

Mr. Cvitanich moved to appoint Dr. Herrmann and Mr. Jarstad as Tacoma's representatives to the National League of Cities Legislative Convention being held in Washington, D. C. Secended by Mr. Finnigan. Voice vote was taken. Motion carried.

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Mr. Cvitanich asked Mr. Oles, City Manager, check on the matter of strike breakers being used on the construction of the downtown garages. If this is a fact, a report should be submitted to the Council relative to the City's obligation to the Federal Government relative to fair-labor practices, etc.

Mr. Oles explained he would check the matter.

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Mrs. Banfield said she was still waiting for the report on the travel expenses, etc., relative to the Model Cities staff as per her request. She asked that Mr. Oles check with Mr. Gaisford on the matter. 118

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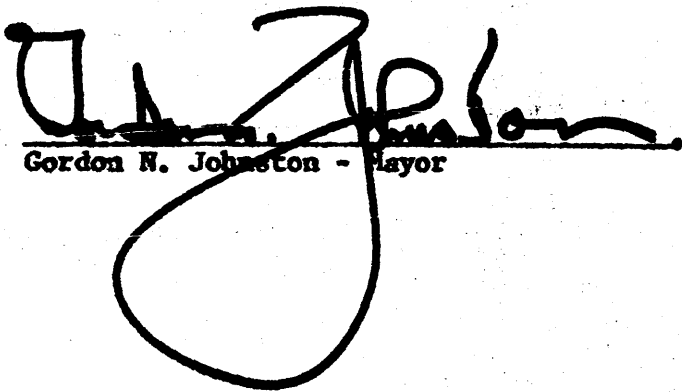
CITIZENS' COMMENTS:

Mr. John C. Frai wishing to speak before the City Council.  
Mr. John Zelenak wishing to speak before the City Council.

Mayor Johnston stated that Mr. Frai and Mr. Zelenak may speak at next week's Council meeting.

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Mr. Cvitanich moved to adjourn the meeting. Seconded by Mr. O'Leary.  
The meeting was adjourned at 1:00 A.M., March 4th, 1970.

  
Gordon N. Johnston - Mayor

Attest:   
Josephine Melton - City Clerk