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CITY COUNCIL MINUTES

City Council Chambers
Tuesday, Feb. 3, 1970

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

Present on roll call 8: Banfield, Cvitanich, Dean, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston. Absent 1: Finnigan.

The Flag Salute was led by Mr. Dean.

Mayor Johnston asked if there were any omissions or corrections to the minutes of Jan. 20th, 1970.

Mr. O'Leary called attention to Page 4 on the first roll call where Mayor Johnston's name was omitted. Mr. O'Leary moved to insert Mayor Johnston's name as the 5th member voting Aye. Seconded by Mr. Cvitanich. Voice vote was taken. Motion unanimously carried.

Mr. Cvitanich moved that the minutes of Jan. 20th be approved as corrected. Seconded by Mrs. Banfield. Voice vote was taken. Motion unanimously carried.

Mrs. Banfield moved to suspend the rules to discuss several items which did not appear on the agenda. Seconded by Mr. Cvitanich. Voice vote was taken. Motion carried.

Mr. Cvitanich explained the article that appeared in the Tacoma News Tribune regarding the sum of \$700,000 in the 1970 budget as a surplus was miswritten, misinformed and completely false. He asked that Marshall McCormick, City Attorney, Mr. Gaisford, Finance Director, and City Manager Mr. Glea explain the situation.

Mr. Gaisford, Director of Finance explained that the article in the February 2nd News Tribune stated there was \$700,000 more in the budget than previously expected. He added on December 23rd, 1969, the City Council was deliberating on the budget as to whether or not the 7.5% salary increase was to be granted to City employees and at that time the Finance Dept. was given exactly twenty minutes to come up with a balanced budget. In the normal practice of budgeting, a balance is quoted as to expenditures, however, with such a short notice, the Finance Dept. instead balanced as to revenues. Consequently, it took two weeks of work to place in the budget all of the changes that had been made by the Council including the increase in the salary structure. It was found that the Council had cut the budget and upon the completion of the balancing of the expenditure side of the budget \$700,000 was found.

Mr. Gaisford further explained, he had brought this matter to the City Council's attention and suggested that they reinstate, street lighting energy, hydrant rental, payment of loans and some of the overtime in the departmental budgets. The Council had agreed to this suggestion and the \$700,000 was placed into the budget. However, there is an amount of approximately \$600,000 of revenue in the budget predicated on some relief from the State, State Aid to Cities. There is also a recommendation if State Aid is not received, the Council will take necessary action to cut the budget. Therefore by placing the \$700,000 on a contingency basis and if State Aid is received, the City will be protected.

Mr. McCormick, City Attorney explained that labor negotiations for 1970 were in progress when he became City Manager. He also reminded the Council that the 1970 preliminary budget was out of balance approximately \$2,000,000 without including any raises for the employees. The City Council was cognizant of the fact the budget would have to be cut and taxes raised to meet obligations. Therefore, expenses

were cut such as travel expenses as well as many materials and supplies from each department. The Airport budget was cut as well as postponing payments on loans. However, when all these cuts were totaled and balanced against the expenditures, there was an overage of approximately \$700,000 on paper, but in the \$700,000 contingency, \$600,000 was predicated from the State Legislature. Consequently approximately \$200,000 is available that can be used to help departments which have been drastically cut to operate thru the year 1970. Mr. McCormick said he did not feel this amount of money could be called a surplus in any way. If there is no amount of funds received from the State, more cuts in the budget may have to be made.

Mr. Oles, City Manager, explained that a budget is more or less of an educated guess as to how much money will be collected and how it is to be spent. The only fund that is actually fixed in a budget during the life of a year, is the amount of dues of an organization. The result is, that it is necessary to make some hypothetical pre-conclusions. He felt that one of the fantasies of this particular budget was the presumption that the City would receive \$600,000 from the State. He felt the chance of getting aid from the State is slim.

Therefore, on paper approximately \$200,000 is showing up as a surplus, but bills owing have not been paid. He questioned if the City can live within the budget even as it has been adopted. He assured the citizens of Tacoma that the \$200,000 has already been committed.

Mr. Cvitanich asked Mr. Gaisford if the sum of \$700,000 mentioned by the newspaper could effect the (55) employees who were laid off because of the cuts in the budget.

Mr. Gaisford explained that was a direct determination of the City Council.

Mr. Cvitanich wished the citizens to know the Council labored long and hard and they were prepared to accept their fiscal responsibility. He hoped that persons who signed their names to articles in the paper would accept their journalistic responsibility.

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Mr. Cvitanich explained that some policy matters had been discussed during the budget hearings, which were of grave concern to members of the Council as they were definitely trying to save money. He added he has submitted, to the Council, a Statement of Policy relative to the expenditure of funds for travel and subsistence. He asked that the City Clerk read the Statement of Policy. The Statement of Policy was read into the minutes and made a part of the record. The statement in part pointed out that no employee or agent of the City shall be authorized to incur any expense whatsoever for the purpose of travel and/or subsistence in order to attend any convention outside of the geographic limits of the State of Washington, unless such expenditure is first submitted to and approved by the City Council of the City of Tacoma or a duly authorized committee.

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Mr. Cvitanich moved that the Statement of Policy relative to travel and expenditures be adopted and that the City Manager be provided with a copy. Seconded by Mr. O'Leary.

Mayor Johnston said he was concerned that this policy would involve the Council in the administration of department business. He noted, funds are allocated to Department Directors for the purpose of staff members attending meetings, conferences or conventions which would be of benefit to the City. He felt they should rely on the Director's judgment.

Roll call was taken on Mr. Cvitanich's motion, resulting as follows:

Ayes 6: Banfield, Cvitanich, Dean, Jarstad, O'Leary and Zatkovich.
Nays 2: Herrmann and Mayor Johnston. Absent 1: Finnigan. Motion carried.

HEARINGS & APPEALS:

This is the date set over for hearing on the appeal filed by Paul Olson on the appeal of the request by the City Planning Commission for a special use permit for the S.W. corner of So. 15th & Union Ave., submitted by Time Oil Company.

Mr. Buehler, Director of Planning, explained under an ordinance passed recently by the Council a special-use permit denied by the Planning Commission now can be heard by the City Council if the applicant appeals. Mr. Buehler said the Time Oil Company has requested the special use permit along with two waivers of the development standards of the City. These waivers are relative to the lot area and a wall waiver. He pointed out the location on a map and explained that the site had previously been a service station and in 1965 a petition was granted to rezone the area to a "C-1" district from a non-conforming use. The Planning Commission as well as the City Council agreed at that time that a service station was to be rebuilt on the site. However, changes have been made and that here are now new neighbors that own, live and work in new buildings. These buildings include transitional zoned offices, institutions and apartments which have created a character quite unique from that of a linear commercial area of "C-1" permitted commercial uses. Zoning for service stations is available at So. 12th and Union and Center and Union Avenues.

It was noted that the proposal was for a self-service gasoline service station which potentially could remain open all hours of the day and night. The Commission felt this type of operation should be located in a linear commercial area which allow such similar uses as coin-operated car washes, drive-in restaurants, etc. and thought it would certainly appear out of place in the area of Union Ave.

At this time only a canopy with the gas pumps is planned to be constructed and this is not the aesthetic type of building that Time Oil had proposed in 1965.

Mr. Buehler further explained that one waiver request concerns 108 sq. ft. as this parcel of land is only 14,892 sq.ft. instead of the required 15,000. The wall waiver request if approved would mean that no screening walls would be required on the easterly and southerly boundaries of the site.

Mr. Paul A. Olson, representing Time Oil Co., explained that for more than twenty years the Time Oil Co. had operated a filling station at this particular location and in 1965 the property was rezoned at the request of the company to a "C-1" District. The old station was torn down and a building permit was applied for, relative to building an automatic gasoline dispensing facility. The City instructed the owners to hold back on the project because Union Ave. was to be widened and straightened. After a new fire code was put into effect by the City the company again requested that they be allowed to build, but standards adopted in July of 1968 pertaining to 'special development' stopped the project. The company is now asking for waivers as to footage and walls through no fault of their own to construct a station.

Mr. Olson further explained that the proposed operation, a self-service, automated, system is overwhelmingly being accepted as the fastest growth of any method of retailing gasoline in the petroleum industry in the United States today. He then read a letter from Mr. Barnett, Operations Manager of Time Oil Company, explaining the history of Time Oil Co. within the City of Tacoma and Pierce County. He also stated that the Company has kept their word that they would build on the site a modern attractive, aesthetically pleasing structure which would blend into the architectural pattern of the new building in this area, and the Council agreed to that proposition when the zoning was approved to a "C-1" District.

Mr. Zatkovich asked how safe are the coin-operated installations.

Mr. Olson explained that the Director of the Pacific Coast Fire Rating Bureau had stated there was absolutely no history of accidents in self-service gasoline operations.

Mr. Jarstad asked if there is a saving to the public on gasoline because of the self-service operation.

Mr. Olson explained the company offers the public a saving from two to five cents a gallon.

Mr. Garlington, Chairman of the Planning Commission, urged the Council to reject this request by Time Oil Co. because of the change of the neighborhood on Union Avenue since 1965. Buildings that have been constructed include apartments, the new bank, Allenmore Medical Center, a new church, the Elks Temple and Boy Scout Headquarters. The Planning Commission did not feel that a self-service gasoline station would be appropriate in this area. He also pointed out that Time Oil Co. in 1965 had presented a sketch of a very handsome building to be built on the site but at this time the self-service operation would not require such a building. He also mentioned that the real concern of the Commission is whether only one station will be involved or will a precedent be set to allow more and once a number of stations are located here a definite change in the character of the area would be involved.

Mr. O'Leary asked if the City Council in 1965 had definitely approved the request of Time Oil Co. to build a gasoline station at this site.

Mr. Garlington stated the official action by the Council was to rezone the site to a commercial use district and one of the uses under that district was gasoline service stations.

Mr. Dean wondered if Time Oil wasn't being denied the privilege to build since they did delay their building at the request of the City in order to widen Union Ave.

Mr. Cvitanich explained that the service station ordinance requiring a special-use permit had passed within the last year and one-half, but in 1965 the Council had committed themselves to allow the service station construction by Time Oil.

Dr. Herrmann asked when the street alignment was made on Union Ave.

Mr. Anderson, City Engineer, explained the street construction started in 1967.

Dr. Herrmann felt the only issue now is, shall a special-use permit be issued to install a coin-operated service station at So. 15th and Union Ave.

Mr. Olson explained that the coin-operated stations are clean, quiet, safe and noise free and are being built by the hundreds all over the United States in any type of neighborhoods.

Mr. Jarstad asked if Time Oil had contemplated selling this particular piece of property.

Mr. Olson stated there would be a financial loss to the company and the company had always planned on building a new, modern unit on this site.

After some discussion Mr. Cvitanich moved to postpone action on the above request for two weeks, until Feb. 17, 1970. Seconded by Mrs. Banfield. Voice vote was taken. Motion carried.

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RESOLUTIONS:

Resolution No. 20530 (postponed from the meeting of Jan. 13th)

Awarding contract to Tucci and Sons on its bid of \$122,075.82 for Improv. Nos. 4840 and 4842.

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

Mr. Anderson, City Engineer, explained this Resolution No. 20530 and the next Resolution No. 20531 are inter-related and were discussed at the meeting of Jan. 13th. The problem at that time was relative to the distribution lines over the building located at the NE corner of So. Tacoma Way and 74th Street. Many discussions have been held with the property owner. The Public Works Dept. has worked in conjunction with the Light Dept. in an attempt to resolve the problem in such a way so the wires would not be located over the top of the building in question. Consequently, a solution has been worked out from a structural standpoint by the use of side-arms and a different type of insulation in the 110 KV wire, the wires can be located to clear as a minimum 1.7 ft. from the building and up to approximately 4 feet from the building.

He also noted that a pole carrying 110 KV wires at the corner of the property, will be hanging over the easement which was acquired by the City through legal action, which cannot be moved.

Mr. O'Leary asked if the plan were changed would there be any additional cost.

Mr. Anderson remarked that to change the type of insulators and cross-arms, it would be approximately \$500.00.

Mayor Johnston explained his concern was relative to the position of the poles as they related to the intersection of 74th and So. Tacoma Way.

Mr. Anderson explained that the poles have not been changed.

Mr. Woodke, part owner of Croft Manufacturing and Rental Co. read a statement from Mr. and Mrs. Croft which he had obtained at a meeting with them last week in Texas. It stated they did not have any knowledge of appointing anyone to act in their behalf or conveying the property and easement as described in the petition from the Superior Court of the State of Washington. He also indicated to their knowledge, the damages as set out in the decree of appropriation were to be considered payment for land only and not for any electrical easements. They felt to run high-tension wires over a metal building would constitute a dangerous hazard to all concerned.

Mr. Woodke, stated, as part owner of the Croft Manufacturing and Rental Co., he should have been contacted relative to this matter as the easements for the project had been taken without his knowledge which will affect his business. He further stated that Mr. Croft said he was not given the opportunity to represent himself at the hearing and the individual signing the decree was not authorized to do so. Mr. Woodke said he has consulted with an attorney and the attorney has suggested that the resolution be postponed until the matter is resolved.

Mr. McCormick, City Attorney, explained the procedure which is used in all condemnation proceedings by the Legal staff. Under State law the City had the right to condemn this piece of property without question since it was for road purposes which constitutes a public purpose. He added the search by the title company showed that Paul and Marie Croft were owners of the property, The Croft Manufacturing and Rental Co., a Washington Corporation, apparently had a lease on the property and P. H. and Jean T. Croft, the surviving spouse of Louis A. Croft, deceased, a co-partnership, apparently had a sub-lease. The correct procedure was followed and a date was set for a court hearing he added.

Mr. Roller, an attorney, was present and appeared for and on behalf of the Crofts at the hearing. He also understood that Mr. and Mrs. Croft were present in Court when the Decree of Public Use and Necessity was entered. He then read a copy of the Decree of Appropriation dated October 14, 1969, which pointed out that the City legally owns the property in question and easements have been granted. All persons who had any interest were properly represented by legal counsel in all the proceedings he added.

Mr. Woodke stated he was not represented by anyone at this hearing. He did not think the Decree of Appropriation was valid.

Mr. Dean moved to adopt the resolutions based on the advice of the City's Legal Dept. No. second. Lost.

Mr. O'Leary asked if Resolution No. 20531 concerning the distribution lines and poles was passed, what fund would pick up the amount of approximately \$500.00 that it will cost to change the type of insulators and cross-arms.

Mr. Schuster, Public Works Director, explained funds are available for these type of jobs and this amount would have to come out of one of those funds.

Mr. Dean asked since the change is to benefit Mr. Woodke, would it be possible that Mr. Woodke could pay the \$500.00.

Mr. Schuster explained that they have not asked Mr. Woodke to pay this amount. However, as Mr. McCormick has pointed out, the City does have the right to string wires over the buildings from the judgment that was rendered through the Courts.

Mr. Dean asked Mr. Woodke if he were willing to pay the \$500.00.

Mr. Woodke stated he would rather not have to pay the \$500.00, and the purpose of the request to keep the wires going over the building was to protect workers in that building from a dangerous situation.

Mr. McCormick felt the alternate plan presented this evening places the high-tension wires over the sidewalk where pedestrians walk even though it doesn't place them over a particular building.

Mayor Johnston stated, the motion to adopt Resolution No. 20530 is based on the original proposal for widening the intersection at 74th and So. Tacoma Way by Tucci & Sons, Inc.

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

Ayes 8: Banfield, Cvitanich, Dean, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnson.

Nays 0: Absent 1: Finnigan.

The Resolution was declared passed by the Chairman.

Resolution No. 20531 (postponed from the meeting of January 13th)

Awarding contract to Tye Construction Co. on its bid of \$24,895.00 for Improv. No. 4840, Unit B.

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

Mr. Schuster, explained this contract to Tye Construction Co. would be awarded on the original plans to place the wires over the building. If it is the Council's desire to have the wires away from the building, it can be accomplished by a change order to the contractor at such time as a definite figure from him is submitted as to the cost.

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

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

Nays 0: Absent 1: Finnigan.

The Resolution was declared passed by the Chairman.

Resolution No. 20551 (postponed from the meeting of January 20th)

Accepting the bid of Foster Campbell & Wayne Johnson in the amount of \$60,500.00 for property situated within the Fawcett St. Urban Renewal Project Wash. R-3.

Mr. O'Leary moved to continue this resolution until Feb. 17th as requested in a letter from attorneys Overland, Gelman and Sullivan. Seconded by Mr. Dean.

Voice vote was taken Motion unanimously carried.

The Resolution was postponed until Feb. 17, 1970.

Resolution No. 20552 (postponed from the meeting of January 20th)

Accepting an offer to sell property at 1101-5 Market St. from the Puget Sound National Bank situated within the New Tacoma Urban Renewal Project No. Wash. R-14 for the sum of \$125,000.00.

Mrs. Banfield moved to remove this resolution from the agenda. Seconded by Mr. Dean. Voice vote was taken. Motion Lost.

Dr. Herrmann moved that the resolution be adopted. No second to the motion. Mayor Johnston stated that the Resolution Lost for want of a Second. The Resolution was declared Lost by the Chairman.

Resolution No. 20554 (postponed from the meeting of January 27th)

Authorizing the settlement of a litigation by the establishment known as the Rack and Cue Pool Hall.

Mr. Zatkovich moved that the resolution be adopted. Seconded by Mr. Cvitanich.

Mr. Cvitanich said he seconded Mr. Zatkovich's motion for the sole purpose of a discussion on the resolution.

Mr. Zatkovich explained that the City Council usually acts on the advice of the Legal staff and they have recommended that the City authorize a settlement between the Rack & Cue and the City of Tacoma. He asked Mr. McCormick if it were proper to read from a communication submitted to the Council by City Attorney's office.

Mr. McCormick, City Attorney, explained that the case is still pending before the court. The communication that Mr. Zatkovich refers to is in regard to a proposed compromise settlement which has not been consummated. He felt it would not be proper to make public the terms of the proposed settlement because of the pending appeal.

Mr. Zatkovich felt this should be discussed because he was earnestly trying to save the City money. He also felt due process of law was not carried out in this particular situation and therefore a settlement should be agreed upon.

Mr. McCormick explained that the owner of the Rack and Cue has taken the matter to court because he felt that the action of the City Manager a number of months ago was arbitrary and capricious. If this settlement is agreed upon the owner stated that he will surrender to the City existing licenses for the said establishment and will not reapply for a similar license in the 38th and Yakima district.

Mr. Cvitanich urged that the Council reject any settlement offered by the owner of the teenage pool hall as investigation have shown that narcotics and moral problems have been involved. The business men of the area spoke at the hearing which was held in the Council Chambers and explained how demoralized the Lincoln area has become. He said witnesses have also explained how frightened they were even during the daytime hours when they had to be on the streets. He agreed that the Council has made the correct decision in revoking the license of the owner and closing the establishment. Mr. Cvitanich urged the Council to direct the City Attorney to fight the action in Court so as to protect the citizens of Tacoma.

Mr. Cvitanich further explained that the owner also operates an establishment in Lakewood and upon inquiring he found that there is also a court case pending relative to this establishment.

Mr. Dean felt that the previous resolution pertaining to this matter was passed after a hearing and intensive study by the former Council and he did not feel this new Council should over-ride the previous vote.

Mr. Zatkovich said if the proper steps had been taken a year ago, the situation would never have been presented in Superior Court. He also mentioned there are a number of other businesses in the City of the same nature that should be investigated if this resolution does not pass.

Mr. Jarstad explained there was such a situation in the Highland Hill parking lot and the business men made an investigation and it was found that 75% of the cars creating the disturbance were from outside the City. The business men employed off-duty policemen to protect the citizens within that particular community. He felt the Council should support any action to hold down this type of operation, no matter where it is located.

Mr. Cvitanich moved to delete the word "and" at the end of the 7th Whereas of the resolution and insert the words, "Now, Therefore,"; also amend the last paragraph of the resolution to read as follows: "That the Council of the City of Tacoma does hereby direct the office of the City Attorney to proceed with said pending litigation." Seconded by Mr. O'Leary. Roll call was taken on the motion, resulting as follows:

Ayes 5: Banfield, Cvitanich, Dean, Jarstad and O'Leary.
Nays 3: Herrmann, Zatkovich and Mayor Johnston. Absent 1: Finnigan. Motion carried.

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

Ayes 5: Banfield, Cvitanich, Dean, Jarstad and O'Leary.
Nays 3: Herrmann, Zatkovich and Mayor Johnston. Absent 1: Finnigan
The Resolution was declared passed by the Chairman.

Resolution No. 20556

Authorizing the sale of surplus scrap to Pacific Iron & Metals & Joseph Simon and Sons.

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

Voice vote was taken on resolution, resulting as follows:

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

Resolution No. 20557

Authorizing an execution of an agreement with the I.B.E. Local Union No. 483 concerning wages and conditions of labor for electrical employees in the Light Division.
Mr. Cvitanich moved that the resolution be adopted. Seconded by Mr. O'Leary.
Voice vote taken on the resolution, resulting as follows:

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

Resolution No. 20558

Authorizing the execution of project agreements with the City and the Urban Arterial Board of the State of Washington for funds for nine projects in the City.

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

Mr. Schuster, Public Works Director, explained the Urban Arterial Board at its meeting on Jan. 7th, 1970 approved for funding the nine projects listed in the resolution. He added, that 90% of the costs are paid by State-collected gasoline

taxes and the other 10% is paid by the City of Tacoma. The bond issue to provide funds for this purpose was passed by the citizens of Tacoma in 1968.

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

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

Nays 0: Absent 1: Finnigan.

The Resolution was declared passed by the Chairman.

Resolution No. 20559

Authorizing a temporary loan from the Arterial St. Fund to the Public Works Revolving Fund in the sum of \$150,000.00

Dr. Herrmann moved that the resolution be adopted. Seconded by Mrs. Banfield.

Mr. Cvitanich asked the City Manager to have the Legal Dept. resume the practice of submitting an explanation of the resolutions and ordinances on a second page, for the Council's information.

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

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

Nays 0: Absent 1: Finnigan

The Resolution was declared passed by the Chairman.

Resolution No. 20560

Authorizing a temporary loan from the General Fund to the Garbage and Refuse Fund in the sum of \$17,000.00.

Mr. Dean moved that the resolution be adopted. Seconded by Mr. Zatkovich.

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

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

Nays 0: Absent 1: Finnigan

The Resolution was declared passed by the Chairman.

Resolution No. 20561

Fixing Tuesday, March 3rd at 7 P.M. as the date for hearing for the street vacation of West Union, So. 18th & 19th Streets. (petition of Edith Olson, etal.)

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

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

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

Nays 0: Absent 1: Finnigan.

The Resolution was declared passed by the Chairman.

Resolution No. 20562

Fixing Tuesday, March 3rd at 7 P.M. as the date for hearing for rezoning of the S.W. corner of S.W. corner of So. 18th & Union Ave. from an "R-2" to an "R-2-T" District. (petition of Persing, Dyckman & Toynbee)

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, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.

Nays 0: Absent 1: Finnigan

The Resolution was declared passed by the Chairman.

Resolution No. 20563

Fixing Monday, March 9th at 4 P.M. as the date for hearing for L I D 6926 for street lights on 49th St. N.E. from Harbor View Drive to Browns Pt. Blvd. and other nearby streets.

Mr. Dean moved that the resolution be adopted. Seconded by Mr. Cvitanich.

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

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

Nays 0: Absent 1: Finnigan

The Resolution was declared passed by the Chairman.

FIRST READING OF ORDINANCES:

Ordinance No. 19032

Vacating the East 60 feet of Union Ave. between No. 37th & 38th St. (petition of Orville Shenefelt)

Mr. Cvitanich asked that the ordinance be checked before final reading as there is no paragraph which explains whether the City has any financial obligation relative to this property. He said usually the Council has been informed on this matter.

The ordinance was placed in order of final reading.

Ordinance No. 19033

Appropriating the sum of \$17,788.10 or so much thereof as may be necessary from the General Fund to the Police Relief and Pension Fund and appropriating \$37,440.13 from the Police Relief and Pension Fund for paying pension obligations of the Police Fund.

The ordinance was placed in order of final reading.

Ordinance No. 19034

Appropriating the sum of \$199,722.53 or so much thereof as may be necessary from the Public Works Revolving Fund for the purpose of paying certain costs of maintenance and operation.

The ordinance was placed in order of final reading.

Ordinance No. 19035

Appropriating the sum of \$39,753.27 from the Equipment Rental Fund A of the 1969 budget for paying salaries and wages and costs of M & O.

The ordinance was placed in order of final reading.

Ordinance No. 19036

Amending Sec. 3 of Ordinance No. 15928 relative to motor vehicle charges.

The ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 19023 (Postponed from the meeting of Jan. 27th, 1970)

Amending the pay and compensation plan to include certain classes in the Fire and Police Dept. in the Longevity Pay which were not included in the plan thru an oversight.

Mr. Cvitanich asked that the ordinance be postponed so he could contact Chief Reiser of the Fire Dept. on the matter

Mr. O'Leary moved to postpone Ordinance No. 19023 until Feb. 10, 1970. Seconded by Mr. Dean. Voice vote was taken on the motion. Motion carried.

The Ordinance was postponed until Feb. 10th, 1970.

Ordinance No. 19027

Amending Chapter 10.10 of the official code to add .010 relative to percentages to be retained on public improvement contracts.

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

Ayes 7: Cvitanich, Dean, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.
Nays 1: Banfield. Absent 1: Finnigan

The Ordinance was declared passed by the Chairman.

Ordinance No. 19028

Providing for the improvement of L I D 5498 for water mains in 134th & 135th St. Court East and 136th St. East from 126th Ave. to the cul-de-sac.

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

Ayes 8: Banfield, Cvitanich, Dean, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.
Nays 0: Absent 1: Finnigan

The Ordinance was declared passed by the Chairman.

Ordinance No. 19029

Providing for the improvement of L I D 4921 for paving in the alley between No. 21st & 22nd from Pine to Junett Street.

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

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

Nays 0: Absent 1: Finnigan.

The Ordinance was declared passed by the Chairman.

Ordinance No. 19030

Approving and confirming the assessment roll for L I D 3682 for sewers in Ainsworth Ave. from So. 80th south approx. 500 feet and other nearby streets.

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

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

Nays 0: Absent 1: Finnigan.

The Ordinance was declared passed by the Chairman.

Ordinance No. 19031

Approving and confirming the assessment roll for L I D 4821 for paving on Prospect from So. 60th to So. 62nd and other nearby streets.

Mrs. Banfield explained that she had noted a paragraph in the L I D minutes that a letter had been received from property owners in the area, requesting that the City inspect and make preparations to correct the condition on So. Prospect between So. 52nd and So. 53rd Streets. She asked if this had been accomplished.

Mr. Schuster, Director of Public Works, said he would check into the matter.

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

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

Nays 0: Absent 1: Finnigan.

The Ordinance was declared passed by the Chairman.

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Mr. Cvitanich moved to suspend the rules to reconsider the vote on Ordinance No. 19027. Seconded by Mr. O'Leary. Roll call was taken, resulting as follows:

Ayes 6: Banfield, Cvitanich, Dean, Jarstad, O'Leary and Mayor Johnston

Nays 2: Herrmann and Zatkovich. Absent 1: Finnigan. Motion carried.

Ordinance No. 19027

Amending Chapter 10.10 of the official code to add .010 relative to percentages to be retained on public improvement contracts.

Mr. Cvitanich said he was pre-occupied at the time the roll call was taken on the ordinance. He said he felt the measure was an improper delegation of authority. He thought since the City Manager is the administrative head of the City that he should be responsible for signing the final approval of the completion of a contract, instead of the engineers or other technical personnel's signature at the completion of a contract. He felt the Council should hold the City Manager responsible in such matters.

Mayor Johnston asked Mr. Oles, City Manager, for his suggestions in regard to the matter.

Mr. Oles, City Manager, explained he agreed with Mr. Cvitanich's suggestion. He added the City Charter spells out that the Department Directors are responsible to the City Manager, as the City Manager is responsible to the City Council.

Mr. Cvitanich moved to remove the Ordinance from the agenda. Seconded by Mrs. Banfield. Roll call was taken on the motion, resulting as follows:

Ayes 5: Banfield, Cvitanich, Dean, Jarstad and O'Leary.

Nays 3: Herrmann, Zatkovich and Mayor Johnston. Absent 1: Finnigan. Motion carried.

The Ordinance was removed from the agenda.

Mr. Dean brought up that a motion was made last week to approve the request of the Police Dept. to allow Capt. Smith to attend a meeting outside of the State of Washington. He thought that motion should be rescinded since a policy was approved tonight relative to travel.

Mr. Dean then moved that the Council rescind the action taken relative to permitting travel expenses in the amount of approximately \$200.00 for a member of the Police Dept. Seconded by Mr. O'Leary. Motion carried.

Mr. Dean thought this request should be submitted to the Council on the proper application form as the Statement of Policy indicates.

Mayor Johnston asked if Capt. Smith had left for the meeting.

Mr. Oles, City Manager, explained the meeting is scheduled in a month and there would be no problem in submitting a proper form.

Mayor Johnston did not feel that the Statement of Policy relative to travel was retroactive.

Roll call was taken on Mr. Dean's motion to rescind action taken by the Council at the Jan. 27th meeting allocating \$200 for travel expenses of a member of the Police Dept., resulting as follows:

Ayes 6: Banfield, Cvitanich, Dean, Jarstad, O'Leary and Zatkovich.

Nays 2: Herrmann and Mayor Johnston. Absent 1: Finnigan. Motion carried.

UNFINISHED BUSINESS:

Mr. O'Leary was excused from the meeting at 11:20 P.M.

Mr. Cvitanich explained that a meeting of the Audit Committee will be held in the Council Library, Wednesday morning, Feb. 4th, 1970, at 9 A.M.

Mr. Dean felt that the Council should take action, if at all possible, to see that the libraries in the City of Tacoma are open at least from 12:00 Noon until 9:00 P.M. as the Council has suggested.

Mayor Johnston explained that a letter was received from the library board late this afternoon requesting a meeting with the Council to discuss the matter.

Mr. Cvitanich said the libraries are open for the convenience of the public and not for the staff or employees of the library. He added, the original recommendation from the Council was that \$138,000 be deleted from the Library budget, however, the final appropriation for 1970 was approximately \$56,000 over and above the 1969 appropriation. Meetings have been held with the library board, but after the 1970 budget was passed, the library board reduced the hours of the library and closed at 6 P.M. He felt, if the Council needs to take legal steps to insure that

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the libraries provide greater service to the public it would be appropriate. He assured everyone that it was not the Council's intention to close the libraries at 6 P.M.

Mr. Cvitanich asked Mr. Oles if he had contacted Mr. Ibbotson, Director of the Library, for a graph showing the hours of use of the main branch of the Tacoma Public Library.

Mr. Oles, explained he had asked Mr. Ibbotson to prepare such a graph and it would be presented at the next Council meeting of Feb. 10th. Mr. Oles hoped that the Council can meet with the library board within the week.

Mr. Dean felt there must be a meeting scheduled within the week on the matter.

Mr. Oles explained there had been a library board meeting on Feb. 2nd and the board found that only by asking the Council for a supplementary appropriation can they hope to reopen the libraries four evenings a week during the remainder of 1970.

Mr. Cvitanich asked that Mr. Ibbotson be instructed to poll the members of his staff to see how many persons would work from 12:00 Noon to 9 P.M. as the libraries must be open during evening hours.

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Mrs. Banfield stated that the minutes of an Urban Renewal study session indicated that the Broadway mall project would continue without action by the City Council. She mentioned that under the booklet that the Design for Progress has distributed, the funds for the mall was to be financed by private enterprise. She did not feel that the taxpayers of Tacoma should in any shape or form help to finance the Broadway Mall and she wished to go on record of opposing such a plan.

Mayor Johnston explained that a majority of the Council members were present at the meeting that Mrs. Banfield refers to, and at that time there was no opposition to Mr. Wright's explanation.

Mr. Cvitanich felt if the Urban Renewal Dept. is anticipating proceeding with this project, that it must be brought to the Council by a resolution or an ordinance, so formal action can be taken.

Several members of the Council agreed that formal action of the Council should be taken relative to plans for the Broadway Mall project.

Mr. Cvitanich asked that the City Manager check to see if the City Council ever took action on the Broadway Mall project.

Mr. Oles, City Manager, explained he was looking into the matter and has been informed that \$600,000 is available which could be used for this purpose. The designers would be paid 12%. He stated he has meetings scheduled within the next couple of days on the matter. He further stated he would report to the Council as soon as possible.

Mayor Johnston felt that Mr. Wright was wondering if the urban renewal program was to be cut back in the downtown project.

Mr. Dean explained that he wished to know what the original boundaries of that project were and if the Broadway Mall was included in the project.

Mr. Oles explained he has several very serious questions about the matter and he would bring this to the Council's attention after he has fully checked the problem.

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Mr. Cvitanich asked that weekly reports in regard to the curfew law and its enforcement be submitted to the City Council.

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Mrs. Banfield asked the City Attorney if the League of Women Voters are

still occupying offices in the Civic Arts Bldg.

Mr. McCormick, City Attorney, said he would check into the matter.

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Mayor Johnston suggested that the Utilities Dept. auditorium be used for the Special Council Meeting relative to O.D.I. on Monday, Feb. 9th at 7:00 P.M.

Mr. Cvitanich felt that many of the people most directly affected would not have the means to travel to the Utilities Bldg., even though the Council Chambers is smaller, it should be used.

Mr. Oles, City Manager, explained he had talked with Mr. Mercer who is the Regional Director of O.E.O. for this area, and had been informed that he did not intend to be present at the meeting. Mr. Oles wondered if the Council will meet with only the local O. D. I. people in Tacoma, or if a letter should be forwarded to Mr. Mercer requesting his presence.

Mr. Cvitanich felt that Mr. Mercer should be sent an invitation to attend the meeting next Monday evening.

Mr. Jarstad wondered if the City Council becomes the CAP agency, what difference would there be relative to the structure with the County Commissioners overseeing the program.

Mr. Oles explained that it would differ materially because the County Commissioners have merely commissioned a private agency to undertake the entire program.

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COMMENTS BY THE CITY COUNCIL:

Mayor Johnston wondered if the Council members are still opposing the 1/2 of 1% sales tax which is supported by all of the major cities of the State.

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Mr. Cvitanich felt there should be more study before the Council votes to change its opinion on the matter.

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Mayor Johnston said he was hopeful that Monday night study sessions could be started so that discussions can be held on many subjects.

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Mayor Johnston said that in last night's paper it was announced that St. Regis Paper Co. was on the threshold of spending \$17,000,000 to make significant efforts to remove odors from their plant operations. He thanked the company for this effort.

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Mr. Cvitanich mentioned that an Omnibus Pension Bill was passed State-wide relative to the Police and Fire Pensions. He wished to inform the Council that the Executive Director of the Association of Washington Cities and his colleague were endeavoring to place an amendment onto this pension bill so that they would be eligible for a 50% pension with full escalation. He felt the Council must concern itself with this type of a situation as the City pays a sum of approximately \$9,000 to the Association of Washington Cities.

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CITIZEN'S COMMENTS:

The following persons expressed their views on various subject matters to the City Council.

- Mr. Tom Wells, 841 East 48th St.
- Mr. John Zelenack, 5414 So. J. St.


ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

Public Works filed the following reports:

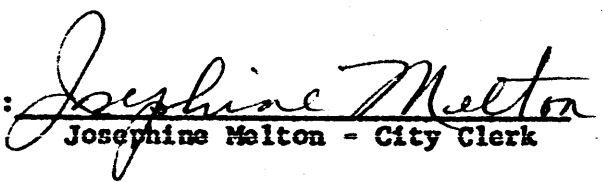
- a. Project Prospectus for improvement of McKinley Ave. etc. - Improv. 4913.
- b. Grant #5 - for Refuse Crusher
- c. Demolition Grant Project - Wash. M-1 (G) HUD 6192.
- d. Updated costs estimates for Improv. No. 4841 & 4854.
- e. Report from Urban Renewal Dept. - Application for private financing for New Tacoma & Fawcett projects. Application for Major Completion Grant Payment and Financing of Center St. Project.
- f. Report from the Employees Retirement System for January 1970.
- g. Report of Traffic Activities for the month of December 1969 from the Police Dept.
- h. Crime Statistics report for 1969 from the Police Dept.
- i. Legal notes from the Assoc. of Washington Cities for October 1969.
- j. Report of management & operations for the Dept. of Public Utilities submitted by Ford, Bacon & Davis.
- k. Minutes of the City Planning Commission for January 19, 1970.

Placed on file.

Mr. Zatkovich moved to adjourn the meeting. Seconded by Mrs. Banfield. The meeting was adjourned at 12:25 A.M., Feb. 4th, 1970.



 Gordon N. Johnston - Mayor

Attest: 
 Josephine Malton - City Clerk

The undersigned, Clerk of the City of Tacoma does hereby certify that the Council of the City of Tacoma, at its regular meeting held on Tuesday, February 3, 1970, did adopt by motion the attached statement of policy.

DATED at Tacoma, Washington, this 9th day of February, 1970.

Josephine Melton
JOSEPHINE MELTON, City Clerk

STATEMENT OF POLICY

WHEREAS, the Council of the City of Tacoma has found it necessary to reduce considerably expenditures of the City of Tacoma during the fiscal year 1970 and, in some instances, severely curtail worthwhile programs, and

WHEREAS, in connection with the reduction of said expenditures, the Council has determined that expenditures for travel and subsistence, while beneficial to the City, are in the main low priority items and therefore should be curtailed and restricted as much as possible, and

WHEREAS, the Council recognizes at the same time that a limited amount of travel and subsistence expense is necessary for certain of the officials and employees of the City to incur, in order to properly carry out their duties and functions; Now, Therefore,

THE COUNCIL OF THE CITY OF TACOMA DOES HEREBY ADOPT THE FOLLOWING POLICY WITH REFERENCE TO THE EXPENDITURE OF FUNDS FOR TRAVEL AND SUBSISTENCE:

1. No officer, employee, or agent of the City shall be authorized to incur any expense whatsoever for the purpose of travel and/or subsistence in order to attend any convention outside of the geographic limits of the State of Washington, unless such expenditure is first submitted to and approved by the Council of the City of Tacoma or a duly authorized committee thereof.

2. Each department will hereafter be allocated a minimal amount of money for the use of employees and representatives of the City in attending what are essentially one- or two-day meetings, other than conventions, held within the State of Washington, the purpose of which is to discuss matters or formulate policies which are essential to the proper conduct of the City's business. Department directors will be responsible for the expenditure of said funds, subject to the ordinances of the City of Tacoma, in order to guarantee that there will be no abuses. Any department director authorizing an expenditure of moneys for this purpose shall be required to submit, through the City Manager, to the Council, or its authorized committee, a report of said expenditure containing the name of the individual attending said meeting, the place thereof, a brief description of the nature of said meeting, and the amount expended in attending the same, said report to be made not later than three days subsequent to the date of said meeting.

3. Any failure to report an attendance at said meeting or a failure to obtain approval to attend a convention or conference as required in the preceding paragraphs may result in the responsible parties being required to reimburse the City for all moneys so expended.

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4. The Public Utility Board for the Department of Public Utilities shall, within the limitations of the Charter, Administrative Code and annual budget, set and administer the appropriate policy for the Department of Public Utilities.

CITY OF TACOMA
AUTHORIZATION FOR OUT-OF-STATE TRAVEL

Date _____

Employee _____

Department _____

Destination _____

Purpose _____

Sponsoring Group or Organization _____

Dates: From _____ to _____

Method of Travel _____ Estimated Expenses \$ _____

Sufficient funds in Current Budget: (Yes) _____ (No) _____

Employee's Signature _____

APPROVED: _____
Department Director

APPROVED: _____
City Manager

ACTION BY CITY COUNCIL:

By _____