

CITY COUNCIL MINUTES

City Council Chambers
Tuesday, July 14, 1970

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

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

The Flag Salute was led by Mr. Jarstad.

Mayor Johnston asked if there were any omissions or corrections to the minutes of the meeting of June 16th, 1970.

Mr. Dean asked that one correction be made on page 5 relative to the motion made to adopt Resolution No. 20732. He added he did not second the motion.

Mayor Johnston asked that the minutes be corrected as requested.

Mr. Cvitanich moved to approve the minutes as corrected and seconded by Mr. O'Leary. Voice vote was taken. Motion carried.

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HEARINGS & APPEALS:

This is the date set for hearing for the vacation of George Street from "A" Street to East "B" Street submitted by Bethlehem Lutheran Church.

Mr. Buehler, Director of Planning, said this matter had been considered on June 30 by the Council and continued to this meeting.

Mr. Dean moved to concur in the recommendation of the Planning Commission approving the vacation and seconded by Mr. Finnigan. Voice vote was taken. Motion carried.

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COMMUNICATIONS:

a. Communication from Toney Shelton, Business Manager and Deputy Secretary to the Tacoma Public Schools requesting perpetual use of a proposed access road to Mason-Tyler Street at the south end of the property between Heidelberg Field and the Henry Foss School site.

Mayor Johnston asked the City Manager to check into the matter.

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b. Communication from Fred O. Carlbon, Tacoma Citizen, relative to the recall election of certain Tacoma City Council members.

Mayor Johnston inquired if such a request from Mr. Carlbon was a legal procedure.

Mr. Hamilton, Acting City Attorney, replied that the statutes are being followed and until someone appears to cause or initiate further court action, there is nothing to be done.

Dr. Herrmann moved that the communication be filed. Seconded by Mr. Finnigan. Motion failed by vote of 5 to 4.

Dr. Herrmann stated that even though some communications are filed without reading or having someone comment, he objects to Mr. Carlbon speaking before identifying what law firm he is with. He added Mr. Hamilton's legal opinion is that this matter had

been heard before the Superior and Supreme Courts, the signatures are now being validated and that Mr. Carlbom's letter has no validity whatsoever.

Mr. Cvitanich cited a former similar situation and moved that Mr. Carlbom be permitted to read his letter. Seconded by Mr. Dean.

Mr. Carlbom was allowed to read his letter, which states the court order validating the recall election was based on (1) the revocation of a Cable TV license which had been granted and (2) the appointment of Mr. Oles as City Manager. The letter presents new evidence and requests court action concerning the recall, stating the charges are not valid and that the recall petitioners drive for signatures was not based on the charges presented.

Mr. Carlbom said the recall petition was a subterfuge to circumvent the outcome of the last election and to discredit the majority of the Council members so that an unfavorable vote will be cast against the Mayor-Council form of government.

Mr. Carlbom asked the Council to gain an injunction against further counting of recall petition signatures and for court action by change of venue to an outside impartial court to rescind the prior court order upholding the recall drive.

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RESOLUTIONS:

Resolution No. 20777 (postponed from the meeting of July 7th)

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

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

Mr. Herman Walker, Director of Model Cities program, commented the program had been in the planning stages since August, 1969, and many people contributed to its documentation--people from residential groups and established agencies. He feels the program can provide the residents with opportunity to take a meaningful part in the development of their community. He added all the problems cannot be solved the first year and the projects documented will not meet approval of all the people, but are planned for the majority. One hundred copies of the document will have to be submitted to Dept. of Housing and Urban Development by August 17th, 1970.

Mrs. Banfield explained that the public hearing on Model Cities Program will be held in the auditorium of Public Utilities Building at 7:00 P.M. on July 20th. She urged that all attend to ask questions and become informed.

Mrs. Marian Gleason, chairman of the Model Cities program said this type of program is going on all over America. She pointed out that all local budgets do not have money to help correct problems and that is why the federal government has allotted money for the Model Cities program. It is a pilot program with 150 cities participating. She feels Tacoma is fortunate to be a participant. She reviewed the authority under which the group has worked.

Mrs. Banfield asked the City Manager if he would write the 35 agencies involved in the program and confirm their participation. She asked if she could receive formal replies substantiating the approvals and understandings.

Mr. Dean moved to postpone voting on this resolution one week in order that the vote can be taken after the public hearing. Seconded by Mrs. Banfield.

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

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

Nays 4: Finnigan, Herrmann, Jarstad and Mayor Johnston. Absent 0.

The Resolution was continued to July 21st.

Resolution No. 20784

Fixing Tuesday August 4th at 7 P.M. as the date for hearing for rezoning of So. 7th & Sprague Ave. from an "R-4" to a "C-2" District. (petition of John G. Kerr)

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

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. 20785

Fixing Monday August 10th at 4 P.M. as the date for hearing for L I D 5504 for water mains in 61st Ave. N.E. from 29th St. to 31st St. N.E.

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. 20786

Fixing Monday, August 10th at 4 P.M. as the date for hearing for LID 5505 for water mains from So. 48th & Gove to the vicinity of So. 40th & Huson Sts. produced.

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

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. 20787

Awarding contract to Service Distributors, Inc. for furnishing the annual supply of oil filter cartridges from June 1, 1970 thru May 31, 1971.

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

Mr. Clar Gaisford, Finance Director, said he has consulted with all City department heads concerned and they feel this supplier can operate satisfactorily. This bid is 10½% lower than the bid last year resulting a saving of \$800 for 1971.

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. 20788

Authorizing partial closure of the alley between Cedar & Alder Streets between So. 8th & 9th Streets.

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

Mr. Schuster, Public Works Director, stated this is one of the urban arterial projects which was submitted to the Council several months ago and a portion already constructed. This is the second portion to be accomplished.

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. 20789

Authorizing the proper officers to execute with the United State of America two licenses for Instrument Landing Systems.

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

Mr. Barney, Airport Director, said one portion of the instrument landing in question is south of the runway and the other in the Homer Site. The requests are made so that the federal government will have unobstructed use of the two parcels. Mr. Cvitanich asked if the money had been appropriated for the landing systems. Mr. Barney advised the funds are furnished by the government.

Mr. Cvitanich said in view of the fact the City would have to expand the airport some day, he wanted to know who would absorb the cost of all the relocation of this facility.

Mr. Barney explained the federal government will share the cost of moving them.

Mr. Cvitanich said he has opposed the airport for a long time because of the method of financing, but can appreciate its good to the community. He added the landing systems are something important and long overdue.

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. 20790

Adopting the route of Bayside Drive Urban Arterial Street as Route B-2.

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

Mr. Schuster, Director of Public Works, explained that Bayside Drive is one of the urban arterial projects. The prospectus was submitted to the Urban Arterial Board in 1968 and approximately five million dollars was set aside for its construction. The bond issue voted by the people provided the necessary 10% participation by the City. The construction firm was hired in 1969 and presented a progress report to the Council in March, 1970. The project is now at the point of determination of a route.

He pointed out that on a major project such as this there are a number of possible routes which have been studied. The consulting engineers have consulted with the City Planning Commission and are here to present the possibilities. Mr. Schuster said the area involved begins from the old city hall at 7th & Pacific to Old Town.

Mr. Robert Janopaul, vice president of Tudor Engineering Co., reviewed the action taken by his company. He outlined his firm's study of four proposed routes by showing slides. He added the main consideration has been given to the land use by the City, transportation needs in the future, travel patterns, employment statistics and population densities in Tacoma. Traffic volume on the anticipated Bantz Freeway and on Interstate 5 would directly affect the proposed Bayside Drive arterial. Both the Pearl and Sprague arterials will be overloaded before too long to adequately serve the traffic from one area of the City to the other. He pointed out that plans have been studied with and without the proposed Bayside Drive. The Bayside Drive would serve as a by-pass facility for the north end of Tacoma, including the vicinity of Ruston and Point Defiance. The traffic on "I" Street in the downtown area will be greatly overloaded if it were the only arterial crossing east to west. Likewise, the traffic load running north and south on Pacific Avenue and east and west off the 11th Street Bridge now moves through the downtown area. Bayside Drive would greatly alleviate projected problems between the central business core and the out-lying north areas.

The four routes studied were designated as B-1, B-2, B-3 and B-4. Route B-1 starts from 7th & Pacific Ave. in the central business area, out along the present Bayside Drive, then from Dock Street on an elevated structure. The costs on this plan would be about twice the cost allocated for this project.

Route B-4 would proceed from 7th Street and go along Stadium way to Stadium High School where it would separate, then through the neighborhood and down through Garfield Park to the log pond area. The topography of that area precludes this route being utilized so as to remain on the top of the bluff area above Bayside Drive. This would necessitate considerable property for widening and relocation through a better class Tacoma neighborhood and the cost would be prohibitive.

Route B-3 would continue down the hill between the railroad tracks. This would involve keeping the present Bayside Drive as it is, but bringing the improved portion up along the embankment and railroad spur. This plan would have a significant impact on the green belt above the Stadium Bowl and surrounding neighborhood.

Mr. Janopaul said he would recommend Route B-2 which would run along the side of the existing Bayside Drive and widen from a two-lane to a four-lane facility. This would be an extension of Pacific Avenue with an inter-connection to the Dock Street Bridge and be carried northerly, separating the northbound and southbound lanes. Northbound would run along the land bench level to the existing road. The southbound lanes would run along the bottom. This has been planned so as to preserve as much area at the base of the hill as possible and restrict interference with the existing railroad. The higher level would then slope down west, through the Sperry mill area, which would require removal of the old buildings.

He explained the plans worthwhile to consider, in their opinion, were B-2 and B-3. The B-2 plan has the Bayside Drive all at grade, and the B-3 route runs along the land bench. The budget is \$5.7 million and the estimates on B-2 alignment are approximately \$5.8 million which is close to the costs established for this project. With a little effort this route can be brought within the money allocated by the Urban Arterial Program. By restricting alignments, etc., the B-3 plan would still be \$2 million over the allocation.

Mr. Jerry Geehan, representing the 175 firms in the Downtown Tacoma Association, said his group formed only 16 months ago, had been asked to join the Civic Advisory Committee last fall to follow the progress of this project. He said they hope this Bayside Drive route will be the first step in overcoming the problems in the downtown

Pacific Avenue area. He felt the project will help revive the City and bring the tax situation in the downtown area into a better structure and would attract new businesses in Tacoma. He added the Civic Advisory group favors the B-2 route.

Many people have advocated removing the railroad tracks in the Bayside Drive and industrial area, but pointed out that the tracks are necessary to service all the industrial progress that is anticipated. He agreed with the Tudor Engineering plan to put the proposed B-2 route as close to the hill as possible so as not to interfere with industrial growth in the future. He felt the residents above the roadway would not be interfered with the traffic or view, if it is constructed close to the hill. He asked the Council to look favorably on this plan.

Mr. Jim Metcalf, President of the Old Tacoma Improvement Club, spoke in favor of the B-2 route, with some qualifications. He complimented the City for having formed the Citizens Advisory Group, especially in regard to their help on the present route plans in the City. He added the Old Tacoma Improvement Club essentially approves the B-2 Route. They favor the separation at 30th and McCarver Streets and the reduction of commuter traffic through the Old Town area.

Mr. Bill Riech, representing the Tacoma Chamber of Commerce, said he is in favor of the Bayside Drive program without reservations and felt it extremely urgent that it be implemented as soon as possible.

Mr. Bob Evans, member of the Advisory Committee favored the route, but with strong reservations and felt the green belt should be preserved. The section of the route between the downtown and the Old City Hall where the four lanes will be constructed will be a problem where it meets the Tacoma railroad spur. He felt a connection should not be built up at the same level as the present Firemen's Park, but should be at a lower level at that point. He suggested rather than the route being split near Old Tacoma and constructing two retaining walls, it could be constructed with two levels one above each other to save costs. He felt the wrong decision should not be made on this vital section causing problems for many years to come or having to be torn out later. This happened in other cities such as San Francisco and Seattle, he added.

Mr. Evans wondered why no consideration was given to stacking one elevation over the other. Also for an overhead cover on that portion as was done in Seattle. This would eliminate the removal of the old Sperry Mill. The area where the road is to connect at the Old Town area was purchased by the City for a recreation area. He thinks it should remain as such.

Mr. Hervey Petrich, resident of the Bayside Old Town area, said he has studied the programs for over a year and opposes route B-2. He pointed out that history shows this part of Tacoma was the reason for the first transcontinental train coming to Tacoma. The depth of the bay at this area is the deepest water in any protected harbor which can accommodate large vessels. The present marine facilities there are unsatisfactory and unsightly, but will no doubt be re-activated. He added he has an interest in a portion of the Sperry Mill, but has been idle for five years. Over a mile of waterfront property is owned by the railroad. He questioned whether the Tudor Engineering Company can acquire the property for \$5 million, to demolish the buildings and build the proposed highway.

Mr. Petrich alluded to the aesthetic value of the waterfront and said he thinks the recommended improvements could be made in a better advantage. He added traffic alongside the bay is not as heavy as some persons imply. This has been a scenic highway in past days and should remain so. He agrees that the main line of the railroad could be relocated. He has talked with heads of the railroad companies and anticipates the main line will have only a few trains a day not a greater number as some people predict. The relocation of the railroad and consequent future changes in other routes will solve the problem of ingress and egress to downtown Tacoma and also its bayside and north end areas.

He explained with the anticipation of the Tacoma Spur to be built and the proposed Bayside route, a total of \$13 million will be spent--\$5.7 million for the Tacoma Spur and over \$7 million for the Bayside Drive project. He thought that careful consideration should be given to the proposals before a decision is made.

Mr. J. R. Woodruff, President and General Manager of Tacoma Stevedore & Terminal Company, said his organization has been in business for over nine years and that the railroad owns the land they use, but his company owns the facilities. He added the loading and unloading business has decreased to a great extent in the past years and as a result of this, their primary interest is now in selling the facilities to some other interests for other uses or in turning them over for some other operation. Even though their land at the Port has no connection with the proposed route, the land is very valuable for some other use. He felt it should not be hampered by the construction of roads, etc. He said he agrees in part with Mr. Petrich, but it has been very difficult to get high rigs under the overpasses in the area. He felt possibly, with the right access, Bayside Drive could be a real asset, but he is withholding his opinion for the present.

Mr. Herbert Duren, President of Tacoma Chapter, Port of Tacoma Propellor Club, explained his organization is interested in marine operations and dedicated to development of needed rivers, lakes and harbor projects. He felt there are routes other than B-2 which would not interfere with existing marine installations and docks. On his own behalf, he said the Port offers Tacoma a great future shipping potential which would benefit the City in both economic and social aspects.

Mr. Paul Meyers, Tacoma resident, said he takes exception to Mr. Petrich's statement about the Burlington Northern's intending to possibly do away with the Point Defiance railroad line. He mentioned they plan to have the railroad come from Sumner and join in somewhere near Tacoma, probably at a point near Tenino, 30 miles from Tacoma. Rebuilding a railroad would cost nearly \$1 million per mile. It will be the people of Tacoma and Pierce County who will be paying for such a railroad project and would be entirely out of the question. He added he personally has had notification from the Burlington Northern in Seattle saying they have no intention of entering into any controversy with Tacoma, but will remain neutral.

Mr. O'Leary said he did not think the entire project had been discussed with the railroad and recommended that some member from the City Council check into this. He asked Mr. Myers what he thought the cost would be to rebuild the tunnel on the Point Defiance railroad line in order to accommodate the large cars. He thought if the railroad has to spend money to rebuild, they might share with the City in the \$30 million cost of connecting to a line 30 miles from Tacoma.

Mr. Myers replied he could not say, but when high and wide loads are detoured, it costs quite a bit.

Mr. O'Leary said in his conversation with people he can foresee more and more high and wide detours in the future and that the tunnel will possibly have to be rebuilt near the Sperry Mill. He felt it would be extremely necessary to talk with the railroad companies.

Mr. Finnigan said he deals with the railroad a great deal, but he thinks the railroad industry is one of the most outdated in existence. Inasmuch as the Old Tacoma area was started back in the 19th Century, it is consequently pretty well populated and is a high density area of Tacoma. There is little likelihood of any rezoning as the property is utilized with existing structures. He said he has watched traffic going up 30th Street and that it will be many years before a project of this magnitude would be necessary especially considering the amount of expenditure being discussed. He questioned how a decision can be made where Bayside Drive reaches the business core without first knowing what kind of design the Tacoma Spur would have and what would happen after that to the "A" Street Viaduct. He said the State Highway Dept. is five years away from making a decision on that project.

Mr. Finnigan added he does not know the traffic count going north and south, as compared to others in the City, but that Pacific Ave. is probably the second most heavily traveled street in the City. He thought more information is needed on the whole project

Dr. Herrmann inquired about access to all the outboard facilities along the waterfront, including the Northern Line, and the possibility of at some future time rebuilding the Stadium High School Bowl. He thought these two things would directly affect the Bayside Drive Project and indications are that the railroads would like to cooperate, but they will first have to know which route is selected and then will work out the problems. He explained, the engineering studies that have been completed are just part of the complex, not an isolated portion. Additional studies will have to be made on the downtown area, the Tacoma Spur, etc.

Mr. Janopaul said his company had looked at many projected plans, including extending parking facilities out in front of the Stadium Bowl and tried to relate it to the present project. He added there is over 100 feet of fill there and had to be replaced, so it is a very difficult foundation to use.

Dr. Herrmann asked if this route were constructed if it would preclude the present plan and was advised that it would not.

Mr. Jarstad asked if the possibility of going underground back of the hill had been studied.

Mr. Janopaul advised that the elevation of the land bench is only 10 to 12 feet above sea level and they may run into water problems if they go too low. The air rights above the property could be used for warehouse and other developments above this roadway and the tracks and interconnected with water developments of the future. This is one reason they feel a median strip should be put in the roadways to divide piers, etc. to support an overhead deck. The roadway itself only takes about 15 feet of elevation. The railroads would probably want to retain the air rights.

Mr. Finnigan noting the plans for completion of the Tacoma Spur in 1973 and Bayside Drive in 1974, asked when the design for the spur would be brought in, and what was anticipated by the engineering firm on the north end of Ruston Way. He asked if the project on the spur will go past the Smelter and if that would be included in the present proposal.

Mr. Schuster, Public Works Director, said the design depends on an agreement with the State Highway Department on a spur they plan to bring in, and that they are ready to proceed as soon as one of the two proposals is approved by the Council. It is planned to have a by-pass near the Smelter on the Bayside Drive Project, and then tie in again at Pearl Street. The total cost of \$13 million would include South 12th to the Old Town area and also the two projects, one at \$7 million and the other \$5.7 million. The two projects connect at a point near the Old City Hall.

Dr. Herrmann said he thought route B-2 seems the most feasible. He asked if a motion could be adopted to accept that route for this portion, subject to an appropriate design and construction that would meet the Council's approval for the connection by the Old City Hall.

Mr. Finnigan felt there should be a definite clarification on the wording in the resolution by Mr. Hamilton and Mr. Schuster before it is approved.

Mr. Schuster replied once the Council has approved the plan, the engineering firm is ready to proceed on the design and acquisition of property, and will then call for bids on construction.

Mayor Johnston said his impression was that this project does not actually have the priority level that has been placed on it by the Engineering Dept.

Mr. Schuster explained that the priorities are set up by the City and by the State and this priority was planned against projects in Tacoma and all through the Puget Sound area. This is classified according to use as a secondary arterial. The 38th Street area is a primary arterial as the first project in the urban program.

Mr. Cvitanich agreed with Mr. Evans' suggestions and said he is not ready to vote on this project unless he knows what is going to be done further on down. He stated he disagrees with Dr. Herrmann's statement that if we accept this resolution tonight, the Council is approving to proceed on the project. He further added there was a hearing regarding the 9th and Tacoma Avenue construction and Council committee

has not yet been informed of the public opinion in that area regarding the parking, even though the construction has already proceeded. He thought this is as important as this Bayside Drive might be. He added he is not ready to proceed until all questions are answered relative to how the project will fit in with McCarver, from Old Town to the Smelter, and what the opinion is of the public.

Mr. Finnigan moved to continue this resolution for one month, over to August 11th. Motion seconded by Mr. Cvitanich. Roll call was taken, resulting as follows: Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.

Nays 0. Absent 0. Motion carried.

The resolution was continued until August 11th.

FIRST READING OF ORDINANCES:

Ordinance No. 19146

Amending Title 3 of the official code relative to the Fire Dept. and Code.

Mr. Roy Millard, Fire Marshal, explained that a new chapter is being requested in the interest of safety pertaining to the marine terminals.

Mr. O'Leary said he questions some of the wording in the new Section 3.03.020 as he feels it would be almost impossible to abide by the directive as it is worded. He thinks the word "shall" would be better changed to "must".

Mr. Hamilton explained the statutory meaning of "must" is just as mandatory as the word "shall".

Mr. Cvitanich recommended amending it to read, "shall, where feasible in the opinion of the Fire Marshal or his delegated agent".

Mr. Finnigan agreed the wording was not definite enough.

The ordinance was placed in order of final reading.

Ordinance No. 19154

Amending Sections 1.24.980 & 986 of the official code to include the Economic Opportunity Act in the Personnel Rules.

Mr. Stanley Bixel, Personnel Director, explained this ordinance had been referred to the Civil Service Board by the City Council requesting further information. By passing this ordinance, it would allow the Council to determine the salary and job classifications covered by the Economic Opportunity Act.

The ordinance was placed in order of final reading.

Ordinance No. 19155

Adopting the 1966 thru 1969 supplements to the Safety Code for Elevators, Dumb-waiters, Escalators and Moving Walks.

Mr. Ronald Button, County-City Building Inspector, reported this ordinance is one to update the elevator code and has included the minimum standards for boat launching facilities. A public hearing was held on this ordinance on June 4th.

Mr. William Buell, chairman of a committee for the handicapped, suggested the controls on elevators be placed in a horizontal position, rather than a vertical, and at a height where children would not damage them.

Mr. Button explained this provision is already in the code in Sec. 5.10 "it states that the controls, light, heat, ventilation, elevators, windows, etc., shall be placed within the reach of persons in wheelchairs."

The ordinance was placed in order of final reading.

Ordinance No. 19156

Amending subsection B of Section 13.06.240 regarding building height regulations.

The ordinance was placed in order of final reading.

Ordinance No. 19157

Amending Chapter 13.06 of the official code to add a new section 13.06.090-2 to include property on the S.W. side of Center St. & Bantz Blvd. between Cheyenne & So. 31st Sts. extended in an "R-5" District. (Petition of S.D. Wattles)

Mr. Russ Buehler, Planning Director, explained that a hearing was held before the Council last week on this rezone.

The ordinance was placed in order of final reading.

Ordinance No. 19158

Amending Chap. 13.06 of the official code to add a new section 13.06.090-1 to include property on the west side of Union Ave. approximately 680 feet south of So. 23rd St. in an "R-5" District. (Tacoma Teachers Home Corp.)

Mr. Russ Buehler, Planning Director, explained the ordinance has been held up pending the receipt of the land use restrictions being signed by the Tacoma Teachers Home Corporation.

Mrs. Banfield asked if this building would be allowed to be 200 feet in height.

Mr. Buehler advised it was not a government project so would need a special permit for that, even though it might be a non-profit organization and be exempt from the height limitation ordinance.

The ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 19152

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

Mr. O'Leary asked if all matters had been worked out to the satisfaction of the handicapped group of which William Buell is the chairman.

Mr. Buell said his committee had submitted recommendations to the Dept. of Public Works, but found no changes had yet been made. He has now listed recommendations in order of importance, and stated that they had come from the Housing & Urban Development Dept. The \$26 million is to come from that source and hopes Tacoma will get its rightful share. He pointed out that several years of research and development have been spent on this type of project.

Mr. Ron Button, building supervisor, reported that Mr. Buell's recommendations were the same as those presented to the committee with two exceptions which are

Incorporated in the ordinance as now presented. He explained the ordinance as now written will apply to private construction and smaller buildings as well. The other provision is that all food or merchandising establishments shall provide a barrier-free passageway to and from merchandising areas and at least one check-stand with a wider passageway.

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 presented the assessment roll for the cost of L I D 4869 for paving on Vistaview Drive from No. 23rd to No. 27th and other nearby streets.

Fixing Monday, August 10th, as the date for hearing.

Mr. Finnigan moved that Monday, August 10th at 4 P.M. be set as the date for hearing on the assessment roll for L I D 4869. Seconded by Mr. Cvitanich. Voice vote was taken. Motion carried.

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Mr. Zatkovich moved to reconsider Resolution No. 20732 relating to one section of the access report on SR 16, which was approved last week. Seconded by Mr. O'Leary.

Mayor Johnston brought attention that Councilman Jarstad and Councilman Dean would be disqualified from participation in the discussion since they had abstained from voting on the resolution last week. He asked for the opinion of the City Attorney.

Mr. Hamilton explained the question was whether a person who had a possible conflict could vote on a motion to reconsider, and his answer had been, inasmuch as the action to be taken was not on the merits, a vote to reconsider was proper because it was preparatory to the action on the merits. He said as he understands the matter, Mr. Jarstad's interest involves the Highland Hill area, but does not know exactly where Mr. Jarstad lives and therefore cannot answer fully. He said if this amendment affects only the 19th Street section, it is entirely unrelated to the Highland Hill section.

Mayor Johnston called for a roll on the reconsideration of the resolution.

Mr. Cvitanich challenged the ruling of the chair, to determine why Mr. Jarstad and Mr. Dean would not be able to vote on the motion.

Dr. Herrmann referred to the opinion of the City Attorney on this point, and stated this was not one of challenge of the chair, but a legal interpretation of Roberts Rules of Order, and whether it is proper for anyone who has a conflict of interest in the main action to vote on any subsidiary action involving the main motion.

Mr. Jarstad said he had abstained at the last meeting because his business is involved in the section of the proposed route which is in the Sixth and Pearl area, but added he has no conflict of interest on the 19th and Orchard Interchange.

Mr. Zatkovich moved to amend the resolution in the paragraph relating to the 19th Street--"Beginning on Bantz Blvd. at the south right-of-way line of South 23rd Street; thence in a northwesterly direction along Bantz Blvd. to a modified diamond interchange at South 19th Street.....with a double left hand turn from freeway to South 19th. This would supplement the loop the Council approved of last week.

Mr. O'Leary said he would like to correct Mr. Zatkovich. He said he thinks it would be a double left turn off 19th Street to the freeway--not a double left turn off the freeway.

Mr. Zatkovich agreed. He said this amendment is one the State recommended and said they could live with.

Motion was taken on the amendment, resulting as follows:

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

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Mr. Finnigan said he had talked to Mr. Schuster during the Council recess and he was under the impression the members are quite well informed about the makeup of the Tacoma Spur. However, he added he would like to have the opportunity to explain it again since it is a critical situation relative to using the money that is available to complete this project.

Mr. Finnigan asked if a study session could be set for some noon within the next week or two.

Mayor Johnston agreed and set Monday noon, July 27th, for the study session. He thinks the magnitude of the project requires maximum exposure by the Council.

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Mr. Cvitanich explained he wanted to again bring up the report that Capt. Smith, Chief of Police, made regarding his trip to Oklahoma to attend a Crime Conference. Mr. Cvitanich reviewed that the then City Manager said he would have a copy of the report on file, but wished to have it remain confidential, but that each member of the Council would receive a copy. He added he had become quite disturbed, and that this ties in with the Council's policy of toleration in the community, which every member of this present Council inherited. Something has transpired over a period of time and he has mentioned this on two prior occasions recommending that the Council get together with the Chief and the City Manager regarding this item.

Mr. Cvitanich continued, many, many months ago, there was a request for a grand jury in the City of Seattle, at which time the Superior Court judges laughed it off and thought there was really no need for it. He said every member of this Council is aware of what happened after the Federal Grand Jury came in. ✓

Mr. Cvitanich requested that a resolution be put on the agenda for Tuesday, July 21st, requesting a grand jury inasmuch as each member of the Council on numerous occasions has stated the need for a grand jury to get to the very basic facts of what is going on in this community. He added he is sure before it is concluded, it will be enlightening to many people in the community—not only the policy of toleration, but many other items. 3

Dr. Herrmann said he would welcome a grand jury investigation and asked if this is the proper procedure. He asked if it requires a Council resolution, and how is it empaneled or constituted. He said he does not know whether a resolution passed by this Council would have any effect one way or the other on the empaneling of a Federal Grand Jury.

Mayor Johnston said he did not think Mr. Cvitanich is referring to a Federal Grand Jury.

Mr. Hamilton said he assumes Mr. Cvitanich is talking about a grand jury under the state law. He said the Council can request one, and if the judges will act on it, it is their prerogative, and if they refuse to do anything, there is nothing the Council can do. He said normally a grand jury is asked for by the Prosecuting Attorney of the County. He said the Council can pass a resolution for what it may be worth.

Mayor Johnston asked that Mr. Cvitanich's resolution be directed to the proper authorities when passed.

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Mrs. Banfield asked if a meeting will still be held on the Charter amendments for Thursday night, July 16th and to be ready to be submitted to the County Auditor by July 31st. She thought there should be a public hearing possibly on Friday night, July 24th, or sometime next week so they can be ready in time.

Mr. Fimmigan asked Mr. McCormick if the changes could go on the general election ballot in November, and then there would be no immediate rush.

Mr. McCormick replied they could.

Mr. Fimmigan asked if a public hearing has to be had and advertised.

Mr. Hamilton said there is no statutory notice required in that manner, but advocacy of the hearing is governed by the extent of notice people have had and their opportunity to respond.

Mrs. Banfield commented that the November ballot would be overloaded and thought it would be better to be put on the primary election.

Mayor Johnston asked if a good public turnout could be expected on a Friday evening.

Mrs. Banfield thought if they are interested in the City, they will come out at such a time.

After considerable discussion, the public hearing for considering Charter changes was set for Friday, July 17th, at 7:00 P.M. in the Council Chambers.

Dr. Herrmann pointed out that the Council would have to rush the procedure in order to get it on the primary election ballot. He also felt that the public should be well informed on what changes are being proposed. He said he didn't feel that July 14 to July 17 would give the public time enough to be informed and come to a public hearing.

Mr. McCormick said in connection with the propositions, there would be the proposition of a bond issue on the Design for Progress which the Council would have to make a determination and also the changes in the Charter. He added the Council members had met on Friday afternoon, July 10, with the bond counsel from Seattle, Dave Gago; the staff from the Prosecuting Attorney's office and General Elder and Pete Wallerich, representing the Design for Progress, and the proper information was given to the bond counsel from the reports which the City Council has already received from the Design for Progress.

He added there will be four propositions from the City and the County will have one issue. These will have to be in final form by July 28. They had planned to put them on by title only so that the Council would have the subjects listed by July 21, and then be put in proper form for the ballot by July 28th, the final deadline. Some of the information may not be ready until July 21, but that would leave the following week to work on them.

Mr. McCormick said there had also been a brief meeting on the independent audit to get it started and a meeting on the budget would be held on July 15. One member from each of the audit firms have asked to meet with department heads and any member of the Council is invited.

He added when he drafted the Charter amendments in 1968, there had been 11 or more propositions and was submitted with only one subject under each proposition. The Council would have to decide by July 28th regarding the propositions on the ballot. He said there are also a large number of other matters to go on the ballot.

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COMMENTS BY MEMBERS OF THE CITY COUNCIL:

Mr. McCormick announced the City Employees Picnic will be held on Saturday, July 18th, which is sponsored by the Civil Service League at Spanaway Park, and invited the members of the Council to attend.

Mr. Van Camp said the County employees, the Park Board and the Library employees were also invited.

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Mr. Dean reported the Tacoma Youth Symphony is only \$5,000 short of its goal and that Wednesday, July 29th, would be Youth Symphony night at the Cheney Stadium Ball Park to raise more money.

Mr. Dean distributed copies of the Council Rules, stating they are a composite of the former rules and amendments compiled by the legal department.

Mr. Dean said the Council Members will study the rules and be prepared to discuss them at an August Council meeting and propose changes to improve the system. ✓

Mr. Jarstad asked that Mr. Cormick draft a resolution requesting a Federal Grand Jury for the City of Tacoma. 29
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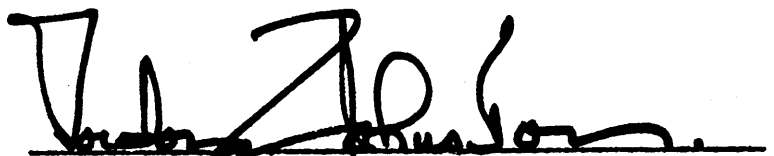
Mrs. Banfield asked that Mr. McCormick, Acting City Manager, have the crossing at South 54th and Oakes Street checked where there has been a large number of accidents recently, to see if there should be a Stop and Go light instead of a flashing light.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Regular minutes of the Civil Service Board of June 15 and Special meeting of June 15, 1970.
- b. Minutes of the Board of Adjustment for June 11.
- c. Public Works Dept. filing Updated Cost Estimate for Union Ave. Urban Arterial Project No. 8-1-128 (0).
- d. Finance Dept. filing Monthly financial statements and funds requisition for Model Cities Program for the month of July, 1970.

Placed on file.

The meeting was adjourned at 11:30 P. M.



 Gordon N. Johnston - Mayor

Attest: 

 Josephine Melton - City Clerk