

## CITY COUNCIL MINUTES

City Council Chambers  
Tuesday, Jan. 27, 1970

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

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

The Flag Salute was led by Mr. O'Leary.

Mr. O'Leary moved to excuse Mr. Cvitanich because of illness. Seconded by Mr. Dean. Voice vote was taken. Motion carried.

\* \* \* \* \*

Mrs. Lorraine Colburn and Mr. John Hart were presented a joint award in the amount of \$150 for their suggestion relative to an improved procedure for preparing warrants of arrests for moving traffic violations.

Mayor Johnston, Mr. Oles, City Manager, and City Council members congratulated Mrs. Colburn and Mr. Hart for their excellent suggestion.

\* \* \* \* \*

Mayor Johnston asked if there were any omissions or corrections to the minutes of the meeting of Jan. 13, 1970.

Mr. Zatkovich moved that the minutes of Jan. 13 be approved as submitted. Seconded by Mr. Dean. Voice vote was taken. Motion unanimously carried.

\* \* \* \* \*

### HEARINGS & APPEALS:

This is the date set for hearing for rezoning of the east side of Hosmer between So. 74th & 76th from a "C-P-N" to a "C-F-P" District, submitted by Elwin Investment Corp. etal.

Mr. Buehler, Director of Planning, explained he would discuss this hearing as well as the one following as they are in the same vicinity, and submitted by the same petitioner. The rezoning request for a "C-F-P" District on the east side of Hosmer between So. 74th and 76th is for the construction of a motor-hotel complex. The request for a "C-P-N" District on the east side of Hosmer between So. 76th and 78th Sts. extended, will be used to construct a shopping center complex. The basic zoning for the area would be unchanged and only the relative locations of the "C-F-P" and "C-P-N" Districts would be different. The applicant has agreed to the restrictions set on each of the requests by the Planning Commission, relative to fire hydrants, water mains, sewers, storm drains, vehicular traffic, etc. He added the Washington State Highway Dept. has concurred with the proposed rezones, however, they have requested, if channelization is installed by the developers on Hosmer St. that it not be of the raised curb permanent type, as this section is still maintained by the Highway Dept.

No protests being made, Dr. Herrmann moved to concur in the recommendation of the Planning Commission to rezone the above property and that an ordinance be drafted approving same. Seconded by Mrs. Banfield. Voice vote was taken. Motion unanimously carried.

This is the date set for hearing for rezoning of the east side of Hosmer St. between So. 76th and 78th Sts. extended for a "C-F-P" and an "R-2" to a "C-P-N" District, submitted by Elwin Investment Corp. etal.

Mr. Buehler explained this hearing was discussed in conjunction with the first hearing submitted by Elwin Investment Corp. etal.

Dr. Herrmann moved to concur in the commendation of the Planning Commission to rezone the above property and that an ordinance be drafted approving same. Seconded by Mrs. Banfield. Voice vote was taken. Motion unanimously carried.

RESOLUTIONS:

Resolution No. 20553

Awarding contract to AlSCO Linen Service for the furnishing of Coverall Service for the year 1970.

Dr. Herrman moved that the resolution be adopted. Seconded by Mr. Dean.

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

Ayes 7: Banfield, Dean, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnstop.  
Nays 0: Absent 2: Cvitanich and Finnigan.  
The Resolution was declared passed by the Chairman.

Resolution No. 20554

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

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

Mr. Zatkovich said he felt the City Council was in error at the time they passed a resolution some time ago rescinding the license of the owner of the Rack and Cue. There had been an absolute lack of law enforcement in that particular location which, consequently, resulted in Mr. Hutson's losing his business license. He said the owner had gone to added expense of hiring extra off-duty policemen to police his establishment.

Mr. Zatkovich read various reports given at the time of the hearing before the Council. He also read excerpts of the resolution noting that the owner-licensee of the Rack & Cue filed a writ of certiorari in the Superior Court alleging the action of the Council in adopting a resolution to revoke the license was arbitrary and capricious. He also noted that Mr. Hutson has submitted an offer of settlement to the City through his attorney wherein he agrees that, if the Council will revoke the former resolution, he will surrender the existing license to the City, and will not reapply for a similar license in said locality. Mr. Zatkovich further stated, the Legal Dept. has advised the Council to accept said offer of settlement and compromise.

Mr. Kerr, attorney for Mr. Hutson, owner of the Rack & Cue, explained that the litigation that is now pending will be very expensive for both the City as well as Mr. Hutson. He felt the ordinance which gives the City Manager, or any officer designated by him, the power and authority to suspend or revoke any license issued under the provisions of Sec. 6.02.070 of the Code, is unconstitutional as it does not set clear standards upon which such a revocation is to be allowed. He added they are fully prepared to take the matter through the entire Appellate Court system if it becomes necessary.

Mr. Kerr felt, since Mr. Hutson is not operating in the 38th Street district the offer he had proposed at last week's council meeting was appropriate and fair.

If this revocation of the license continues it further enhances a personal stigma on Mr. Hutson. He did not feel that any member of the Council intended that Mr. Hutson should be personally injured by this matter. He urged the Council to pass this resolution which authorizes the settlement of the pending litigation.

Mrs. Banfield explained that the Council's obligation is to the entire community and it would appear that there is no ground to refuse Mr. Hutson a license after Aug. 29, 1970 under the present ordinance. She felt that, perhaps, the ordinance should be amended, that once a license is revoked, an owner could not obtain another license within the City.

Mr. O'Leary stated he would be inclined to uphold the original resolution as he knew there was also court proceedings on Mr. Hutson's establishment located in the Lakewood area.

Mr. Oles, City Manager, suggested that to prevent Mr. Hutson from opening another establishment within the City, a change could be made on the 5th paragraph-5th line down after the word "in" strike the words "said locality" and insert City of Tacoma. If the owner of the Rack and Cue would agree to such an amendment, the problem could be solved.

Mr. Kerr stated he could not make a decision on such a change at this time.

After some discussion, Mr. Dean moved to postpone the resolution for one week, until Feb. 3, 1970. Seconded by Mr. Jarstad. Voice vote was taken. Motion carried. The Resolution was postponed until Feb. 3, 1970.

#### Resolution No. 20555

Authorizing the execution of a rental agreement of a residence formerly occupied by the Airport Manager located on the site of the Tacoma Industrial Airport for the rental of \$125.00 per month.

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

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

Ayes 7: Banfield, Dean, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.

Nays 0: Absent 2: Cvitanich and Finnigan.

The Resolution was declared passed by the Chairman.

#### FIRST READING OF ORDINANCES:

##### Ordinance No. 19027

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

Mr. Hamilton, Chief Assistant City Attorney, explained that at the completion of a contract, the City Engineer and the Director of Public Works both attest on a certification that such a contract has been satisfactorily completed. The City Manager, under the existing ordinance is also required to sign that certification. It was Mr. McCormick's opinion when he was Acting City Manager that the City Manager was not in a position to know whether a job was completed in accordance with a contract, therefore he would not be required to sign such a certification.

Mrs. Banfield felt this amendment should determine the official that is to be delegated the authority to sign and file such statements.

Mr. Hamilton explained that contracts are let through many departments and rather than specify a certain individual, it would be the Dept. Director who would be delegated the authority.

Mr. Oles, City Manager, explained as far as he was concerned the responsibility should be delegated to the person directly responsible for seeing that the job has been satisfactorily completed.

The ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 19023

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

Mr. Bixel, Personnel Director, explained the ordinance had been referred, at the last Council meeting, to the Finance Committee of the Council. He understood that perhaps two more positions in the Fire Dept. might be added to the ordinance.

Mr. O'Leary moved to postpone the ordinance until Feb. 3 so that a report can be given by Mr. Cvitanich, Chairman of the Committee. Seconded by Mrs. Banfield. Voice vote taken. Motion unanimously carried.

The Ordinance was postponed until Feb. 3, 1970.

Ordinance No. 19024

Amending the pay and compensation plan for Belt Line Employees to include Holiday Pay.

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

Ayes 7: Banfield, Dean, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.  
Nays 0: Absent 2: Cvitanich and Finnigan.

The Ordinance was declared passed by the Chairman.

Ordinance No. 19025

Vacating Ferry Street between Center Street and the S.R. 16 right-of-way.

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

Ayes 7: Banfield, Dean, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.  
Nays 0: Absent 2: Cvitanich and Finnigan.

The Ordinance was declared passed by the Chairman.

Ordinance No. 19026

Amending Ordinance No. 18771 to delete that portion of the alley between Cedar St. and Alder from a point 150 feet south of So. 47th to So. 48th Street.

Mr. Schuster, Public Works Director, explained, this LID resulted from a rezoning petition for an apartment complex. However, it has been found that if this particular portion of the alley were paved, construction costs would be more than originally anticipated because of the steep grade of the alley at this location. He added, that letters from both owners have been received, indicating agreement that the southerly portion of the alley should be deleted, as the northerly portion of the alley will satisfactorily serve the entrances of the parking areas for the apartments.

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

Ayes 7: Banfield, Dean, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.  
Nays 0: Absent 2: Cvitanich and Finnigan.

The Ordinance was declared passed by the Chairman.

UNFINISHED BUSINESS:

The Director of Public Utilities presents the assessment rolls for the cost of the following improvements:

L I D 5445 for water mains in No. 11th from Highland to Pearl Street and other nearby streets.

L I D 5462 for water mains in Cedar from So. 19th to approx. 1405 feet south of So. 23rd St. produced.

L I D 5463 for water mains in 141st St. East from the cul-de-sac west of 126th Ave. to 127th Ave. East and other nearby streets.

L I D 5467 for water mains in the area bounded by So. 40th, Alder, So. 48th and Junett Streets.

L I D 5470 for water mains in 36th St. N.E. from 49th Ave. N.E. to Browns Pt. Blvd. and other nearby streets.

Mrs. Banfield moved that the date of hearing be set for Monday, April 13th at 4 P.M. Seconded by Mr. O'Leary. Voice vote was taken. Motion unanimously carried.

\* \* \* \* \*

Mr. O'Leary asked if the Finance Dept. has as yet compiled the firm figures for the 1970 budget.

Mr. Gaisford, explained that the budget is being typed and he estimated that the document will be submitted to the Council in two weeks.

\* \* \* \* \*

Mr. Zatkovich asked if there had been any discussions relative to the audit but no definite decision has been made.

\* \* \* \* \*

Mrs. Banfield said that previously many organizations have used the meeting rooms in the Library for their discussions during evening hours. She wondered if the Council Chambers could be substituted for this purpose until the hours of the Library are changed as requested by the Council.

Mr. Oles, City Manager, explained he would be glad to check with the County-City Bldg. Supt.

Mr. Zatkovich explained the Council did not intend that the Library hours be curtailed. He felt that the situation should be rectified as it does create a hardship on the working people of the community.

Mr. O'Leary explained a meeting had been held with the Chairman of the board of trustees of the Library and it had been suggested that the Library open at 12:00 noon as the majority of the work is answering calls and doing reference work in the morning hours. He did not believe it would require a full staff to operate the Library during the morning hours. However, the Library is arbitrarily opening in the morning and closing at 6 P.M., he added.

Ver 64/48  
20

Mayor Johnston stated he also agreed that another meeting must be held and he would contact the Chairman of the Library Board on the matter.

Dr. Herrmann felt this was a policy determination of the Library Board without any direction from the Council.

Mr. Oles, City Manager, explained he would contact the Board and report to the Council next week if they so desire.

Mr. O'Leary asked Mr. Gaisford what the Council's recommendation was during the 1970 budget hearing relative to the Library.

Mr. Gaisford explained the recommendation was to cut \$136,000 from their budget, however, by the time the 1970 budget was adopted, it was cut \$75,000.

\* \* \* \* \*

Mrs. Banfield asked if the Park Board has received the land which they had requested for the proposed school near Cheney Stadium.

333  
348

Mr. Hamilton explained this transaction should be completed within a period of thirty days.

\* \* \* \* \*

REPORTS BY CITY MANAGER:

Mr. Oles explained that he was submitting a request from the Chief of Police for a travel authorization in the amount of \$220 to allow Capt. Lyle Smith to attend an Organized Crime Law Enforcement Conference at the University of Oklahoma. He noted that the Law Enforcement Assistance Administration in Washington, D.C. will assume all expenses other than travel. Mr. Oles recommended that the Council approve this request as he felt it would be to the benefit of the City.

332  
9

Dr. Herrmann moved to approve the travel authorization in the amount of \$220 for Capt. Lyle Smith to attend a conference at the University of Oklahoma. Seconded by Mr. Dean. Voice vote was taken. Motion unanimously carried.

56

\* \* \* \* \*

Mr. Oles pointed out there are a number of bills being discussed in the Legislature in Olympia which vitally concern the City of Tacoma. He also noted that joint hearings are being conducted within five hours after a bill has been introduced which virtually precludes any opposition or agreement to the bills or even making any suggested amendments. He added he would make a recommendation in respect to two sets of bills, SB 6 and HB 58, which are in regard to the environmental quality bills which relate to the Seacoast, planning and zoning.

He explained the bills are so written that if they are passed the State will take over and pre-empt the right for a City to zone all property within 1,000 feet of salt water. He felt that such a bill would be highly detrimental to the rights of citizens in the City of Tacoma.

✓

Mr. Oles further explained that SB 78 and HB 114, concern the building codes and these bills specifically pre-empt the building codes and take them away from the cities.

Mr. Oles asked that the Council instruct the Legislative Committee to express opposition to these Bills at the State level or urge that amendments be passed to remove Tacoma from the Bills' jurisdiction.

Dr. Herrmann asked if the Legislative Bulletin which was normally sent to Olympia by the former City Manager expressing the Council's desires on the Bills is still being forwarded to the Legislators. He said that he had been informed that the Legislators relied on this heavily, for the expression of the City Council of Tacoma.

Mr. Oles explained that in a normal legislative session this would be an excellent idea. He said he has a member of the staff reviewing the bills at this

time and he would bring these matters to the attention of the Council as rapidly as he could, however, at this special session there just isn't time.

Mr. Dean thanked Mr. Oles for this information.

Mr. Jarstad moved to oppose the bills as suggested by Mr. Oles, City Manager. Seconded by Mr. O'Leary.

Mr. Dean moved to amend the motion so that the Council may recommend to the Legislative Committee that they take this action on the Council's behalf. Seconded by Mr. O'Leary. Voice vote was taken. Motion carried.

Voice vote was taken on Mr. Jarstad's motion, as amended. Motion carried.

\*\*\*\*\*

Mr. Jarstad asked for information relative to the 1/2 of 1% sales tax that has been discussed in the Legislature, as the Council had opposed such a measure, in favor of a direct grant from the State.

Mr. Oles said he was doubtful if the City will receive any grant from the State. He felt the only chance to obtain any relief from the State is in a form of an addition to the sales tax and he was of the opinion that the State may use these funds before any city has the opportunity.

410  
22

\*\*\*\*\*

Mr. Oles explained that it was his understanding that the Council had adopted a Resolution sometime ago relative to securing an audit. He also noted the Council had placed a position in the 1970 budget for a Budget Analysis. He said he hoped that the Council would take action on these matters as soon as possible.

392  
404

\*\*\*\*\*

Mr. Oles stated he had accepted the appointment of City Manager as a duty to the citizens of Tacoma. He wanted to make it very clear that he felt the office of City Manager is an office of the servant of the Council. He added he wished to acknowledge the dedication of the entire Council to their positions as well as the entire staff. He knew that city government would continue to work for the benefit of the citizens of Tacoma.

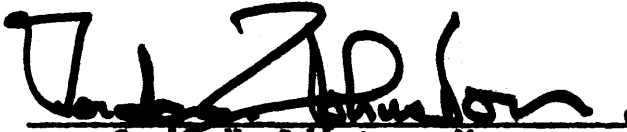
ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

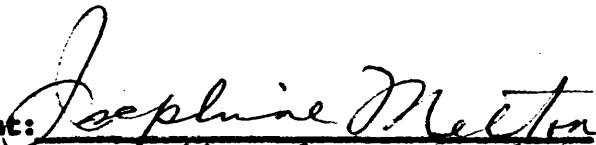
- a. Minutes of the Civil Service Board for Jan. 5, 1970
- b. Minutes of the Board of Park Commissioners for Jan. 12, 1970.
- c. Public Works Dept. submitting Quarterly Highway Safety Project Report CD 69-1-001.
- d. Public Works Dept. submitting - Demolition Grant Letter No. 6 - reporting Form HUD-6193.
- e. Public Works Dept. submitting - Relocation Report Forms HUD 6149A,B, and 6151 and 6152.
- f. Model Cities Executive Board meeting of Jan. 8, 1970 - Director's Report.
- g. Fire Dept. Report for December 1969.
- h. Municipal Court Annual Report for 1969.
- i. Report from the Belt Line Division for November 30, 1969.

Placed on file.

\*\*\*\*\*

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

  
 \_\_\_\_\_  
 Gordon N. Johnston - Mayor

Attest:   
 Josephine Malton - City Clerk