

CITY COUNCIL MINUTES

City Council Chambers
Tuesday, February 17, 1970

The meeting was called to order by Mayor Johnston at 7:15 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. Zatkovich.

Mayor Johnston asked if there were any omissions or corrections to the minutes of Feb. 3, 1970.

Mr. Cvitanich moved that the minutes of Feb. 3rd be approved as submitted. Seconded by Mr. O'Leary. Voice vote was taken. Motion carried.

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HEARINGS & APPEALS:

This is the date set for hearing on an appeal filed by Golden Ridge, Inc. on the denial of the request by the Planning Commission for rezoning of the east side of Pipeline Road between East 58th St. extended and East 59th St. extended from an "R-2" to an "R-4-L" PRD District, submitted by Golden Ridge, Inc.

Mr. Buehler, Director of Planning, explained that the developer wishes to construct an additional (42) unit apartment complex for low income families. Previously, a planned unit development directly to the north of this request was approved by the Council and this was to have been developed as an open space park, which was set forth in the Land Use Restrictions on the property. The developer now desires to rezone this triangular area for "R-4-L" and locate the open space centrally within the development itself and not on a separate parcel.

Mr. Buehler further stated, the School District has voiced its protest to the rezone both by letter and at the hearing, since the general area has a high concentration of low income families; non-whites are prevalent in low income groups. McIlvaigh Jr. High School is located on East 56th St. and would be affected by this rezone as it already has the highest percentage of non-white students of the ten junior high schools serving the Tacoma School District.

Mr. Donald E. Schweger, Secretary-Treasurer of Golden Ridge, Inc., the petitioner, explained at the time of the original rezoning the parcel in question was to be maintained in its natural state and developed as a playground and/or park area. However, FHA and the mortgage companies requested that playground and recreation areas be incorporated into each parcel of land, therefore, this reduced the building area and left this tract of land undeveloped. If the apartment units are developed, then all three parcels will be self sufficient and the density would not be increased. He explained they wished to build one-bedroom units which would complement the other project which is made up of two and three bedroom apartments.

Mr. O'Leary mentioned that the City Council had concurred with the recommendation of the Planning Commission and approved a site for low income development a number of months ago on So. 56th Street, near this area. He wondered why this has been denied by the Planning Commission. He wondered if it was the reason that a larger developer asked for the rezone rather than a small developer.

Mr. Buehler, explained he did not know what site Mr. O'Leary was referring to,

but he remembered a rezone that was also recommended for denial by the Planning Commission which was across the Pipeline Rd. to the west on 56th St. However, the City Council overruled the Planning Commission's recommendation and approved a portion of the requested rezone.

Mayor Johnston said, since he had been on the Planning Commission a number of years, he was sure that the Commission never based a recommendation for denial or approval of a site, whether the applicant was a small developer or a large developer. Their decision was based on whether the rezone would be to the best interest of the entire City.

Mr. Milroy, representing the Tacoma School District, explained the Tacoma School District is not in opposition to low-income housing nor to the Golden Ridge development, but, their opposition is based on an educational point of view. Mr. Milroy pointed out that in the Tacoma School District about 13% of 40,000 students is made up of minority or ethnic groups. In this particular section of the City, the percentage is double of what it is in the District. Research notes, that accomplishments of students that attend schools that are made up primarily of low-income students, the achievement is less than the students who attend school with above average mentality. He added, the administrators are concerned about the sociological conditions that would be created in the schools.

After some discussion, Dr. Herrmann moved to concur with the recommendation of the Planning Commission to deny the above rezone. Seconded by Mrs. Banfield. Voice vote was taken, resulting as follows:

Ayes 9: Banfield, Cvitanich, Dean, Fimmiean, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston. Nays 0. Absent 0. Motion carried.
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This is the date set for hearing on the appeal filed by Mr. Paul Olson on the denial of the request by the City Planning Commission for a special use permit for the S.W. corner of So. 15th & Union Avenue, petitioned by Time Oil Company.

Mr. Garlington, Chairman of the Planning Commission, explained there was one matter that should be clarified for the benefit of the City Council. He said he had addressed a letter to Mr. Schuster, Director of Public Works, inquiring as to what representations, if any, were made to the Time Oil Company which might have precluded them from constructing a station. Mr. Schuster in reply had stated, in part, that in April of 1967, Mr. Olson with an engineer from Time Oil had presented plans upon which proposed driveways were shown both on Union Ave. and on So. 15th St. Time Oil consequently filled out request forms from the department of Public Works and plans were completed to exactly locate the proposed driveways.

Mr. Garlington further explained that Mr. Schuster had stated there was no reason why Time Oil Co. could not have proceeded with their development as no additional right-of-way would have to be taken adjacent to the Time Oil Co. site. The letter also pointed out that it was entirely possible that discussions were held wherein deferment of construction of the oil station could have been considered desirable, at least until such time as the construction plans of Union Ave. were developed to a point where necessary determination could be made.

Mr. Garlington pointed out that two and one-half years have elapsed before an application of a special use permit was submitted to the Planning Commission.

Mr. Dean felt it would not be logical to start construction of a station when the company knew that there would be a realignment of a roadway.

Mr. Garlington explained that the construction of Union Ave. was completed in October of 1967.

Mr. Paul Olson, representing Time Oil Co. explained when he approached the City Engineering Dept. in 1966 relative to a building permit, shortly after demolishing the existing buildings on the site, they were then advised of the contemplated widening of Union Ave. He stated the detailed plans in 1966 were not available to the best of his recollection. When the construction on Union Ave.

was finished Time Oil did not start construction of the station as they do not normally build during the winter months. Then in 1968 they again inquired relative to a building permit and it was at this time they learned there was a Fire Code restriction. This used up another year and one-half of time and in midsummer of 1969, Time Oil asked for another building permit then the problem of a special use permit presented itself.

Mr. Olson continued, the Time Oil Company has kept their promises regarding this property and he hoped the Council could also see their way clear to grant a minor waiver of 108 square feet, out of the building tract requirement of 15,000 square feet, as one of the conditions for granting the special use permit.

Mr. Walter D. Widmeyer, Architect, 1502 So. Union, spoke against the proposed installation since the new construction along Union Ave. is primarily professional offices, churches, etc.

Mr. Zatkovich asked Mr. Widmeyer if he felt that a large apartment structure would create more traffic than this service station.

Mr. Widmeyer felt that such a structure would not create as much traffic.

Mr. Buell, Architectural Barrier's Chairman for the Handicapped asked Mr. Olson if sidewalks and sanitary facilities at the installation would be constructed for use of the Handicapped motorist.

Mr. Olson explained the property will be sidewalked and there would be sanitary facilities in a nearby residence.

Mr. Gerald Lewis explained he lived adjacent to this property on the west side and he felt such an installation would not be an asset to the community.

Mr. O'Leary asked what steps can be taken if the Council overrules the Planning Commission regarding construction of the sanitary facilities on the property.

Mr. Cvitanich explained that the Council may set conditions of approval.

Mayor Johnston felt that the character of the area has changed since 1966 or 1965. There are now three gas stations constructed on 12th Street and to allow another gas station to be constructed on 15th Street would not be proper.

Dr. Herrmann wondered if there were any conflict in the city's new special development standards.

Mr. Buehler, Director of Planning, felt that the Planning Commission had not contemplated a drive-in service station when this rezone was recommended for approval. He also mentioned the two waivers that Time Oil has requested, the 108 square foot site area and the wall waiver. He felt if the Council overrules the Planning Commission, a resolution should be passed in lieu of a special use permit spelling out the waivers.

After some discussion, Mr. O'Leary moved to overrule the decision of the Planning Commission and grant a special use permit to Time Oil Co. with the understanding that sanitary facilities will be installed on the "C-1" property and that 108 square foot site area waiver be granted, but the wall waiver request be denied and that a resolution be prepared approving same. Seconded by Mr. Zatkovich. Roll call was taken, resulting as follows:

- Ayes 5: Banfield, Cvitanich, Dean, O'Leary and Zatkovich.
- Nays 4: Finnigan, Herrmann, Jarstad and Mayor Johnston. Motion carried.

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PETITIONS:

Hugh Barden requesting rezoning of the westside of Pacific Ave. at So. 80th St. extended from an "R-2" to an "R-4-L" District.

Tacoma Teachers Home Corp. requesting rezoning of the west side of Union Ave. 680 feet south of So. 23rd from an "R-2" to an "R-5" District.

Referred to the Planning Commission.

COMMUNICATION:

Pacific Ave. Realty requesting to withdraw its request for rezoning of the south side of So. 74th between So. Cheyenne and So. Stevens Sts. extended from an "R-2" to an "R-4-L" District.

Dr. Herrmann moved to accept the Pacific Ave. Realty request to withdraw its rezoning petition. Seconded by Mrs. Banfield. Voice vote taken. Motion carried.

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RESOLUTIONS:

Resolution No. 20506 (Postponed from the meeting of January 20th)

Awarding contract to General Electric Company on its bid of \$13,435.57 for the furnishing of thirteen Mobile Radio Units for the Fire Dept.

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

James Reiser, Fire Chief, reported that a letter was received by Mayor Johnston from the Pierce County Central Labor Council stating that the General Electric strike has been settled.

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. 20551 (postponed from the meeting of February 3rd)

Accepting the bid of Foster Campbell & Wayne Johnson in the amount of \$60,500.00 for property situated within the Fawcett St. Urban Renewal Project Wash. R-3.

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

Mr. Wright, Director of Urban Renewal, explained as the Council will recall, two bids were received on this property, one in the amount of \$60,500 from Foster Campbell and Wayne Johnson, the other in the amount of \$57,000 from Mr. Dobler. Mr. Dobler's bid was not acceptable on the primary basis that the use was not provided for in the plan and also it being the lower bid. The entire proposal from Mr. Campbell has been reviewed and it was found that it meets all of the requirements of the Fawcett Urban Renewal Plan.

Mr. Allan Overland, Attorney, representing Mr. Campbell and Mr. Johnson, explained there was a definite need for this type of facility as the Washington State Dept. of Health estimates an immediate need of 315 nursing home beds in Pierce County. They anticipate by 1972 approximately 1,349 beds will be needed.

Mr. Overland further explained this convalescent center is an extended care facility which cooperates with all hospitals. In checking with the Business Manager of Doctor's Hospital, he was informed that they were not considering building a convalescent center at this time, but would definitely work in conjunction with Mr. Campbell and Mr. Johnson. He also noted that the plan was fully consistent with the Urban Renewal Plan. He noted sixty employees will be hired for this facility and the tax base will obviously be increased relative to the B & O and real estate taxes.

Mr. Overland also mentioned when Mr. John Dobler spoke two weeks ago, he was concerned about the parking at the Emerson Apts., which he owns, being limited if the convalescent center facility is built. He added that his clients had advised Mr. Dobler if the Council votes favorably on their bid, they would supply Mr. Dobler with ten feet of parking space. He, therefore, urged that the Council approve this resolution and accept the bid of Foster Campbell & Wayne Johnson in the amount of \$60,500 for the convalescent center, as he felt it would be for the best interest of the City.

Mr. O'Leary asked if the parking area for the facility would have sufficient parking area for visitors.

Mr. Overland remarked that parking spaces would be provided. The sixty employees will be working three different shifts so the amount of parking for each shift will be minimal.

Mr. John Dobler, 919 No. Stadium Way, stated he is an apartment house owner and operator and had elected to withdraw himself from any consideration for the utilization of this site until the Council either approved or disapproved the convalescent hospital. He added if parking becomes a problem, it could be solved by ramp-decking sixty feet next to the Emerson Apts. He did not wish this application for a convalescent center to be turned down on the grounds of inadequate parking.

Mrs. Banfield explained she must vote against this resolution not for the reason of the plan but she felt the taxpayers would not have to subsidize private enterprise.

After some discussion, roll call was taken on the resolution, resulting as follows:

Ayes 5: Dean, Herrmann, Jarstad, O'Leary and Zatkovich.

Nays 4: Banfield, Cvitanich, Finnigan and Mayor Johnston. Absent 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20569 (postponed from the meeting of February 10th)

Terminating the option agreement with the Pacific Northwest Development Co., and refunding the payment to the Company of \$42,500.00

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

Mr. Jay Schack, Executive Vice-president of the Pacific Northwest Development Co., explained after the meetings held by their Board on this matter, it was decided not to challenge the Council's action in regard to the resolution. He added their company will proceed with their alternate plans and they will accept the \$42,500 good-faith deposit which they had presented to the Council sometime ago.

Mrs. Banfield wondered in the event the City ever decided to sell this piece of property could there be restrictions placed on the land.

Mr. Hamilton, Chief Assistant City Attorney, explained if the Council did sell the property and the purchaser agreed to accept it with conditions, there would be imposed covenants running with the land. He also mentioned this resolution simply terminates the option agreement which concerned a lease. It does not stop the possibility of future negotiations with this company relative to direct purchase of the land, however, there would have to be completely new negotiations.

Mr. Schack explained a letter had been sent to the Council last month and had not been answered. It outlined a proposed plan by which the company would purchase the land for approximately \$1.5 million dollars, but would be allowed to sell it if the project proved to be economically unfeasible.

Mr. Oles, City Manager, explained discussions had been held relative to the letter, but the letter, in effect, terminated the agreement between the City and

the Company. The purchase proposal was clearly illegal and nothing could be done.

Mr. Zatkovich felt this matter was not properly handled. He noted he was disappointed in this termination as he felt a convention center is needed in Tacoma.

Mr. Cvitanich reminded the Council members that Mr. Oles had twice informally asked the Council for instructions in handling the matter and was not given any direction.

After further discussion 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. 20572

Authorizing the sale of scrap items to General Metals of Tacoma and Joseph Simon & Sons, Inc.

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

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

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

Nays 0. Absent 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20573

Authorizing the Federal Government to pay placement fees when necessary to the purchasers of project notes.

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

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

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

Nays 2: Banfield and Cvitanich. Absent 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20574

Authorizing the execution of a lease to Lakewood Moose Lodge for a portion of the Municipal Dock Building to be used by the Sea Explorer Unit #13.

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

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

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

Nays 0: Absent 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20575

Authorizing the execution of a written contract with the firm of Candeb, Fleissig and Associates to render technical advice and assistance in connection with the Community Renewal Program.

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

Mrs. Banfield explained that before this firm is allowed to continue, she would like a report on what this consulting firm has accomplished and how much it has cost the taxpayers up to the date.

Mr. Buehler, Director of Planning, said the department can give a report on the expenditures up to the present time. He asked that Mr. Creighton, the project manager, be allowed to give the report.

Mr. Creighton explained to date approximately \$6100 has been expended of the original contract. Assistance from the firm was needed to help the Planning Dept. to understand the design of the study. It is a very complicated procedure and also entailed combining many studies which made up the entire CIP program. The original contract was for the amount of approximately \$15,500 and only \$6,100 has been expended. This resolution would provide that the contract with Candeb-Fleissig and Associates be extended and the funds left over from the first phase would be added to the second phase. Mr. Creighton mentioned that the study is about one year behind schedule.

Mr. O'Leary questioned the report that had been submitted relative to the block level and felt that the inspectors should certainly have had more training as they were not professional inspectors.

Mr. Buehler remarked this was not a study of specific buildings. It was intended to be an area look of a given area. The study does not stand on individual structural evaluation.

Mr. Creighton said they were quite confident they would come out in a larger area with a considerable degree of accuracy.

Mrs. Banfield moved to refer this resolution to the Investigating and Finance Committee of the Council as she felt Report #5 and #6 submitted to the Council must be studied before any decision is made on this matter. Seconded by Mr. Dean.

Roll call was taken on the motion resulting as follows:

Ayes 6: Banfield, Cvitanich, Dean, Jarstad, O'Leary and Zatkovich.

Nays 3: Finnigan, Herrmann and Mayor Johnston. Absent 0. Motion carried.

The Resolution was referred to the Investigating and Finance Committee of the Council.

Resolution No. 20576

Fixing Monday, March 10th at 7 P.M. as the date for hearing for rezoning of the area north & west of the intersection of So. 29th & Proctor Sts. from an "R-3" and an "R-4-L" to an "R-4" District. (petition of Ronald M. Brown)

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

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

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

Nays 0. Absent 0.

The Resolution was declared passed by the Chairman.

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Resolution No. 20577

Authorizing and directing notice to prospective C.A.T.V. firms and business that the City Council at its meeting on Tuesday, February 24th will be open for discussion and presentation by any such person or organization.

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

Dr. Herrmann reminded the Council there has been recommendations made to the Council relative to the CATV systems in Tacoma. One was that, perhaps, the City should form its own CATV facility. The other recommendation was that new specifications should be prepared so that the franchise would be more useful as far as the City was concerned as well as to the customer. He urged that more study be given the CATV matter before any further specifications are submitted to the Council.

Mr. Zatkovich reminded the Council that he had advocated a number of weeks ago that another franchise must be granted for the City of Tacoma, because as it now stands, there is an exclusive franchise. He felt that one week was sufficient to allow persons interested to be heard in respect to the TV franchise.

Mr. Jarstad also felt it would be premature to designate a company without a Council study session. The CATV system will be worth ten millions of dollars to the City and it should be the best possible system that is now available as the field is changing so rapidly.

Mr. Gamble of "Gold N Gamble" spoke and said his company would be seeking a franchise for CATV next week.

After some discussion, voice vote was taken on the resolution, resulting as follows:

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

Mrs. Banfield moved to reconsider Resolution No. 20571 which was passed by the Council on Feb. 10th relative to the adoption of a State statute providing for a local sales tax. Seconded by Mr. Cvitanich. Roll call was taken on the motion, resulting as follows:

Ayes 8: Banfield, Cvitanich, Dean, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.
Nays 1: Finnigan. Absent 0. Motion carried.

Resolution No. 20571

Increasing the salaries of certain members of the Police & Fire Dept. equal to nine percent, predicated on the passage of the 1/2 of 1% Sales Tax.

Mrs. Banfield explained the resolution should be amended since the Legislature has adopted the local sales tax and the exact salary increases for the Tacoma Police & Fire Departments should be set up in the resolution.

Mrs. Banfield moved to change the first line of the resolution by striking the words "may adopt" after the word "legislature" and to insert the words "has adopted". In the third paragraph last line after the word "the" strike the remaining line and add "the increased salary will be \$880.00; Now, Therefore. In the last paragraph of the resolution second line from the bottom after the word "their" strike the remaining sentences and add "increased salaries shall be \$880.00 and shall be retroactive to January 1, 1970." Seconded by Mr. Cvitanich.

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Mr. Cvitanich explained that the Council was aware they had committed themselves during the budget hearings relative to rehiring the (55) personnel who had been placed on the lay-off register and it is still the No. 1 priority.

Mr. Hamilton, Chief Assistant City Attorney, explained there was some question as to whether the Council at this time can implement a retroactive increase and the legal staff would be checking on this matter.

Roll call was taken on the motion to amend the resolution, resulting as follows:
Yeas 8: Banfield, Cvitanich, Dean, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston. Nays 1: Finnigan. Absent 0. Motion carried.

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

Yeas 8: Banfield, Cvitanich, Dean, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.

Nays 1: Finnigan. Absent 0.

The Resolution was declared passed by the Chairman.

FIRST READING OF ORDINANCES:

Ordinance No. 19045

Amending the Pay & Compensation Plan to reflect the Electrical Workers increase and for increases for Local #483 electrical positions in the Fire & Public Works Dept.

The ordinance was placed in order of final reading.

Ordinance No. 19046

Amending the Civil Service & Personnel Rules in regard to Promotional Examinations.

The ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 19037

Vacating the alley between So. 14th & 15th Sts. and between Yakima Avenue and I Street. (petition of Episcopal Diocese of Olympia, Inc.)

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

Yeas 6: Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.

Nays 3: Banfield, Cvitanich and Dean. Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 19038

Amending Chap. 13.06 of the official code to add Sec. 160-14 to include property on the south side of Plume Line R/W to FAI #5 between M St. and vacated I St. from an "R-3" to an "M-I" District. (petition of Fred G. DuColon)

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

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

Nays 0: Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 19039

Amending Chapter 13.06 of the official code by adding Section .112-5 to include property on the east side of Hosmer between So. 74th & 76th Sts. in a "C-F-P" District. (petition of Elwin Investment Corp. et al)

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

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

Nays 0. Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 19040

Amending Chapter 13.06 of the official code by adding Section. 115-12 to include property on the east side of Hosmer between So. 76th & So. 78th St. extended in a "C-P-N" District. (petition of Elwin Investment Corp. et al)

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

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

Nays 0. Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 19041

Providing for the improvement of L I D 5499 for water mains in Copalis St. from Browns Pt. Blvd. east approx. 200 feet and in 52nd St. N. E. from Browns Pt. Blvd. to the north line of the plat for Indian Hill West.

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

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

Nays 0. Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 19042

Providing for the improvement of L I D 6925 for street lights on East K from Division Lane to East 38th Street.

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

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

Nays 0. Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 19043

Approving and confirming the assessment roll for L I D 4833 for paving on Massault from So. 10th to 12th; Fife from No. 21st to No. Yakima Ave. and No. 24th from Warner to Puget Sound Ave.

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

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

Nays 0. Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 19044

Approving and confirming the assessment roll for L I D 4877 for paving on East 65th from East I to East L Street.

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 Utilities presents the assessment roll for the cost of improvement in L I D 5474 for water mains in 42nd Ave. East from 144th St. East north 1,320 feet.

Fixing Monday, March 23, 1970, at 4 P.M. as the date for hearing.

Mr. O'Leary moved to set Monday, March 23 at 4 P.M. as the date for hearing on the above assessment roll. Seconded by Mrs. Banfield, Voice vote taken. Motion carried.

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Mr. Cvitanich explained that various Council committee reports will be forthcoming in the near future and he felt that an item should be put on the agenda for these reports. He thought a title of "Committee Reports" can be inserted between "Unfinished Business" and "Reports by the City Manager" on the agenda.

Mayor Johnston suggested that Mr. Oles, City Manager, inform the City Clerk to arrange the agenda in such a manner.

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Mr. Cvitanich explained the Finance Committee of the Council had met with the Library Board on February 16th, Monday evening, and the closure of the libraries during the evening hours was discussed. Consequently, it was the recommendation of the Finance Committee that \$5,000 be appropriated to the libraries to help to reinstate the night-time use of the library facilities. The Library Board also stated they would try to find monies in their budget for matching funds. He also asked that an ordinance be drafted to be placed on the agenda next Tuesday to appropriate this amount.

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Mr. O'Leary explained it had been called to his attention that a study had been made relative to the tax exempt property held by churches in Tacoma. He also noted that it is being investigated on a National scale as several churches own retail businesses that are also tax exempt.

Mr. O'Leary moved that a letter be sent to Washington, D.C. to the State of Washington Congressmen and Senators pointing out that the Tacoma City Council feels that any business property owned by any church should be taxed. Seconded by Mr. Cvitanich. No vote taken.

Mr. Jarstad moved to postpone action on this matter for three weeks until

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March 10, 1970. Seconded by Dr. Herrmann. Roll call was taken, resulting as follows: Ayes 6: Dean, Finnigan, Herrmann, Jarstad, Zatkovich and Mayor Johnston. Nays 3: Banfield, Cvitanich and O'Leary. Absent 0. Motion carried.

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Mrs. Banfield mentioned that HB 5 was passed during the last Special Session of the Legislature which gave tax exemptions to all sheltered workshops. She felt this would include many charitable institutions. She has knowledge of many charitable institutions in Pierce County that have not been paying any taxes and this bill would now exempt the ones that have paid the real and personal property taxes. Consequently she felt this would certainly add to the home owner's tax burden in future years.

Mrs. Banfield explained she was a member of the Board of Equalization and because of her knowledge on this matter she requested that the legal department obtain information from the County Assessor why they do not assess some of these organizations for the money owing in taxes. She also asked that the City Manager determine the amount of taxes due Tacoma according to all statutes of limitations and that the Assessor and Treasurer be instructed to collect the taxes and fines due in the City.

Mrs. Banfield felt since citizens are subject to taxes and fines and the City Council, as the law-enforcing agency of Tacoma, must take action on the matter. 53

Mrs. Banfield thought that many of the legislators do not realize what the new law means. She assured the Council that this law would become very controversial in the near future. 57

Mrs. Banfield said she had previously mentioned that rental properties in the urban renewal areas were not paying taxes. She asked that Mr. Oles check to see if the Prosecuting Attorney has ever submitted a written opinion on the matter that was requested about a year ago. She thought if this opinion had not been rendered, perhaps, the Legal staff would be instructed to contact the State Attorney General or a duly elected Legislator to look into the matter.

Mrs. Banfield could not see why any worthwhile charitable organization would object to paying its share of property taxes.

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Mr. O'Leary stated he would call a Public Works Committee meeting for Thursday, February 19th at 9 A.M. in Room 354. He also asked Mr. Oles, City Manager, to notify Mr. Schuster, Public Works Director, of the meeting.

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Mr. Cvitanich explained that the Finance Committee is contemplating making a recommendation to the Council concerning the B & O tax and there will be another public hearing on the matter. This was brought to the attention of the Council by a letter dated February 13th from Mr. David R. Tuell, Jr., attorney, he added.

Mr. Cvitanich also mentioned that the Finance Committee has considered letters submitted by Automotive Machinists, Motor Coach Employees, Teamsters, State, County and Municipal Employees relative to binding arbitration. He said that it now becomes a legal question as to the binding arbitration. However, Mr. Pedersen of the Central Labor Council has offered his services to serve in the capacity of a mediator as well as a number of his board members. 31

Mr. Cvitanich added it was his belief that the State had provided two mediators. Meetings had been held with the management team and the Council was present, but as yet, the mediators' recommendations have not been obtained.

Mr. Cvitanich wished the union groups to know that their requests are under consideration.

Mr. O'Leary asked that Mr. Hamilton reiterate the stand regarding binding arbitration.

Mr. Hamilton, Chief Assistant City Attorney, stated it is true that the Council cannot agree to binding arbitration.

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Mr. Dean announced that there will be a regular Agenda Committee meeting every Friday morning at 8:30 A.M. in the City Manager's office.

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Mrs. Banfield noted there had been a newspaper article stating that HUD had earmarked approximately \$1.8 million dollars for Tacoma Model Cities Program. She did not know who had received word of such a grant but the City Council had not been informed. She asked Mr. Walker, Model Cities Director, what he knew about this matter.

Mrs. Banfield also stated that fourteen employees were added to the Model Cities Program during the months of September, October and November. She mentioned that the Council during the budget hearings had let it be known they were not going to hire any new employees, and she felt this matter should be thoroughly checked.

Mayor Johnston asked that Mr. Walker explain how the press knew of the grant before the Council and why new employees were hired for the program.

Mr. Walker, Model Cities Director, explained that he had received a carbon copy of a letter from HUD which he had immediately transmitted to the various interested people. He also stated, he had received a call from Mr. Bell, Assistant Regional Administrator, in Seattle who informed him that the Tacoma News Tribune had called Seattle relative to the matter and Mr. Bell gave the information to TNT. He explained that the Tacoma Model Cities staff had nothing to do with the information published in the paper.

Mr. Walker explained that the letter from Mr. Bell is addressed to Mr. Oles, and Mr. Walker felt that Mr. Oles must have received a copy.

Mayor Johnston explained he had received a copy of the letter in question in his office yesterday, however, it was addressed to the Honorable Floyd Oles, Mayor of Tacoma.

Mrs. Banfield felt since the City Council is delegated to oversee the Model Cities Program that they should be the first to know of such a matter, rather than a newspaper, and she did not approve of such action.

Mr. Cvitanich assured Mrs. Banfield that Mr. Walker had divulged this information as soon as he had received it, and it was discussed at the 6 P.M. meeting of the Finance Committee this evening.

Mr. Jarstad explained that all the letter states is that HUD had developed target figures for the Model Cities supplementary grants in the amount of \$1,849,000 for the first action year, and the request for supplementary funds for the first action year must not exceed this figure.

Mr. O'Leary explained they were objecting to the fact that the City Council was not informed on the matter.

Mr. Walker assured Mr. O'Leary he did not know what happened to the original copy as he too had received only a copy of the letter. He also mentioned this figure is a guide to plan against in terms of monies that might possibly be received.

Mr. Walker also stated they had not hired any additional people. He had submitted a list a number of weeks ago of all the employees which amounted to sixteen people and the program itself is only funding eleven positions. The other people are being paid by the State, Welfare Dept., School System and other agencies throughout the City.

Mrs. Banfield asked that Mr. Walker submit an entire list of the people who are working for him, their salary and from what source they are receiving their salary.

Mr. Walker stated he would submit such a report.

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Mayor Johnston appointed Mr. Dean, Mr. O'Leary and Mrs. Banfield to the L I D Committee for the months of March, April and May, 1970.

REPORTS BY CITY MANAGER:

Mr. Oles, City Manager, explained that he had no responsibility whatsoever in regard to the Model Cities program as the staff is directly responsible to the City Council.

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Mr. Oles explained he had submitted the Progress Report on the Tacoma Spur and Bay-side Drive Projects from the Public Works Dept.

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Mr. Oles also stated the report on the Juvenile Curfew Violations dated Feb. 13, 1970, has also been submitted to the Council. It has now been expanded to cover the manner of handling such curfew violators at the Police station as requested by the Council.

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At the request of the Chief of Police and Capt. Lyle Smith, he had presented to the Council's Finance Committee the request for permission for travel authorization for Capt. Smith to attend an organized crime law enforcement conference. The travel expense is estimated to be \$220. He noted he had approved such a request and asked that the City Council take action on the matter at this time.

Mr. Cvitanich explained he did not think that Capt. Smith need attend the conference as the Prosecuting Attorneys of Pierce County, Spokane and Snohomish County will be attending the meeting. He thought information could be obtained from the persons who are in attendance and they would be more than willing to provide such report to Tacoma's Police Dept.

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Mr. Oles explained that an arrangement has been made, and it will be standard operating procedure from this time on, that anyone who officially attends any conference, conventions, etc. will make a formal report on the meeting and this report will be made available to the Council.

Mr. Jarstad did not feel the City should count on the Prosecuting Attorneys to bring back information. He felt they would not be attending the same meetings at the conference as the Detectives would be attending. He urged the Council members to permit Capt. Smith to attend the conference as it would certainly be beneficial to the City of Tacoma.

Mr. Dean asked what type of report would be submitted.

Mr. Oles explained Capt. Smith would not only submit a report on the overall meeting, but would also conduct a seminar for his men to inform them of anything that was new to help them in their activities.

Mayor Johnston said there is more to a conference than just a report or seminar. If the City of Tacoma can send a man to a conference dealing with organized crime and he is able to talk with other representatives in his field and gain knowledge in this respect, it is the proper thing to do.

Mr. Cvitanich explained that over the last few years there has been a "mush-rooming" of travel through all levels of city government. He felt since the Council has issued a statement of policy on the matter of travel it should be adhered to.

Mr. Zatkovich felt that Capt. Smith need not attend the conference as there is such an increase in arrests for burglary, robbery and narcotics violations within the City that he is needed here.

Mr. Finnigan moved to authorize Capt. Smith's travel expense of approximately \$220 to attend a conference at Norman, Oklahoma. Seconded by Dr. Herrmann. Roll call was taken on the motion, resulting as follows: Ayes 5: Dean, Finnigan, Herrmann, Jarstad and Mayor Johnston. Nays 4: Banfield, Cvitanich, O'Leary and Zatkovich. Absent 0. Motion carried.

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Mr. Oles explained that HB 5 which Mrs. Banfield had mentioned was passed by the Legislature to benefit one particular organization. He added he has inquired and it will cost the County of Pierce approximately \$20,000 and the City of Tacoma \$7,000 per year in property taxes.

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Mr. Oles announced that Mr. James W. Wright, Director of Urban Renewal, has submitted his resignation effective at the end of February. He added he would accept the resignation, however, he did wish to pay tribute to Mr. Wright as he was a dedicated, hard-working and conscientious public servant and had fully cooperated with the City Manager at all times. Mr. Oles also announced that the Assistant Director of Urban Renewal, Kenneth Kinzel would be promoted to the position of Urban Renewal Director.

Mr. Wright explained he was resigning because of communications breakdown between the department and some City Council members. He also mentioned the Council's lack of action last week when Mr. Oles requested an official statement from the Council as to whether or not they would back or oppose continuance of existing renewal programs. The Urban Renewal Dept. was disappointed that this was referred to the Council's Finance Committee. He did suggest that study sessions be instituted so that urban renewal problems can be discussed. He also mentioned he had tried to do his very best and he hoped that in the future the programs can move forward.

Mayor Johnston and a number of Council members commended Mr. Wright for his dedication to a most difficult job.

Mr. Cvitanich explained that the Finance Committee will be recommending that a resolution be brought forward declaring the intent of the City Council whether to continue and complete the Center, Fawcett and New Tacoma Urban Renewal projects.

Mr. Jarstad felt the Council had not given Mr. Wright the support they should have and he would move to refuse to accept Mr. Wright's resignation. Seconded by Dr. Herrmann. No vote was taken.

Mr. Cvitanich explained that the Council should not become involved in administrative matters as the City Manager is the Chief Administrative Officer who has accepted Mr. Wright's resignation.

Mayor Johnston asked Mr. Hamilton's opinion on this matter.

Mr. Hamilton, Chief Assistant City Attorney, stated in his judgment the retention or acceptance of resignations of an employee in the administrative code is the responsibility of the City Manager and the Council should not encroach in that field.

COMMENTS BY MEMBERS OF THE COUNCIL:

Mr. Zatkovich pointed out the increase in crime, narcotics, robbery, etc. from the year 1968 through 1969, which was pointed out in the Two-Year Comparison Report submitted by the Police Dept. He added he has brought this out because something must be done and he was sure that the Public Safety Committee would

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help solve the problem. He knew that law-enforcement in general must be more alert at all levels and that the Supreme Court must look into some of the decisions that were handed down which must be corrected.

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Mr. Cvitanich suggested that a resolution be drafted to delineate in detail precisely which employees would be allowed to take City cars home at night. He read a Statement of Policy to the Council pointing out that in the past certain abuses have occurred with reference to City-owned vehicles. No employee of the City of Tacoma shall, on a regular basis, be permitted or allowed to take home any City-owned vehicle; Provided that this policy shall not affect the following persons: Police Department: Chief of Police, Deputy Chief of Police, Captain and Chief of Detectives. Fire Department: Fire Chief, Deputy Fire Chief, Fire Marshal, Duty Inspector and the Duty Officer.

Mr. Cvitanich explained this is what the Council has in mind which would eliminate the use of City cars for private purposes and would certainly be the starting point to try and effectuate some additional savings.

Mr. Cvitanich moved to adopt such a Statement of Policy. Seconded by Mrs. Banfield.

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Mr. Oles, City Manager, explained this would place the City Manager in a very difficult position as there are certain inspectors and people in the Public Works Department that should be allowed to drive City vehicles home. He noted that the statement raises the problem of where policy ends and administration begins. He asked that he be allowed the authority to administer the policy rationally as he felt there should be an area where he could determine if it would be in the interest of the city for a person to drive a vehicle home.

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Mr. Zatkovich felt that the Deputy Chief of Police need not have a City car. But, perhaps two or three other policemen should be allowed to take a vehicle home, for instance, the Lieutenant of the robbery detail and certain people who are 'on call' in whatever department it might be.

Dr. Herrmann felt the Council's policy was that City vehicles should be used at a minimum, however, the administrative detail should be left to the discretion of the City Manager and various Department Directors.

Mayor Johnston explained he would certainly want more evidence that abuses have occurred with reference to City owned vehicles before he would vote on such a Statement of Policy.

Mr. Cvitanich asked that the Legal Dept. state what the difference is between policy and administration.

Mr. Hamilton, Chief Assistant City Attorney, explained that the line of demarcation is tenuous. The assignment of particular cars to particular individuals for their chores is administration, but the use of City equipment to perform tasks for these individuals is clearly administration.

However, when permissive use is considered for these individuals using City equipment for their own personal use might be considered policy. How far policy would go down the line in regard to naming specific individuals, he would not be prepared to say.

Mr. Jarstad felt that the Statement of Policy could be amended.

Mr. Zatkovich moved to amend Mr. Cvitanich's motion, so as to direct the City Manager to check with the Department Directors with reference to the absolute necessity of anyone having to take a car home; and not to use it for any other purpose and also to submit a report on the matter to the Council. Seconded by Mr. Jarstad. Voice vote was taken. Motion carried.

Voice vote was taken on the amended motion resulting as follows:

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

CITIZEN'S COMMENTS:

Mr. John A. Monson, President of the Tacoma Cable Co., Inc., thanked the City Council for granting the franchise to the Tacoma Cable Co., Inc.

Mr. Monson also explained that in their franchise application they had indicated they would like to cover the Tacoma City Council meetings. This had been studied and it was found that closed circuit television cameras can be used for this purpose instead of the original plan to use a microwave system. However, under the new FCC rules requiring closed circuit origination, they are limited to three microwave channels. He asked that this matter be discussed by the Council.

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Mr. Philip D. Hamlin, representing the Hamlin International Corporation and Time-Life Broadcast, Inc., informed the Council that their partnership would seek a franchise which is backed by one-half billion dollars of Time assets. He explained he built the first Cable System in the State of Washington in 1948. He obtained the first Seattle franchise in 1951 and in 1967 a new franchise for Seattle was issued to him. He added his mission this evening is to establish the first CATV system in the world with 25 channels. He noted that the Hamlin Multi-Channel Converter would provide 13 additional channels to the normal 13 designated on television sets.

Mr. Hamlin further stated he would present a formal proposal at a later date and if his company is granted the second franchise, he would have no fear of being handicapped by Tacoma Cable Company's head start. He also mentioned that his company would be receptive to interties with the other franchise holders.

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Mr. Jarstad said Mr. Hamlin must be complimented on the Hamlin Multi-Channel Converter as he knew it is used throughout the world at this time.

Mr. Jarstad asked about plans of dividing the city between two franchise holders.

Mr. Hamlin felt it would be feasible to have two systems which would be divided within the city, but it would not be feasible to have two serving the same home.

Mr. Monson of Tacoma Cable said they predicate plans to wire half of the city and to apply for increments from the Public Utilities Dept. as well as from the Telephone Company. However, he felt there was enough work to keep two franchise holders busy for two years installing their systems.

Mr. Hamlin explained that the City Engineer of a city can control the area in which the two franchise holders can operate. This has been done in Seattle and has been very effective.

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Mayor Johnston explained that Dale L. Carlisle wished to speak at this time.

Mr. Cvitanich explained that he would raise a point of order to not allow Mr. Carlisle to speak. He added that Mr. Carlisle was involved in a referendum petition and there is contemplated court action on the matter. It is a matter of policy when any type of litigation is pending, the Council will not discuss it publicly.

Mayor Johnston explained that Mr. Carlisle's letter had asked that he speak on Cable TV, the Cable TV referendum and the monopoly aspects of the present situation. Since the Council does not intend to have a monopoly as evidenced this evening, and the referendum should not be brought up, the only matter left would be Cable TV.

Mr. Cvitanich said he would still rise to a point of order as at last week's meeting a point of order should have been called on a Mr. Carmean. He thought that Mr. Carmean pulled one of the most despicable maneuvers he had ever seen in terms of coercing signatures on a referendum petition. He felt there are other avenues to

explore rather than listening to Mr. Carlisle. Therefore he added he would still raise a point of order.

Mayor Johnston felt that Mr. Carlisle should speak just on Cable TV, providing he does not get involved in the controversial matter.

Mr. Zatkovich raised a point of order and said he did not feel Mr. Carlisle could speak on Cable TV specifically. He would challenge the ruling of the chair.

Mayor Johnston called for a vote on challenging the ruling of the chair which would allow Mr. Carlisle to speak. Roll call was taken, resulting as follows: Ayes 4: Finnigan, Herrmann, Jarstad and Mayor Johnston. Nays 5: Banfield, Cvitanich, Dean, O'Leary and Zatkovich. Motion LOST.

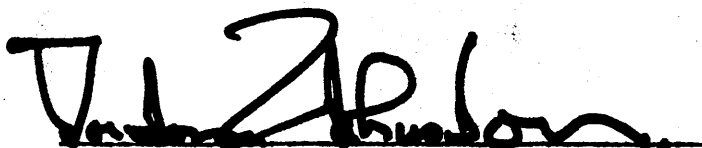
ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

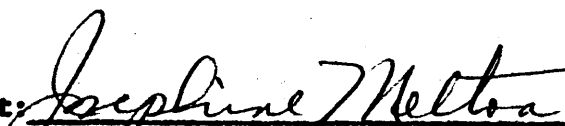
- a. Minutes of the Board of Adjustment for January 8, 1970.
- b. Minutes of the City Planning Commission for February 2, 1970.
- c. Community Improvement Program Status Report #5 from Director of Planning.
- d. Certification of P & A Claim.-from Frank S. Evans, Director of Civil Defense.
- e. Traffic Violations and Court Cases during the month of January, 1969 and 1970.
- f. Annual Report for 1968-1969 from Police Department.
- g. Report of final construction costs of all projects completed during 1969 under the City Arterial St. Program-Public Works Dept.
- h. Program No. MP-46-002-Financial Statements, January, 1970 and Funds Requisition No. 5-submitted by Model Cities Director.
- i. Quarterly Report #6 - Community Improvement Programs-City Planning Department.

Placed on file.

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Mr. Finnigan moved to adjourn the meeting. Seconded by Mr. Jarstad. The meeting adjourned at 12:40 A.M., Feb. 18, 1970.


Gordon N. Johnston - Mayor

Attest: 
Josephine Melton - City Clerk