

CITY COUNCIL MINUTES

City Council Chambers  
Tuesday, July 7th, 1970

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

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

The Flag Salute was led by Mr. Zatkovich.

Mayor Johnston announced that Mr. Alfred Anderson, Jr., Americanism Chairman for American Legion Post No. 202 was present and would like to speak before the regular order of business is taken up.

Mr. Anderson thanked the Council members for their participation in the July 4th Parade. He presented a Certification of Participation to Mrs. Banfield, inscribed: "In appreciation and recognition of her active participation in service to the community and her devotion to God and Country, with specific attention for her prolonged fight to win support for her resolution supporting our boys in Vietnam before the City Council.

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Mr. O'Leary moved to suspend the rules in order to consider a resolution not on the agenda. Motion seconded by Mr. Cvitanich.

Resolution No. 20783

Appointing Marshall McCormick as Acting City Manager.

Dr. Herrmann moved to adopt the resolution. Seconded by Mr. Finnigan.

Mr. O'Leary explained at the meeting on the previous evening, he had recommended Mr. McCormick as Acting City Manager. This matter was discussed at that meeting.

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

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

Nays 0. Absent 0.

The Resolution was declared passed by the Chairman.

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HEARINGS & APPEALS:

a. This is the date set for meeting on the Preliminary Plat of Diane Addition, South side of East 48th in the vicinity of East 1 Street and Pipeline Road.

Mr. Buehler, Planning Director, described the plat involved and added it complies with all requirements in regard to curbs, gutters, etc. for a single family home zoning. Mrs. Banfield asked what is the minimum radius for cul-de-sacs.

Mr. Buehler replied it is usually 60 feet, but can be 50 feet if requested. He explained this petition was checked by the engineering staff due to the flume line and the existing residents, the standard of 50 feet had been recommended in order to

have the plat comply in the 57 feet radius of the cul-de-sac.

Mrs. Banfield said she understood there was a requirement of 60 feet radius, for fire prevention, etc.

Mr. Buehler replied that this was the intention at first and it was intended to have an island in the center, but that was omitted so that the turns can be made in a lesser radius in this plat. He added all the plats are approved by the Fire Department first and their recommendations are placed on file.

Moved by Dr. Herrmann and seconded by Mr. Dean to adopt the recommendations of the Planning Commission on this plat. Roll call was taken, resulting as follows:  
Ayes 6: Cvitanich, Dean, Finnigan, Herrmann, Jarstad and Mayor Johnston.

Nays 2: Banfield and O'Leary. Absent 1: Zatkovich. (temporarily) Motion carried.

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b. This is the date set for hearing on the Zoning Text Change for an "R-5" District Building Height Limit.

Mr. Buehler, Planning Director, described the requirements in this case. A change from 150 feet to 200 feet is recommended by the Commission to the Council. He stated the Commission has been working on density standards. Meetings have been held with the home builders, Tacoma General Hospital and architects. It was recommended that St. Joseph Hospital could proceed with their proposed development on the plans they had already submitted which will be in accordance with the density standards asked for by the Planning Commission.

Mrs. Banfield asked if the apartment building near the Narrows Bridge is in an "R-5" zone and asked what would prohibit that building, being 200 feet in height if they desired.

Mr. Buehler replied he did not have that file before him, but added that on a number of units, restrictions are placed in the permit.

Mrs. Banfield asked if it would be feasible to issue a special use permit for this petition rather than open up the skyways for any future apartments that would be constructed.

Mr. Buehler replied that he hoped to have a resolution presented to the Council very shortly on this subject which would regulate the density standard according to the size of the land parcel. The present ordinance states that there cannot be any variances on height.

Mrs. Banfield said she disapproves of this procedure which would allow any construction on an "R-5" project to be allowed to go to a 200 foot height.

Mr. Buehler agreed that it is possible to change the text, but the St. Joseph Hospital plan is for a 160 foot height with the elevation of the mechanical tower, which is permitted in the City ordinance, to go up to 184 feet. Mr. Buehler added, even though density limitation is put in later, the hospital could start construction now on its proposed plan.

Mr. O'Leary suggested amending the proposal, leaving the existing 150 foot height structure, but allowing the Council to permit the additional 50 feet at its discretion.

Mr. Hamilton, City Attorney, stated that the Council would also have to designate the instances where the Council could exercise such discretion. For example, he added, they could state that hospitals, schools, churches and buildings of that nature, could have exceptions to the rule and that ruling could be sustained. He did not think the Council should reserve to alter any type of structure as it would lead to lack of standards. He thought it would be possible to select certain types where the standards would not apply--such as non-profit institutions or structures of that nature.

Mayor Johnston noted that the present action of the Planning Commission on this proposal was approved 7 to 0, with 2 absent, and said this is a significant factor, and that having served on the Planning Commission himself, he knows the text changes are explored thoroughly. He is very much in favor of seeing the height limit raised.

Moved by Mayor Johnston to approve the recommendation of the Planning Commission. Seconded by Mr. Finnigan.

Mr. Dean moved to amend the recommendation of the Planning Commission to include

that the restrictions as mentioned by Mr. Hamilton for non-profit corporations be the only ones allowed to exceed the 150 foot height limit and only then with the Council's concurrence. Motion seconded by Mr. O'Leary.

Voice vote was taken on the amendment as follows: Ayes 6: Banfield, Cvitanich, Dean, Jarstad, O'Leary and Zatkovich. Nays 3: Finnigan, Herrmann and Mayor Johnston. Motion carried.

Roll call was taken on the amended motion as follows: Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston. Motion carried.

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c. This is the date set for hearing for St. Joseph Hospital requesting rezoning of the property between So. 17th & So. 19th and between "I" & "J" Sts. from an "R-3" and "R-4" to an "R-5-TM" District.

Mr. Buehler explained this petition would rezone the area from South 19th to South 17th between I and J Streets to be included in the St. Joseph Hospital complex. The street has been vacated sometime ago and the rezone is required for an addition of a tower to take care of the same number of beds as in the present hospital. The present hospital structure will be turned over for administration, storage and a nursing school. There are to be 245 beds in the new facility. The present nursing school will be razed and the area used for a parking space.

Dr. Herrmann moved to concur in the recommendations of the Planning Commission. Seconded by Mr. O'Leary.

Dr. Herrmann pointed out that his motion was to approve a general 200 foot height limitation, whereas the amendment Mr. Dean had made, was to provide for that height limitation for non-profit organizations only. However, the hospital would qualify under that provision.

Voice vote was taken to concur in the recommendation of the Planning Commission approving the rezone. Motion carried unanimously.

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RESOLUTIONS:

Resolution No. 20717 (postponed from the meeting of June 23rd)

Authorizing the proper officers to execute a contract with the Law & Justice Planning Dept. of the State of Washington to carry on the work undertaken under prior grants for improving law enforcement activities.

Mayor Johnston said a motion to adopt was made by Dr. Herrmann and seconded by Mr. Finnigan at the meeting of June 23rd.

Mrs. Banfield commented that she had recommended that all Council members read the comments by the City Attorney on this resolution, as she thought it was very possible that this program would include sensitivity training for the law enforcement employees.

Mr. Zatkovich mentioned that the name of the assistant head of the Law & Justice Planning Department of the State appeared on the original communication, under the Planning & Community Affairs Agency, and he asked the name of the head officer.

Chief Lyle Smith replied the name of the Planning Officer had not been changed, but that it would read the same.

Mr. Zatkovich asked if this program would be tying up any of the City's personnel.

Chief Smith replied that the personnel who were already assigned would continue to do their assigned jobs, and that this grant would provide the funds for secretarial assistance, office machines and remodeling the offices so as to carry on the planning functions.

Mr. Zatkovich also asked if the Council would be committing itself and lose control of the situation.

Chief Smith replied that he had studied the grant proposal and that the control would remain under the Tacoma Police Chief and there would be no federal strength involved.

Mr. Dean asked Chief Smith's opinion of the plan. Chief Smith replied that it is a program from which the City can benefit and the funds are available for extension even beyond this particular grant, which would be submitted to the Council for consideration at a later date. At the conclusion of the grant, it could revert back to the same law enforcement activities that are now being followed.

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

Ayes 6: Dean, Finnigan, Herrmann, Jarstad, Zatkovich and Mayor Johnston.

Nays 3: Banfield, Cvitanich and O'Leary.

The Resolution was declared passed by the Chairman.

Resolution No. 20732 (Postponed from the meeting of June 23rd)

Approving the Access Report of State Route 16 from So. 23rd to Narrows Bridge.

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

Mr. Cvitanich pointed out that a decision had been made at the time of continuation of this hearing that there would be no public discussion unless there were substantial changes made.

Mr. Schuster affirmed the fact that this resolution had been presented to the Council twice previously and Mr. Syford, Mr. Haas and the people from the Orchard Street area had met and other meetings have also been held. After the meetings, the Planning Dept. had considered a suggestion of a change on both the Jackson Avenue Interchange and on the 6th and Pearl area and some modifications were made. Several cul-de-sac configurations were added so as to eliminate additional interchanges which are more of a traffic problem. The changes permitted a more direct connection on Olympic Boulevard and past the Highland Hill commercial area. A second change was made in the area of 6th & Pearl of a proposed overpass which will come across 6th Ave. and tie into the freeway. The change will permit as small a curvature off of Pearl Street as possible and still be acceptable to the Public Works and the Highway Departments. Another advantage will be that it will miss two buildings. The Highway Dept. had stated they would accept an alternate access proposal to the Highland Hill Shopping Center in compensation for closing the present access on Pearl Street. He further added the Highway Dept. recognizes there would be some damages to this area by closing the present access, however, if those costs are higher, they will try to provide some other access into that area.

Mr. Jarstad asked if any thought had been given to have the traffic come up to a stop and then making a direct run right into Olympic Boulevard.

Mr. Schuster replied that considerable thought had been given to that plan, but due to the complexity of the intersection, all three groups of people involved agreed it should not be done as it would require a star-type intersection.

Mr. Jarstad also inquired about a ramp going over or under Jackson, from the bridge up to Olympic Boulevard.

Mr. Schuster said there would be too many ramps and too confusing for the people.

Mr. Jarstad asked that Frank Burgess, attorney representing the Firmoor homeowners, be allowed to speak.

Mr. Burgess said that on July 1st, there had been a meeting of the Highway Dept., Public Utilities Dept. and the homeowners and he understood there would be a presentation made by the City and other state and city departments, but none was made.

They had discussed the fact that a double left turn lane would be adequate and were concerned about the number of homes to be condemned. He commented that there had been some discussion on shifting 19th Street in that area to a different alignment. Mr. Burgess further explained all department heads at the meeting of July 1st had agreed that a double left turn lane would handle the traffic and that his group preferred that design to the other loop design which would eliminate more homes. He said he was not present at that meeting to apply legal pressure, but that the Council's action would be approved by the State. He said his group objects to the plan being recommended by the Public Works Dept., but do recommend the second plan which would include the double left turn lane. He feels that the Council's decision will represent the wishes of the community and that strong considerations of the area should be given. He did not think sufficient proof has been given that the second plan will not work as well as the other plan. He added protests were submitted to the Council from residents in the area: Gary Barrett, Dale Piercy, Mr. & Mrs. Fred E Davis and from Herbert F. Syford representing the Highland Hill Corp.

After some discussion pro and con, Mr. Cvitanich moved that the wording on line 9 of the second paragraph of the "Be It Resolved" portion, be changed to read as follows: "thence westerly between North 9th Street and North 11th Street undercrossing Mildred Street and continuing to connect Olympic Boulevard to Jackson Avenue in such a manner as to be consistent with good design in accordance with State Highway Department standards, and continuing along Olympic Boulevard to the Narrows Bridge;"

Dr. Herrmann asked that this be pointed out on the map. Mr. Schuster thought this wording might better be placed under the modifications listed on page 2 of the resolution. He stated that the resolution already contains the modification to 19th and Orchard where the loop is not as large as it was originally designed.

Mr. Cvitanich stated he thought his proposed amendment could go in as he had suggested, in the "Be it Resolved" paragraph.

Mr. Hamilton said in his opinion the description contained on the first page delineates the limits of the access report itself and the modifications inserted later would be internal adjustments within those limits.

Mr. Cvitanich withdrew his previous motion, with the consent of the second, and then moved that the Amendment be inserted in the proper place in the resolution. Seconded by Mr. O'Leary. Voice vote was taken. Motion carried.

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

Ayes 6: Cvitanich, Finnigan, Herrmann, O'Leary, Zatkovich and Mayor Johnston.  
Nays 1: Banfield. Absent 1: Dean (temporarily). Abstained 1: Jarstad.  
The Resolution was declared passed by the Chairman.

Resolution No. 20746 (postponed from the meeting of June 23rd)

Authorizing the proper officers of the City to execute an agreement with Peat, Marwick, Mitchell & Co. and Knight, Vale & Gregory, to perform an audit of the books of the City of Tacoma.

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

Mr. Cvitanich reported that on June 30th, the Finance, Audit & Investigating Committee had met with the auditor and there were several areas of concern as a result of the analysis of this resolution by the legal department. The substitute resolution now contains amended language which was submitted to the Council. He pointed out that there are 26 departments to be audited. In paragraph 7 of the Agreement, the words "City Council" have been substituted for "Finance, Audit and Investigating Committee". Another point of concern was that if the auditors found any irregularities, the information should be brought to the Council and then turned

over to the prosecuting attorney's office or any other necessary legal agencies. This would eliminate any likelihood that the Council was exerting pressure on the auditors. The total agreement is in compliance with the City Charter. The audit will be presented to the Council and a copy will be available for the public's information.

Mr. Cvitanich added, a very important provision has been included in the substitute resolution on page 2. Paragraph (b) states that the auditing firm will do an "in-depth review" of the management controls in the City of Tacoma. Hopefully this will bring about some streamlining and consolidating of departments which will save the taxpayers many hundreds of dollars. On page 7 and 8, the words "Finance, Audit and Investigating Committee" has been substituted for the words "City Council".

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

Mayor Johnston mentioned on page 2, paragraph 4.(c), it states "after the expenses incurred hereunder have reached \$45,000...." He asked if this suggests that \$45,000 will not cover the audit.

Mr. Cvitanich commented that \$85,000 had been appropriated last year. This \$45,000 is a start, but in the event of some particular irregularities or areas of special concern to the Council, the Council could then ask to go into more depth-- which might take another \$10 or \$15,000.

Mayor Johnston commented that this amounts to an open end contract and he would feel safer if a specific fee was set for the complete audit.

Mr. Cvitanich said it would be incumbent on the Council to appropriate additional funds to make sure the audit is completed. There was a budgetary limitation last year and the amount set had to be deleted and reappropriated. He added, this is something the City of Tacoma has needed for a long time and hopefully it will be started in spite of the ministerial alliance that exists.

Mayor Johnston referred to page 3, paragraph 6, he questioned the advisability of the wording if the City is to provide staff assistance, tabulations, etc. He wondered if this would be a true audit.

Mr. Cvitanich responded there are times when the auditors can utilize capable members of the City staff as we have people who are familiar with the methods.

Mayor Johnston asked Mr. Hamilton if this agreement satisfies the requirements of the frequently quoted sections of the Charter.

Mr. Hamilton said that here again they were only talking about a matter of degree and that for a fee of \$45,000, there could not be a truly "complete audit". He stated that according to interpretations rendered by the city attorney's office in the past, this audit is more comprehensive than those held in the past and that they have complied with the intent and the history of the audit as it developed over the years.

Mr. Finnigan referred to paragraph 12 of the agreement where it states that representatives of the auditing firm can deal with the City Council and/or the committee. He asked what methods the chairman of the committee plan to use to inform the Council members about the discussions. He thinks this should be disclosed to the whole Council.

Mr. Cvitanich replied that the words "the Committee" had been deleted four times in the original agreement and if the Council could not assemble, the committee could get together and there would be minutes of the meetings, so that the information would be brought to the Council.

Mr. Jarstad said that it had been pointed out that Council members would be notified of Committee meetings so that they could attend if they so desired.

Mayor Johnston asked if Mr. Cvitanich would be completely satisfied that the books had been properly audited under this agreement and he responded that he did not think a complete audit could be obtained with only \$45,000.

Mr. Finnigan questioned which departments would be audited under the \$45,000 and if it would be a complete audit on some and a random sampling on others for the time being.

Mr. Cvitanich said he was sure the auditors department would come up with a good recommendation depending on the variables involved. He added this is the best plan the City has had in the past years.

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

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.

Mr. Jarstad moved to suspend the rules to reconsider Resolution No. 20732 on SR 16 regarding the 19th Street interchange. Seconded by Mr. Zatkovich. Mayor Johnston pointed out that Mr. Jarstad had abstained from voting on the resolution so could not move to reconsider the Resolution.

Mr. Zatkovich said he would uphold Mr. Jarstad's opinion and there had been an adjustment made in the plan on the other end of the arterial and the Public Works Director said they could abide by the other situation if they had to.

Mr. Zatkovich then moved to suspend the rules to consider this Resolution. Seconded by Mr. Jarstad.

Mr. Finnigan objected, saying there had been ample time to bring that argument up before this.

Roll call was taken on the motion, resulting as follows: Ayes 3: Jarstad, O'Leary and Zatkovich. Nays 4: Cvitanich, Finnigan, Herrmann and Mayor Johnston. Absent 2: Banfield and Dean.

Motion declared lost to reconsider Resolution No. 20732.

Resolution No. 20766

Fixing Monday, July 27th at 4 P.M. as the date for hearing on L I D 3704 for storm drainage in the alley between Ferdinand and Mullen Street from No. 45th to No. 46th Street.

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

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. 20767

Fixing Monday, July 27th at 4 P.M. as the date for hearing on L I D 3702 for sanitary sewers on East 65th from East "S" St. to East "T" St. and other nearby streets.

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

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

Ayes: 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. 20768

Fixing Tuesday July 28th at 7 P.M. as the date for hearing for vacation of the roadway crossing private properties and extending from No. 21st northwesterly to the new Mildred St. alignment. (Petition of City Council)

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

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. 20769

Authorizing the execution of an Assessment Deed to William R. Sheldon for property located on So. 15th St., between So. Cedar & Alder Sts. for the sum of \$100.00.

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

Mrs. Banfield said she thought this matter should have been handled differently inasmuch as both the adjoining homeowners wanted the property, rather than sell it to the Sheldons.

Mrs. Sterling Wilford, owner of property next to Mr. Sheldon's property, said she and her family wanted to bid on the property to obtain half the property or 6 feet. She thought the house itself should have been condemned because it is in such bad shape.

Mr. Cvitanich moved to continue the matter for one week and be referred to the Public Works Committee. Seconded by Mrs. Banfield. Voice vote was taken. Motion carried.

The Resolution was referred to the Public Works Committee.

Resolution No. 20770

Authorizing the execution of an Assessment Deed to Anita Cook Skelton for property located at SW corner of East 67th & "B" Sts. for the sum of \$200.00.

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

Mrs. Banfield commented that the City received the deed to this property in 1965 and has been off the tax roll for five years. She asked if there are any other owners who wish to buy it and how much taxes have been lost in the five years.

Mr. Clar Gaisford, City Finance Director, noted that the assessed value of the property was only \$45.00, so the tax would only be 45¢ a year; therefore, very little tax was lost by the City. Mr. Skelton is the only abutting owner and Resolution 19898 passed by the City allows the abutting owner to purchase the property.

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. 20771

Authorizing the execution of an Assessment Deed to Louie H. Heidinger and Dora Heidinger for property located on alley, 75 feet south of So. 64th Street between So. Oakes & Pine Sts. for the sum of \$155.00.

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

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. 20772

Authorizing the execution of an Assessment Deed to two property owners for the property located at No. 31st St. between Orchard St. and alley between No. Orchard & Huson Sts. for the sum of \$675.00.

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

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. 20773

Authorizing the execution of a Local Improvement Assessment Deed from the Guaranty Fund to Public Works Dept. for 6' of property in connection with the widening and paving of So. 48th Street between Alaska and Wilkeson Streets.

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

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. 20774

Reappointing Leo McGavick to the Public Utility Board for a 5 year term expiring June 30, 1975.

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

Mayor Johnston said he has the highest regard for Mr. Leo McGavick, who has served the City in this capacity with great distinction for ten years in a non-paying job. He also said he hopes the Council will recognize the significance of

having new thinking, new judgments, new approaches and new memberships on Boards & Commissions. He indicated that he had a new person he would like to name to the position.

Mr. O'Leary said he still goes along with the old thinking and that the laboring people in the City are in favor of having Mr. McGavick stay for another term. Mr. McGavick had insisted that 90% of the men employed on the dam jobs be Washingtonians and this kept our men employed.

Mr. Dean thought we should keep the experience in mind.

Mr. Finnigan asked about a ruling on whether the Council members or the Mayor has the right to nominate new names as candidates for various boards.

Mr. Hamilton stated that under the City Charter, the Mayor or any three members of the Council may in writing, nominate a person to any City board created by ordinance or charter. The statute does also specifically grant the sole authority to the Mayor to appoint members to certain Boards. If it is a City Board, the City ruling is followed and if a State Board, the State laws are followed.

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

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

Nays 1: Mayor Johnston. Absent 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20775

Appointing Richard J. Dolack as a member of the Public Utility Board for a 5-year term expiring on the 30th day of June, 1975.

Mayor Johnston moved that this resolution be removed from the agenda. Motion seconded by Dr. Herrmann. Voice vote was taken. Motion carried unanimously.

The resolution was removed from the agenda.

Resolution No. 20776

Honoring and congratulating Tacoma Youth Symphony for its achievement and selection to participate in International Festival of Youth Orchestras at St. Moritz, Switzerland, and designating them as official ambassador of good will from citizens of Tacoma.

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

Mr. Finnigan asked that this resolution be read into the record. He also commented that he had thoroughly enjoyed the symphony music at the Council meeting last week and mentioned the fund raising drive in downtown Tacoma on the next day.

Dr. Herrmann thought the City of Tacoma should be more financially involved with cultural projects and felt this one would be worth the City's support and asked if the Finance Committee had determined if an appropriation could be forthcoming.

Mr. Cvitanich reported the FAI Committee had met and the consensus was that contributions to the Youth Symphony group would have to be withheld at this time, especially as it would be hard to draw a line on how to determine when the City should donate and to which groups.

Mr. Dean said he has supported all youth groups, but concurred with the committee's recommendation and since the City is now facing an extreme financial crisis, the funds should be used in areas to benefit the entire City. He felt this is a case where individuals should contribute.

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. 20777

Authorizing the approval and execution of the Model Cities Comprehensive First Year Action Program.

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

Mr. Dean moved to postpone the resolution until July 14th. He explained that most of the councilmen had not yet had an opportunity to completely study the matter of the Model Cities program. Seconded by Mrs. Banfield. Voice vote was taken. Carried unanimously.

Mr. Dean said he thought the Council and the Model Cities staff should get together so that questions could be directed to the officers of that organization.

Mrs. Marian Gleason, chairman of the executive board of Model Cities, asked if the meeting would include the executive board members of the Model Cities staff, project planners and the City Council.

Mrs. Banfield suggested that a public hearing be held to include the Park Department, School Board and any citizen who would like to know more about the Model Cities program.

Mayor Johnston said this was not his interpretation. He thought this was to be a study session between the Council, the board and the staff of the Model Cities department, not a public hearing.

Mr. O'Leary pointed out the Model Cities program affects all the people of the City. He felt this should be a public hearing.

Mrs. Banfield asked that the rules be suspended to allow Mrs. Shackelford to speak. Seconded by Mr. O'Leary.

Mr. Finnigan pointed out that Mrs. Shackelford could state her views at the meeting next week when the resolution comes back before the Council.

Roll was taken on the motion to allow Mrs. Shackelford to speak. Motion carried.

Mrs. Virginia Shackelford said she was speaking as a member of the Model Cities program and asked if she could attend the meeting set for Monday, July 13th.

Mr. Finnigan suggested if she were allowed to attend the meeting, members could ask her questions if they so desired.

The Resolution was postponed until July 14th.

Resolution No. 20778

Authorizing the execution of an extension agreement with the Post Office Dept. covering rides for postal carriers from July 1, 1970 thru June 30, 1971.

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

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. 20779

Approving the initiation of the Washington Uniform Citation and Notice to Appear System by the Tacoma Fire Department to enforce the Fire Code.

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

Fire Chief Reiser explained the legal and police department have assisted in developing this system. It is a method of enforcing the fire code.

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. 20780

Approving the two proposals for the Tacoma Public Library which were deleted from the Tacoma Design for Progress.

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

Mr. Jarstad said there were some of the members from the Library Board who wished to have the two propositions which were deleted from the Design for Progress placed back into the program.

Mr. Jarstad explained that the propositions included a main addition to the library which would amount to \$1,850,000 and a request for the acquisition of three sites in Southeast Tacoma and in Northeast Tacoma amounting to a total of \$75,000, bringing the total amount to \$2,100,000. He added \$175,000 of this amount would be for parking areas. He added, in his opinion, these projects would be in competition with others already in the Design for Progress.

Mr. Cvitanich suggested the resolution be continued for further study.

Dr. Herrmann said these projects had been discussed and it was decided that they be deleted. He added any further delay would preclude the other projects getting on the ballot. He thinks it is a timely resolution and the Council had discussed the priorities.

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

Ayes 4: Finnigan, Herrmann, Zatkovich and Mayor Johnston.

Nays 5: Banfield, Cvitanich, Dean, Jarstad and O'Leary. Absent 0.

The Resolution was declared LOST by the Chairman.

Resolution No. 20781

Approving and adopting the Six Year Comprehensive Street Program for 1971 - 1976.

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

Mrs. Banfield moved to continue this resolution for one week, until July 14th. Motion was seconded and roll call taken as follows: Ayes 4: Banfield, Cvitanich, Dean and O'Leary. Nays 5: Finnigan, Herrmann, Jarstad, Zatkovich and Mayor Johnston. Motion lost.

Roll call was taken on the motion to adopt 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. 20782

Authorizing the execution of an Agreement with the Washington State Nurses Association for conditions of employment in the Nurses Division of the Health Dept.

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

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.

FIRST READING OF ORDINANCES:

Ordinance No. 19136

Amending the American Standard Specifications for making buildings and facilities accessible to and usable by the physically handicapped.

Mr. William Buell, chairman of the Architectural Barriers Committee of the Tacoma Handicapped Club, commented on the fact that the number of handicapped people in Tacoma has increased and suggested some amendments to the resolution. Mr. Buell suggested changing a number of words in the text to make the specifications more beneficial to the handicapped people.

Mayor Johnston asked Mr. Buell to confer with Mr. Ronald Button, Building Inspector, and aid him in incorporating the recommendations into the ordinance.

Mr. Button said that a number of these recommendations were already in the ordinance, but they will be reviewed.

The Ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 19136 (postponed from the meeting of June 30th)

Amending Title 6 of the Official Code relative to taxation for banks.

Mr. Cvitanich said he had asked last week for continuance on this ordinance due to a pertinent legal opinion presented by the City of Seattle at the meeting in Yakima, which might affect this taxation ordinance.

Mr. Zatkovich said he thought it should be decided tonight as it has already been continued once already.

Mr. Cvitanich stated that the Washington Cities Association is planning to take the taxation matter to the next session of the Legislature and it is debatable at this time if the City has the right to impose the tax in question.

Mr. Jarstad said the 1% tax that the City would be getting would be six times what had been anticipated and even by cutting the 1%, which was agreeable to the banks, it would place them in a non-competitive position with the outside banks. If it were cut to 1/2 of 1%, the City would still be receiving three times the anticipated amount of tax. The economic situation has now changed, however, so these figures have probably changed from what was quoted. This ordinance would put the tax back in the same category as other businesses in the City.

Mr. Dean asked Mr. Dave McLennan, Tax & License Director, to verify the figures.

Mr. McLennan said based on the figures for 1969 and carrying this forward into 1970, at the present rate if the ordinance is passed at 1/2 of 1%, the tax would amount to approximately \$64,870 for the next six months of 1970, as against approximately \$130,000 for the full year. The fourth quarter would not come in until the first quarter of 1971.

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.

Ordinance No. 19151

Amending subsection B.4 of section 1.12.210 of the official code relative to the observance to holidays when one falls on a Saturday or Sunday.

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.

Ordinance No. 19153

Amending Chapter 1.25 of the official code by adding Section 1.25.090 to set procedures for selection of representatives of the Poor on the Economic Opportunity Board.

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 the following:

LID 4851 for permanent paving on Bridgeview Drive from Narrows Drive to No. 27th St. and other nearby streets.

Mr. Finnigan moved that the date of hearing be set for Monday, August 10th, at 4 P.M. Seconded by Mr. Cvitanich. Voice vote was taken. Motion carried.

COMMITTEE REPORTS:

Mr. Cvitanich said the Finance Committee had discussed Resolution No. 20733 pertaining to low-cost housing and asked that it be placed on the agenda.

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Mr. Dean, chairman of the Rules and Agenda Committee, met with the committee while in Yakima to discuss the various resolutions which amended the Council Rules. Mr. Dean asked if the legal staff could incorporate these resolutions so that it will be easier for amendments.

Mr. McCormick stated that he had some suggestions for a better method of control in making rules and regulations.

Mr. Dean offered to meet with the legal staff on this subject. Mr. McCormick said he would also like to have the City Clerk at that meeting and pointed out that there is difficulty getting the materials in on time for the agenda both to the legal department and the city clerk's office.

Mr. Dean said he would consult with his committee members, Dr. Hartmann and Mr. Finnigan, and set a time to meet.

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REPORTS BY CITY MANAGER:

Mayor Johnston congratulated Mr. McCormick on his new assignment.

Mr. McCormick responded that he was more than pleased of the 100% vote for his appointment as City Manager, which indicates a unanimous Council on his side. He added he acknowledges the fact that each Council member is elected by the people and that he will do everything in his power to cooperate with each and every member, and, therefore, with the people of Tacoma, even though there is often a fine line between the two sides of every problem of administration and policy. He feels that the Council and the public should not look backward, but rather look forward to make Tacoma a bigger, better, cleaner, more enjoyable and safer City, in which the people can be proud to live and raise their children.

Mr. McCormick said as Acting City Manager, he would like to appoint Mr. Robert Hamilton as Acting City Attorney.

\* \* \* \* \*

Mr. McCormick pointed out while in his position as City Attorney, he had given legal counsel to committees according to the priority ordered by the Council. His recommendation on city charter changes and other matters which are now of current interest have been submitted to the Council with explanations and complete analysis under each subject. He recommended that the Council review these recommendations as soon as possible so that they may be put on the September ballot as separate propositions as copies of the revised resolutions will have to be submitted to the Auditor's office 45 days prior to the primary election of September 15th. He added he would be happy to assist the Council at any meeting to explain what has been done in order to separate the information by subjects.

Mayor Johnston commented that these propositions would include charter changes.

\* \* \* \* \*

Mrs. Banfield asked the Council when a meeting could be held on the Charter changes. Mayor Johnston said due to the emergency of having the appointment of a new City Manager last week, the meeting on changes to the Charter had been delayed. He added he will set up a time for the meeting for Thursday at 7:30 P.M., July 16th.

\* \* \* \* \*

COMMENTS BY MEMBERS OF THE COUNCIL:

Mrs. Banfield moved that a public hearing be held on the Model Cities Program. Seconded by Mr. O'Leary. Motion carried. She suggested that the meeting be advertised and that the public be invited. The proponents and opponents be given one hour each to speak and some time given for rebuttal. Also, the hearing should be held at the Public Utilities building.

Mayor Johnston said he and Mr. McCormick would arrange for the hearing.

Mrs. Banfield said it should be advertised ten days ahead of the meeting as she felt this program is most important since it concerns the entire future of the government in Tacoma. She thought it important to have the public understand how the money is going to be spent, so they will know how to vote.

Mrs. Banfield pointed out various items in the report that she did not agree with. She strongly recommended that Tacoma look into other anti-poverty programs that are going on all over the nation.

Mr. Jarstad agreed that these programs can be mishandled and commented that Mr. Walker had hoped Tacoma could make their program a model for Model Cities Programs. He admitted many problems were going to exist just as in other cities, but that the City and Council should try very hard to answer the real problems that were in mind when the programs were first conceived by the federal agencies. If it can be handled so as to eliminate the dangers which Mrs. Banfield has cited, a fine service could be accomplished for Tacoma and other cities.

After some discussion, Mayor Johnston stated that he and Mr. McCormick, City Manager, will make arrangements with the Utility building staff for a public meeting to be held on Monday July 20th at 7:30 P.M. in the Utility building.

Mr. O'Leary moved that Mrs. Banfield be appointed the public relations person on this project to help work on the advertising. Seconded by Mr. Cvitanich. Motion carried.

\* \* \* \* \*

Mr. Cvitanich said he would like to make some further comments relative to the dismissal of Mr. Oles as City Manager.

Mr. Cvitanich explained that the press has made a big point of the fact that the Council is composed of a "majority of five men". The fact is that at no times does the "majority" have a majority of five. He pointed out a number of times that he was not a member of any particular faction on this Council, but the press chose to divide the Council consistently. He felt the press is more responsible for the problems of this community than anyone other factor. In regard to the firing of Mr. Oles, at least 99% of the information in the papers was a falsehood. Allegations were made that Mr. Oles was going to join the Recall Committee, as a result of pressure from the Council.

Mr. Cvitanich stated that Mr. Oles had alleged the Council majority of five members had tried to alter the Charter amendments for a strong Mayor-Council form of government. This was not true. Mr. Cvitanich said that he favors a strong Council-Mayor form of government and had advised Mr. Oles that he should resign from the Charter Amendment Committee. He added, Mr. Oles had resigned, but had attended all the meetings and then used his influence to bring about some amendment that he personally favored. He further added, Mr. Oles said two members of the Recall action had approached him and asked him to withdraw the lawsuit. He said he thinks every member should have an opportunity to express himself and that by the end of the evening it can easily be seen that the former City Manager had a conspiracy between himself and the press.

Mr. Cvitanich continued that he had supported Mr. Oles in the beginning because of his good background in fiscal management and financial matters, but that in the five months he had been in office, he had not exhibited this trait. He affirmed that Mr. Oles had interjected partisan politics into an office that is traditionally



non-partisan. Mr. Oles had tried to force his policy on the Council, particularly with regard to the O.D. I. policy in the City. He tried to stall the City Council in forming a CAP Agency and he felt he proved himself completely incompetent as a City Manager.

Mr. O'Leary commented that Mr. Oles continually said he was not doing anything in regard to policy making, but when the subject of the CEO - ODI program came up, he was continually trying to force his policy, and at one time even broke into a meeting of the County Commissioners and a regional group and when questioned by a Commissioner, he said "not to pay any attention to Council policy", and that a motion made by O'Leary was foolish. He tried to force his own policies through and continually stalled the Council's forming a C.A.P. Agency. He also felt that Mr. Oles proved himself completely incompetent shortly after he was appointed City Manager.

Mrs. Banfield reviewed the ODI situation and said that Mr. Oles time after time delayed matters on the ODI. He attended meetings representing that he knew what the Council wanted, even though the Council had said the reverse.

Mr. Cvitanich said that one of the most important aspects was the fact that when Mr. Oles was appointed, he had implied that a deal had been made whereby Mr. Rasmussen was to be hired as Assistant Manager and then Mr. Oles would step down. Mr. Cvitanich asked if any other councilmen had been participants in that action or had been aware of this fact.

Mr. Cvitanich pointed out that Mr. Oles had made statements on one side of a question and Police Chief Zittel on the other side regarding the policy of "toleration". Zittel stated that Mr. Oles had blocked him from coming to the Council with the information; whereas this was not true and he said this matter will be aired publicly in a very short time.

Mr. Dean commented that the headlines in the papers had previously misrepresented the facts when they quoted that a "majority" had asked for the firing of Mr. Oles as City Manager; there were only four votes, not a majority. The Chief of Police position was not an issue at the time. Mr. Dean pointed out that when you hire a person, you of course approve of him, but after you have worked with him a while you discover his inadequacies.

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ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

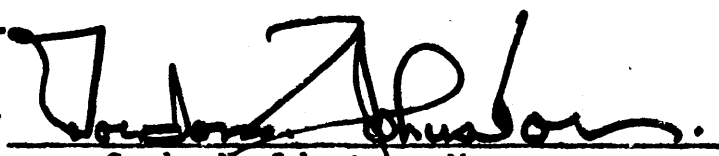
- a. Minutes of Tacoma City Planning Commission meeting of June 15, 1970.
- b. Minutes of Board of Park Commissioners meeting of June 22, 1970
- c. Bimonthly Planning Progress Report 5 - Model Cities.
- d. Minutes of Tacoma-Pierce County Opportunity & Development, Inc. meeting of June 2, 1970, and special meeting of June 8, 1970, of the Executive Committee.
- e. Minutes of Board of Trustees Meeting of Tacoma-Pierce County Opportunity & Development, Inc., June 8, 1970.
- f. Tacoma City Planning Department Report for June, 1970.
- g. Tacoma Employees' Retirement System Report, June 30, 1970.
- h. Labor Standards Enforcement Report - Dept. of Urban Renewal, Jan. 1, - July 1, 1970.
- i. Report of Expenditures and Annual Invention Statement - Public Works Dept.
- j. HUD-6193 Report - Demolition Grant Project - Wash. M-1(G) ending June 30, 1970- Public Works Dept.

Placed on file.

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Meeting adjourned at 12:15 A.M., July 8, 1970.

Attest:   
Josephine Melton - City Clerk

  
Gordon N. Johnston - Mayor