

CITY COUNCIL MINUTES

City Council Chambers
October 6th, 1970

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

Present on roll call 6: Billett, Corsi, Finnigan, Herrmann, Jarstad and Mayor Johnston.

The Flag Salute was led by Dr. Herrmann.

Mayor Johnston announced that before proceeding with the regular order of the agenda, the names that have been submitted for Council members will be considered at this time.

Mr. Billett explained that the nominees will be considered in alphabetical order. Mr. Billett nominated Mr. Gerald T. Maule, residing at 2120 No. Cheyenne St., who is a sales representative for a Tacoma furniture manufacturer. Seconded by Mr. Jarstad. Voice vote was taken and carried unanimously.

Mr. Finnigan nominated Mr. Harold G. Moss, 1270 So. Huson Drive, who among other connections, is Director of the Outreach Program for the Tacoma Urban League. Seconded by Dr. Herrmann. Voice vote was taken and carried unanimously.

Mr. Jarstad nominated Mr. Philip A. Schroeder, residing at 1524 Fairview Drive South, an associate of the Tacoma Rug & Furniture Cleaning business. Seconded by Mr. Corsi. Voice vote was taken and carried unanimously.

The three new Council members were then sworn in by the City Clerk.

Mayor Johnston read a Proclamation designating the week, October 4th through October 10th, as Fire Prevention Week and presented a Certificate of Appreciation to Mr. John Fife in recognition for his outstanding service in rescuing an invalid from his burning house and thereby proving himself an outstanding citizen.

The Mayor also presented a Certificate of Appreciation to Mr. John Smith, Jr. for rescuing three children from a burning apartment, recognizing citizenship at its very highest level.

Mayor Johnston also read a Proclamation naming the week, October 5th through October 10th, as National Employ-the-Physically-Handicapped Week, and urged all employers, public officials and business leaders to employ the handicapped in order that they may contribute fully to the life of the community.

Mayor Johnston also read a proclamation designating the week, October 9th through October 15th, as Scandinavian Days in the City of Tacoma.

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Mayor Johnston asked if there were any corrections or omissions to the minutes of September 16th being submitted.

Dr. Herrmann moved to approve the minutes of September 16th as submitted. Seconded by Mr. Finnigan. Voice vote was taken. Motion carried.

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HEARINGS & APPEALS:

a. This is the date set for hearing for rezoning of the S. W. corner of So. 88th & Pacific Ave. from an "R-2" to an "R-4-L" & "C-1" District. (Submitted by Ray Kochel)

Mr. Stan Wiley, Asst. Planning Director, explained there is a commercial zoning along both sides of Pacific Avenue in that area and the petitioner is requesting that the present commercial zoning be extended in a westerly direction at the intersection of 88th & Pacific to allow redevelopment of the property into a commercial building and an apartment house. He added there were no objections made at the Planning Commission hearing.

Mr. Billett asked what is the present zoning in the area just west of the area in question.

Mr. Wiley explained the area is "R-2" for single families. There is presently no street cut through on C Street and consequently there has been no development to the west. The developer has agreed to meet the conditions required, he added.

Dr. Herrmann moved to concur in the recommendation of the Planning Commission to approve the petition for rezoning. Seconded by Mr. Finnigan. Voice vote was taken and carried unanimously.

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b. This is the date set for a meeting on the Preliminary Plat of Bel Air Addition located on the east side of "A" St. in the vicinity of 74th St. extended.

Stan Wiley, Asst. Planning Director, explained for the information of the new Council members that in submitting a petition for approval, the developer of a subdivision plan first presents a preliminary plat and then a final plat to the Planning Commission. They are then submitted to the Council for approval; if approved, the developer can proceed with its final drawings and the plat can then be recorded. The conditions and requirements which the developer must meet in the present plat are set forth in a letter from the Planning Commission to the Council.

No objections were made at the Planning Commission meeting and the Commission recommends to the Council its approval.

Mr. Corsi asked what mechanical process is followed when the conditions for approval are presented to the Planning Commission.

Joe Quilici, Zoning Administrator of the Planning Department, pointed out that the conditions of approval become a part of the Preliminary Plat and must be met by the developer prior to the acceptance of the Final Plat by the Commission and the Council. It is the responsibility of the City Planning staff to work with the developer to make sure the conditions are fulfilled. In the matter of a street improvement, the developer must post a bond to guarantee the improvement, as is the case for paving, storm drainage, sanitary sewers, etc. The final plat is then presented to the Commission and the Council.

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

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RESOLUTIONS:

Resolution No. 20873 (Continued from the meeting of September 22nd)

Changing Rule IV of the Rules and Regulations governing ambulance service within the City of Tacoma.

Dr. Herrmann moved that the resolution be adopted. Seconded by Mr. Cvitanich on August 25th.

Mayor Johnston moved to continue the matter for another two weeks, until October 20th, in order that the new members of the Council could become more familiar with the various aspects of the proposed change in rates. Seconded by Mr. Finnigan. Voice vote was taken and carried unanimously.

The Resolution was continued until October 20th.

Resolution No. 20908

Authorizing the proper officers to execute agreements with Harold A. Allen Company and Fenton, Conger & Associates, Inc. for the purpose of appraising the property generally known as Sperry Mill property.

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

Bob Anderson, Acting Director of Public Works, explained this appraisal was necessary before the development of Bayside Drive could be instigated. This is one of thirty urban arterial projects approved by HUD for Tacoma. The Council had been presented with four different routes and Route B-2 was selected which included the Sperry Mill property. Mr. Anderson stated two different companies have been selected to appraise the two divisions of property. This is considered a very important purchase by the City for which there are aspects not ordinarily encountered and the attorneys thought it advisable that two appraisals be had. He added they feel that the rates established in the agreement are the going rates and the department recommends approval of the resolution.

Mayor Johnson asked if the requested appropriation was part of the urban improvement program and not an additional expenditure to the City. Mr. Anderson advised this was true and it is included in the total cost of \$5.7 million for the Bayside Drive project. He also added there will be further appraisals for the project.

Mr. Corsi asked if he were correct in assuming the Dept. of Public Works has already been authorized by the previous City Council to proceed with the project. Mr. Anderson said that is correct. The project was authorized about ten months ago and the corridor approved by the Council. The Dept. of Public Works is ready to proceed with specifications and acquire the properties.

Mr. Finnigan asked the total maximum cost of both appraisals.

Mr. Anderson remarked the cost would be \$9,150 for each company, totalling \$18,300; however, this could be exceeded if some bulkloading facilities or if other professionals had to be brought in or if it is challenged in court, that would be added expense.

Mr. Finnigan asked how the matter would be treated if there is a wide discrepancy between the two appraisals. Mr. Anderson said they carefully analyze most appraisals in their own department, which are kept confidential.

Mr. Hamilton explained if there is a wide disparity between the two appraisals they would try to resolve where the difference occurs according to the theory of each appraiser. It may be necessary to have a third appraisal if there is a wide divergence of opinion, as quite often happens in the State Highway Commission appraisals.

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

Ayes 9: Billett, Corsi, Finnigan, Herrmann, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.

Nays 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20909

Awarding contract to E. J. Rody & Sons on its bid of \$15,523.40 for LID 3702.

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

Mr. Anderson explained that the difference between a basic bid and a supplemental bid by saying that the basic bid is the actual bid for the project for the main trunks or the lateral road, etc., and the contract is awarded on that bid. The supplemental bid is a courtesy to the property owners which sets certain prices for pipe, excavation, ballasts and other items necessary for sewer lines to be constructed to the property line.

Mayor Johnston said in terms of the estimate the bid seemed appropriate.

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

Ayes 9: Billett, Corsi, Finnigan, Herrmann, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.

Nays 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20910

Authorizing the execution of a local improvement assessment deed to the City of Tacoma for vacant land on So. 48th St. between So. Wilkeson & Alaska Sts. upon payment of the sum of \$2,000.00.

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

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

Ayes 9: Billett, Corsi, Finnigan, Herrmann, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.

Nays 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20911

Authorizing the execution of a conditional real estate contract to Jack E. & Marijane Anderson for vacant land near No. 38th & Baltimore Sts. for the sum of \$9,600.00.

Mr. Corsi moved that the resolution be adopted. Seconded by Mr. Billett.

Mr. Gaisford, Director of Finance, explained that the LID Guarantee Fund was established by State statute in 1932 solely for the protection of the bond holders on local improvement districts, whereby if a person fails to pay the assessments, the City can foreclose and acquire the property. The property is then auctioned and the City recovers the amount of the assessments. He added this applies to the next three resolutions, which have been a profit to the City.

Mr. Finnigan pointed out the property purchased by the Andersons assessed value is 25% more than the sales price. He asked that this point be clarified.

Mr. Gaisford explained it has been the City's practice to sell the Guaranty Fund property at the basic bid. If it were sold at the County assessment value, it would not be in accord with a policy previously established by the Council.

Mr. Finnigan asked if these buyers have any adjacent property. Mr. Gaisford said this was checked and found the buyers have no adjacent land.

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

Ayes 9: Billett, Corsi, Finnigan, Herrmann, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.

Nays 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20912

Authorizing the execution of a conditional real estate contract to Marvin J. & Iona H. Oldenkamp, for vacant land near No. 48th & Shirley Sts. for the sum of \$2,000.00.

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

Mayor Johnston stated that the comments made at the previous resolution also applies to this resolution and the next one following.

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

Ayes 9: Billett, Corsi, Finnigan, Herrmann, Jarstad, Maule, Moss Schroeder and Mayor Johnston.

Nays 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20913

Authorizing the execution of a conditional real estate contract to Benny R. & Judy Anderson for property located at 45th Ave. N. E. & 41st Ave. N. E. for the sum of \$1,750.00.

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

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

Ayes 9: Billett, Corsi, Finnigan, Herrmann, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.

Nays 0.

The Resolution was declared passed by the Chairman.

FIRST READING OF ORDINANCES:

Ordinance No. 19214

Fixing the amount of the ad valorem tax levies for the year 1971 for the City of Tacoma.

Clar Gaisford, Finance Director, explained this ordinance is the first step in the preparation of revenue estimates for the year 1971. State statute requires the City Council to notify the County Commissioners on the first Monday in October of the year preceding the levy of taxes. He said there is a new base set on assessed valuation which is 50% of the true value of which the City is authorized 8 mills plus the additional millage authorized by the vote of the people for the additional millage to pay the principal and interest on the general obligation bonds.

Under the prior law, the City was authorized 16 mills, 14 mills of which is for general purposes and 2 mills for Firemen's pension operations. However, this has been cut in half making 7 mills for general purposes and one mill for Firemen's pension operations.

Mayor Johnston pointed out this is a matter of being consistent with the State law.

The ordinance was placed in order of final reading.

Ordinance No. 19215

Appropriating \$2,500.00 or so much thereof as necessary from the General Fund for the purpose of operating a partial day care center.

Mr. Gaisford explained the \$2,500 had been a donation from the Weyerhaeuser Foundation for the Child Guidance Clinic, an operation under the Health Department. This donation will be included in the Health Department budget whereby allowing the Department to expend the money as directed by the Weyerhaeuser Foundation.

The ordinance was placed in order of final reading.

Ordinance No. 19216

Creating a fund known as Stadium Trust Fund.

Mr. Gaisford explained under Chapter 89 of the extraordinary session of the State Laws of 1970, a special excise tax of 2% had been authorized for sales or lodging at motels, rooming houses, tourist courts, etc., to be collected by the Dept. of Revenue and reimbursed to the cities. Tacoma has now received its first reimbursement in the amount of \$3,853.00 from this source and this is designated as a trust fund. There are definite phases for which the money can be used such as, acquire, construct or for the operation of a stadium facilities. A separate fund is being set up so it can be disbursed at any time as the City Council wishes by resolution.

Mayor Johnston asked if this could also be used for the Cheney Stadium, Mr. Gaisford said it could.

Mr. Jarstad said as he recalled this bill was originally passed for the purpose of building a domed stadium somewhere in this area. He asked if a stadium were built in King County, would Tacoma legally contribute the funds collected in Tacoma to that stadium or conversely would such taxes collected in King County go to a stadium built in Pierce County.

Mr. Hamilton replied he did not have the answer, but would research the matter and have the answer for the final reading next week.

The ordinance was placed in order of final reading.

Ordinance No. 19217

Amending Sections 2.01.050 and 5.46.110 of the official code relative to dangerous buildings and minimum housing by changing "registered mail" requirement to "certified mail".

Mr. McCormick, Acting City Manager, explained in the past the State law had specified that any notice of hearings or complaints regarding codes pertaining to unfit or dangerous buildings and minimum housing were to be by registered mail. This ordinance is being drafted as a housekeeping measure to change the City ordinances to conform with the new State law which allows such mail to be sent by certified mail. This change would save the City approximately \$400 a year.

Mr. Corsi asked if the code relative to dangerous buildings is a very complex one.

Mr. McCormick stated the code is rather complex, but is workable. This code is used frequently and is one under which the City operates to eliminate dilapidated buildings in the City.

Mr. Corsi suggested that this ordinance and the Dangerous Building Code be taken up at a study session for the benefit of the new members.

Mr. McCormick indicated the Public Works Dept. has given him a long list of matters they would like to discuss with the Council at their convenience. He thought the Building Code discussion would fit in with that study session as some of them are complex and need explaining. He asked that the Mayor arrange for such a session.

Mr. James Lively, 3202 South 56th Street, reported that the change to certified mail would save the City approximately 50¢ per letter and mentioned he had suggested such a change in 1969, but it had not been approved at that time.

The ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 19210

(Continued from the meeting of Sept. 29th)

Creating a new fund in the General Fund to be designated as the "Model Cities Action Year Revolving Fund" and appropriating the sum of \$12,000.00 or so much thereof as may be necessary for certain activities of the Model Cities Program.

Mayor Johnston commented that this subject has been before the Council and continued a number of times and felt it has been widely advertised through the press media.

Mr. Jarstad said he has received a call from Mrs. Thelma Coonan, a Tacoma resident, who had spoken before the Council previously concerning the Model Cities Program. She claims she is not satisfied with the answer the legal department gave and that she was not allowed to speak at one of the Council meetings. Mr. Jarstad asked for a further clarification. He said if the action of the Council had been taken by an illegal hearing, he thought they should be aware of such an act.

Mayor Johnston questioned whether Mrs. Coonan's legal opinion should be considered on the same level as the City Legal Department's. He asked Mr. Hamilton to comment.

Mr. Hamilton explained that a public hearing on the Model Cities Program had been held on the night previous to the Council meeting on July 21, 1970 then when the matter originally came before the Council under Resolution No. 20777, the Chair had indicated there would be no public discussion, and the ruling was not challenged by any member of the Council nor was any appeal taken from it. As has

been stated, the Council and only the Council enforces its own rules of procedure, and even though there may have been a ruling that was arguably erroneous, no member undertook to correct it at that time, therefore, the ruling would stand. Mr. Hamilton further stated that he did not think that anyone who may have felt aggrieved by the ruling could not now or at any later time invalidate the adoption of the resolution.

Mayor Johnston called for the roll on the present ordinance to appropriate the \$12,000 for the Model Cities Program. Roll call was taken, resulting as follows:

Ayes 8: Billett, Corsi, Finnigan, Herrmann, Maule, Moss, Schroeder and Mayor Johnston.

Nays 1: Jarstad (abstaining).

The Ordinance was declared passed by the Chairman.

Ordinance No. 19211

Approving and confirming the assessment roll for LID 5496 for water mains in Sheridan Ave. from So. 80th to So. 82nd St.

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

Ayes 9: Billett, Corsi, Finnigan, Herrmann, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.

Nays 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 19212

Approving and confirming the assessment roll for LID 6899 for street lights on North Vassault from No. 23rd to No. 26th Sts.

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

Ayes 9: Billett, Corsi, Finnigan, Herrmann, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.

Nays 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 19213

Approving and confirming the assessment roll for LID 6906 for street lights on No. Villard from No. 31st to No. 37th Sts. and other nearby streets.

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

Ayes 9: Billett, Corsi, Finnigan, Herrmann, Jarstad, Maule, Moss, Schroeder and Mayor Johnston.

Nays 0.

The Ordinance was declared passed by the Chairman.

UNFINISHED BUSINESS:

Mr. Finnigan reported he was contacted by one of the County Commissioners and said they are quite anxious to proceed with the execution of the contract on sewers for the University Place.

Mayor Johnston said he would have a study session on Tuesday noon, October 13th and he would notify the County Commissioners of the meeting.

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Mr. Jarstad commented that inasmuch as Mr. McCormick had previously mentioned that he did not wish to act as City Manager permanently and with the budget soon to be adopted, he suggested naming a committee to research and establish procedures whereby prospects could be interviewed. He said he felt the Personnel Manager, some one from the Utilities Dept., a few Council members and the Mayor should look into the matter at an early date. He felt this would be the proper first step.

Mayor Johnston indicated that he would name a committee at the next Council meeting to proceed with the matter. He asked if there were any further comments by the senior members of the Council.

Mr. Finnigan said he would like to confer with the Mayor prior to the naming of the committee. Mr. Jarstad said he also had some ideas to present to the Mayor.

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REPORTS BY CITY MANAGER:

Mr. McCormick welcomed the new Council members and said he would like to offer the full-hearted cooperation of his department as well as to the other members. He added that the agendas that are put together by the City Clerk's office are delivered to the homes of the Council members every Friday evening. He pointed out if there is any information that the members wish to have in respect to the various subjects, they are welcome to call the Manager's office and they will see that the request is fulfilled. He also explained that every Monday at 10:00 A.M., a meeting is held including those department directors who have items on the agenda for that week, and the Council members are cordially invited to attend those meetings. Each item on the agenda is reviewed and also a brief explanation is attached to each resolution or ordinance to be considered for their information. He added he realizes it is difficult to expect Council members to receive the material on Friday night, with the week end intervening, and still be fully knowledgeable to properly vote on them at Tuesday's meeting. Therefore, he encouraged the members to attend the Monday agenda meetings in order to procure first-hand information on the items. The department heads or their representatives are present at all Council meetings to give first-hand information so as to insure that the Council members are fully informed on the items.

Mr. McCormick further added the Mayor has plans for the new Council members to tour each of the departments so as to learn first-hand how each department operates, what responsibilities they have and what their spheres of activity are. He mentioned the activities of the 22 City departments cannot be assimilated in a short time, but as times goes on, he was sure the new members will become better acquainted with the operation of the City government.

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COMMENTS BY MEMBERS OF THE CITY COUNCIL:

Mayor Johnston announced that he would hold a press conference at 11:00 A. M. on October 7th, probably in the Council chambers.

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Mr. Corsi said prior to his appointment to the Council, he had made a commitment for October 13th and requested to be excused for the meeting on that date. Dr. Herrmann moved that Mr. Corsi be excused from the meeting of October 13th.

Seconded by Mr. Finnigan. Voice vote was taken and motion carried.

CITIZENS' COMMENTS:


Mr. John Zelenak, 5414 So. J Street, asked for a clarification as to the legality of the appointive or the elective official. He said he had heard a number of comments in favor of each, but he was in favor of elected officials. He said he thought the people should have an opportunity to vote for the Council members. However, he had no objections to the members appointed to the Council since the recall, but that in all fairness inasmuch as the public had to go to the trouble of voting five Council members out of office, they should be given the courtesy of being allowed to vote for men to fill the vacancies.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

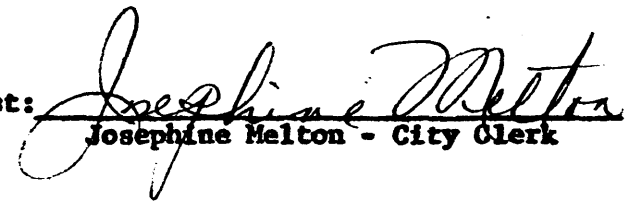
- a. Minutes of City Planning Commission meeting of September 21, 1970.

Placed on file.

Dr. Herrmann moved to adjourn the meeting. Seconded by Mr. Finnigan. The meeting was adjourned at 8:45 P. M.



 Gordon H. Johnston - Mayor

Attest: 
 Josephine Melton - City Clerk