

CITY COUNCIL MINUTES

City Council Chambers
Wednesday, September 16, 1970

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

Present on roll call 7: Banfield, Cvitanich, Finnigan, Herrmann, Jarstad, Zatkovich and Mayor Johnston. Absent 2: Dean and O'Leary.

The Flag Salute was led by Mrs. Banfield.

Mr. Cvitanich moved that Mr. O'Leary be excused from the meeting. Seconded by Mr. Zatkovich. Voice vote was taken and carried unanimously.

Motion made by Mr. Zatkovich that Mr. Dean be excused from the meeting. Seconded by Mr. Cvitanich. Voice vote was taken and carried unanimously.

* * * * *

Mayor Johnston presented Suggestion Awards to three City employees for their suggestion for money savings to their departments.

Mr. Ivan Engh's suggestion was painting the caster boxes used to store garbage so as to preserve them.

Mr. Theodore Miksovsky had developed a process for cleaning and reproducing old master maps.

Mr. Robert Truitt had suggested using a rubber stamp to print the certification statements on copies of warrants.

Mayor Johnston presented a \$25.00 check to each recipient and congratulated them for their suggestions.

* * * * *

Mayor Johnston read a Proclamation declaring the week of September 20 through 26 as Veterans of Foreign Wars Freedom Signature Week. The certificate was presented to Vice-Commander Andrew Martin, Jr. and to Adjutant Thomas Schuster of the Third District Veterans of Foreign Wars. The Mayor explained this week was being set aside as a salute to over 1400 servicemen who are being held prisoners of war in North Vietnam and in Southeast Asia, despite appeals from all neutral sources.

Vice-Commander Andrew Martin, Jr. accepted the Proclamation with thanks to the Mayor and the Council members.

* * * * *

Mayor Johnston asked if there were any omissions or corrections to the minutes of August 4th. Moved by Mr. Cvitanich that they be approved. Seconded by Mr. Zatkovich. Voice was taken, Mrs. Banfield abstaining. Motion carried.

Mayor Johnston asked if there were any corrections to the minutes of August 17th. Moved by Dr. Herrmann that they be approved as submitted. Seconded by Mrs. Banfield. Voice vote was taken and carried unanimously.

The minutes of August 25th were also submitted for approval. Mrs. Banfield asked that the discussion on programs for the "poor" on page 13 referred to the ODI and the ODI Executive Board in the 3rd and 4th paragraphs. She asked the word ODI be changed to Model Cities. Moved by Mayor Johnston to approve the minutes as corrected. Seconded by Mr. Cvitanich. Voice vote was taken and carried unanimously.

* * * * *

RESOLUTIONS:

Resolution No. 20885

Awarding contract to Woodworth & Company for Improvement No. 4925 Unit A on its bid of \$349,300.25.

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

Mr. Schuster explained this is another improvement in the urban arterial projects.

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

Ayes 7: Banfield, Cvitanich, Finnigan, Herrmann, Jarstad, Zatkovich and Mayor Johnston.

Nays 0. Absent 2: Dean and O'Leary.

The Resolution was declared passed by the Chairman.

Resolution No. 20886

Limiting and restricting authority granted to the Dept. of Utilities Light Division to execute agreements with Eugene, Oregon or to participate in any sort of an arrangement or combine with any other parties including Bonneville Power Administration involving any nuclear power project in the city of Eugene, Oregon, unless approved by the voters of said City.

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

Mr. Cvitanich said, several months ago he had requested that the Tacoma City Council and the Dept. of Utilities enter into an agreement, under Resolution No. 20647, with other power companies through the Bonneville Power Administration, to construct a nuclear power facility in Eugene, Oregon. Since that time, there has been a referendum vote of 17,185 to 6,009 and the concept of a nuclear plant had been rejected. Therefore, under the present resolution, the City will not participate in the nuclear power project in Oregon until such time as the voters approve the same and nullify the effect of the referendum.

He added the present resolution designates the conditions under which the City may execute any such agreement. There is nothing in this Resolution which will otherwise hamper or impair any projects authorized under the said resolution. He said he had sent for a copy of the wording of the referendum, but had not received it from Eugene as yet.

Mr. Finnigan said he thought the whole matter a debatable one. The City Council had cooperated with the Utility Board in activating this resolution sometime ago and it would have been more proper to possibly have them initiate the present resolution.

Mr. Cvitanich explained that discussions had been held with the Dept. of Utilities, but that nothing was underway at the present time. He thought some positive action should be taken at this time.

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

Ayes 7: Banfield, Cvitanich, Finnigan, Herrmann, Jarstad, Zatkovich and Mayor Johnston.

Nays 0. Absent 2: Dean and O'Leary.

The Resolution was declared passed by the Chairman.

Resolution No. 20887

Directing the City Planning Commission in cooperation with the Planning and Legal Dept. to prepare appropriate zoning regulations relating to tidelands, submerged lands and waters of Puget Sound adjacent to or fronting on the boundaries of the City of Tacoma.

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

Mr. Cvitanich explained this resolution had been requested a month ago, but it has taken some time for the Planning Dept. to prepare the plans. He added the purpose of zoning the tidelands is to prevent any oil exploration. He said the City of Edmonds has also followed this procedure.

Mayor Johnston asked if the City has the right to zone tidelands.

Mr. Hamilton advised that the statutes prove that the City has jurisdiction over its adjacent waters to the middle of the waterway. Under the exercise of policing powers, the City would have jurisdiction to enact certain things, subject to the superior rights of the U. S. Corps of Engineers to grant permits for structures, docks, etc.

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

Ayes 7: Banfield, Cvitanich, Finnigan, Herrmann, Jarstad, Zatkovich and Mayor Johnston.

Nays 0. Absent 2: Dean and O'Leary.

The Resolution was declared passed by the Chairman.

Resolution No. 20888

Authorizing the purchase of property at 3416 So. Washington Street by the Public Utilities Dept. for space for employee and public parking.

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

Mr. Joe Cockrell, Supt. of City Light Dept., explained this property is adjacent to the Tacoma Utilities building and the property owner has approached the City to purchase it for the price of the appraisal. There are two 25' lots, 120' deep.

Mr. Cvitanich asked if this was the same property the City contemplated buying about seven years ago.

Mr. Cockrell said it was a part of that area.

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

Ayes 7: Banfield, Cvitanich, Finnigan, Herrmann, Jarstad, Zatkovich and Mayor Johnston.

Nays 0. Absent 2: Dean and O'Leary.

The Resolution was declared passed by the Chairman.

FIRST READING OF ORDINANCES:

Ordinance No. 19203

Condemning property on So.48th St. from approximately Ferry St. to the vicinity of Alaska St. for road reconstruction and widening and bridge construction over Interstate Route 5.

Mr. Schuster, Public Works Director, explained the property listed in this ordinance is near the Tacoma Mall and this construction is an overpass across the freeway at 48th Street. It will be necessary to obtain this additional property for slope easements and construction.

The ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 19200

Creating a new fund in the General Fund to be designated as the "Model Cities Action Year Revolving Fund" and appropriating the sum of \$39,000.00 or so much thereof as may be necessary for certain activities of the Model Cities Program and declaring an emergency for passage of this ordinance to take effect immediately upon publication.

Mr. Jarstad asked Mr. Walker if he had decided upon any reductions in the Model Cities outlined budget since last week.

Mr. Walker said they had gone over the budget with the Executive Board and have made the suggestion that the 90-day period be shortened to 30 days. Mr. Walker explained it appears, in light of the City Council members concerned, the Model Cities Board is prepared to reduce the 90-day period to 30 days.

Dr. Herrmann asked if there has been any further communications from HUD regarding the availability of the \$39,000 other than the letter that was received a week ago.

Mr. Walker said what happens, once the contract is tendered to the City, some \$39,000 will be immediately paid back to the City. HUD has already approved approximately \$80,000, when the approval is received from the Letter to Proceed.

Dr. Herrmann asked if Mr. Walker had encountered any instance in his association with other Model Cities Directors where the interim grant had not been approved. He said the City does not now have this amount budgeted in the General Fund and it is his understanding that the Model Cities Executive Board could get along with a 30-day extension. He also asked at what dollar figure this could be done.

Mr. Walker answered approximately \$10,000.

Mr. Jarstad moved to amend the resolution to read \$10,000 for a 30-day period. Seconded by Mr. Finnigan.

Mr. O'Leary asked what date the 30-day period would be figured from.

Mr. Hamilton commented if the appropriation was only for 30 days, it would presumably last only 30 days and he did not feel the 30-day limitation would be an essential part of the ordinance itself. He explained if a certain appropriation is made, theoretically it should last that certain length of time. He suggested before taking a vote, the Council could consider reducing the appropriation to the equivalent of a 30-day expenditure without imposing a time limit. He said the time limit would add nothing and might even confuse it further.

Mr. Jarstad said with the permission of the second, he would change his amendment to replace the \$39,000 with \$10,000 and delete the 30-day requirement. Seconded by Mr. Finnigan. Voice vote was taken on the amendment and motion carried.

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

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

Nays 2: Banfield and Cvitanich. Absent 2: Dean and O'Leary.

The Ordinance was declared lost for lack of having six affirmative votes as required for an emergency appropriation.

Ordinance No. 19201

Vacating the N.W. corner of So. 19th and Prospect Streets.(Norman Jardeen,etal)

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

Ayes 7: Banfield, Cvitanich, Finnigan, Herrmann, Jarstad, Zatkovich and Mayor Johnston.

Nays 0. Absent 2: Dean and O'Leary.

The Ordinance was declared passed by the Chairman.

Ordinance No. 19202

Amending Title 5 of the Official Code relative to requirements of refuse containers.

Mr. Cvitanich asked if the Health Department had participated in formulating this resolution.

Mr. Schuster replied it was at the request of the Health Dept. this ordinance is being submitted.

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

Ayes 7: Banfield, Cvitanich, Finnigan, Herrmann, Jarstad, Zatkovich and Mayor Johnston.

Nays 0. Absent 2: Dean & O'Leary,

The Ordinance was declared passed by the Chairman.

UNFINISHED BUSINESS

a. The Board of Directors of Tacoma School District No. 10 and of the Metropolitan Park District jointly request to discuss with the Council the vacation of Mason-Tyler Street from South 19th Street to approximately the southern boundary of the new Henry Foss Senior High School site.

Mr. Cvitanich moved to refer this request for vacation to the Planning Commission before the Council gives it further study. Seconded by Dr. Herrmann. Voice vote was taken and carried unanimously.

Request referred to Planning Commission.

* * * * *

b. The Director of Public Works presents the assessment roll for the following: LID 4897 permanent paving on North 11th, Adams to Proctor; North 13th, Tyler to Mason; and other nearby streets.

Mr. Finnigan moved that Monday, October 26th at 4:00 P.M. be set as the date for hearing on the assessment roll for LID 4897. Seconded by Mr. Cvitanich. Voice vote was taken. Motion carried unanimously.

* * * * *

COMMENTS BY MEMBERS OF CITY COUNCIL:

Mrs. Banfield said she had been honored to speak to the Air Force Sergeants' dinner the week before and had given the Queen a Key to the City of Tacoma to take back to Colorado for a national convention.

* * * * *

Mr. Cvitanich asked Mr. Hamilton to clarify a legal question on the Council's prior approval of the Bridgeview Development Co. to build a high-rise apartment development on Olympic Blvd. He added it is his understanding the Superior Court ruled the action taken by the Council had not been proper.

Mr. Hamilton said he did not handle the matter personally, but that the Court has rendered its memorandum decision, although they have not yet entered the Findings of Fact and Conclusions of Law. He said the gist of the Court's ruling was that the ordinance which authorized the rezoning was invalidated because there had been a conflict of interest involved by one of the former Council members.

CITIZEN'S COMMENTS:

Mr. Charles E. Lane, Jr., 1124 No. 27th Street, addressed the Council regarding "troubled water" which he explained pertains to the tidelands in the area. He said he had noted there is some recent resolution pertaining to this subject being considered by the Council.

Mr. Lane referred to the dumping into the bay from the Ruston City line to the Tacoma City Waterway, including material ranging from construction and demolition debris to garbage and untreated sewage. He added some of this settles to the bottom of the bay and kills fish and algae, some goes adrift to navigation waters and other causes skin rash to swimmers. Some control is performed by the U. S. Corps of Engineers under the Secretary of the Army, Secretary of Agriculture and Secretary of Interior, but the power to evoke investigations lies with local authorities under provisions of the City Charter. 216

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Minutes of Regular Meeting of the Board of Park Commissioners, August 24, 1970.
 - b. Bimonthly Planning Progress Report #6--Model Cities.
 - c. Minutes of Civil Service Board Meeting, August 17, 1970.
 - d. Update Cost Estimate for Urban Arterial Project No. 8-1-128(12) - (6th Avenue and Union Avenue).--Dept. of Public Works.
 - e. Program No. MP-46-002, Financial Statements, August , 1970--Model Cities Dept.
- Placed on file.

Meeting was adjourned at 7:50 P.M.

Attest:

Josephine Melton
Josephine Melton-City Clerk

Gordon N. Johnston
Gordon N. Johnston - Mayor