

CITY COUNCIL MINUTES

City Council Chambers
October 27th, 1970

In the absence of Mayor Johnston, Deputy Mayor Finnigan called the meeting to order at 7 P. M.

Present on roll call 7: Corsi, Finnigan, Herrmann, Jarstad, Maule, Moss and Schroeder. Absent 1: Mayor Johnston (excused).

The Flag Salute was led by Mr. Moss.

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Deputy Mayor Finnigan asked if there were any omissions or corrections to the minutes of October 6th being submitted.

Dr. Herrmann moved to approve the minutes of October 6th as submitted. Seconded by Mr. Jarstad. Voice vote was taken. Motion carried.

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A Proclamation proclaiming October 27th as Navy Day was read in recognition of the many achievements of the Navy all over the world and calling upon all citizens of Tacoma to take part in appropriate observance of this day.

Mr. Finnigan presented the Proclamation to Captain Peters and Commander Bond.

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HEARINGS & APPEALS:

a. This is the date set for hearing for vacation of an alley from No. 19th to No. 21st Street between Orchard and Huson Streets. (Submitted by John H. Callison, et al)

Mr. Russ Buehler, Planning Director, explained that half of this alley had been held originally by the County and the other half dedicated to the City. However, the alley had never been used as such and does not include any public facilities such as power poles, sewers, etc. He added an easement had been granted to adjacent owners and if the vacation is approved, the owners on each side would receive ten feet of property. The conditions for approval, however, recommend that another three feet be added to the easement so as to give proper access to the garages located there. Also, if approved, the property owners are to reimburse the City in the amount of \$38.50, the amount expended by the City, in obtaining the easterly ten feet of the alley from the County.

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

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b. This is the date set for hearing of the denial by the Planning Commission for vacation of a portion of an alley between So. 35th St. and Wright Ave. and between Cushman Ave. and South "M" St. (Submitted by Robert E. Johnson, et al)

Mr. Buehler explained that this is a section of property which had been developed many years ago with a poor street pattern, causing poor ingress and egress. The petitioners are requesting the vacation to consolidate their property and construct an apartment building. The Planning Commission has recommended denial of the vacation and feels the present access which has been used and maintained for a period of years should be left until such time as there can be a complete rearrangement of the street pattern. They have indicated they would like to have a circular traffic pattern.

There are 93% in favor of the petition, but some objectors feel it would increase the traffic load in that vicinity, he added.

Mr. Johnson, the petitioner and half-owner of the adjacent property, said he had been contemplating the vacation since 1969 and pointed out they do not wish to invest \$300,000 without proper access. He explained, people cannot use the existing easements, but have to drive across other properties or use the front access only since the alley is not improved. In the event the vacation is denied by the Council, he requested some other permanent public access be provided.

Mr. Gilbert Schuster, Public Works Director, said at present there is only a three-foot strip as a dedicated roadway and a grader is occasionally sent through, but part of the easement contains a sewer line. He pointed out the public has been using the present roadway without improvements for a number of years.

After some discussion, Mr. Maule moved to concur in the recommendation of the Planning Commission to deny the vacation. Seconded by Mr. Moss. Voice vote was taken and carried unanimously.

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RESOLUTIONS:

Resolution No. 20769 (Referred to Public Works Committee on July 7th)

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

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

Mr. Finnigan asked why this resolution was before the Council at this time since it had been referred to the Planning Commission on July 7, 1970.

Mr. Mork explained that since July, adjacent property owners have called to request this matter be brought back to the Council. The Health Dept. has inspected the property and also in the meantime, the house was damaged by fire. Mr. Mork advised that some property owners in the area are present who wish to speak on the matter.

Mrs. Sterling Wilford, 3115 So. 15th Street, an adjacent owner, had a petition to present to the Council requesting the property be deeded to her. She said the owner had never properly maintained the property particularly since the fire. Prior to the fire the house was posted, which meant it could no longer be rented. She added there has also been numerous narcotic raids made at the building. She felt as taxpayers, she and her husband should be entitled to the property, since they are the adjoining property owners.

Mr. Finnigan pointed out that the Health Dept. reports had not been favorable but no improvement has been made to the property or house. He asked Mr. McCormick, City Manager, to explain what procedure should have been followed.

Mr. McCormick explained this is a small strip of City-owned property and it has been the policy to see if the adjoining owners are interested in purchasing the property. He said there is a dispute as to which adjacent owner should be entitled to the property. This is a question which had been unresolved by the Council and the staff previously. He added it depends to some extent on the relocation of the house by Mr. Sheldon. He said the City had already gone to the expense of having the property surveyed at the City's expense for some basis of a decision. A map attached to the resolution is accurate and stated that the Sheldon house is almost entirely on the property in question.

However, since the fire and after the Health Dept. inspection, according to the report submitted to the Council dated July 13th, it had not been economically feasible to repair the building. The owner, Mr. Sheldon, had been notified he would be given thirty days to bring the building up to code. There is a provision under the Dangerous Building Code, which is under the supervision of the Dept. of Public Works, and in the event the house is sold to someone other than Mr. Sheldon, the house will be on someone else's property as he has not acquired adverse possession as against the City or the County. There is a unique situation as the City does not know to whom it wants to sell this property, he added.

He further added insofar as the building itself is concerned and of the violations, it will be rectified by the proper department as soon as the Council makes its decision. He felt the neighbors were well justified in making the complaints. The City owns the property at the present time and unless it is brought up to code and if demolition is required, this will be carried out by the City.

Mrs. Wilford explained if Mr. Sheldon acquires the property, she feels sure it will remain in the same condition.

Dr. Herrmann stated the City Manager has assured the Council that the property would not remain in its present condition.

Mr. McCormick said it would be the decision for the Council to decide whether it should be sold to Mr. Sheldon or to the Wilfords.

Mr. Finnigan asked if it were possible to bring the property up to code and secondly, if the City decided not to sell the house, would it have to be demolished.

Mr. McCormick said if it were sold to the Wilfords, they would have to buy it in its present status and clean it up.

Mr. Maule asked if the Wilfords were awarded the property would they be willing to demolish the building.

Mrs. Wilford replied they would be glad to do so.

Mr. Corsi pointed out that Mr. Sheldon had already failed to bring the house up to code and asked what assurance the Council had that he would comply with any further recommendation.

Mr. Mork said the Dept. of Health had given the owner sufficient time to relocate his tenants and that the building had been posted about three weeks ago, which meant it could no longer be rented.

Mr. James Lively, 3202 So. 56th Street, a former housing inspector, said he thought this house was only suitable for demolition, as had other homes in the neighborhood previously. He said he doubted if it could have been brought to minimum code before the fire.

Mrs. Wilford said she would like to make an offer of \$100 for the property.

Mr. Hamilton advised that this resolution not be adopted and that Mrs. Wilford could make her offer to the City Treasurer and it could come up in the regular order in a resolution.

Dr. Herrmann moved to withdraw the resolution from the agenda. Seconded by Mr. Corsi. Voice vote was taken and carried unanimously.

The resolution was withdrawn from the agenda.

Resolution No. 20928

Amending Rule 5 of the Rules for the Government of the City Council to delete Committee Reports from subsection "m" as it is no longer applicable.

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

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

Ayes 7: Corsi, Finnigan, Herrmann, Jarstad, Maule, Moss and Schroeder.
Nays 0. Absent 1: Mayor Johnston.
The Resolution was declared passed by the Chairman.

Resolution No. 20937

Fixing Tuesday, November 24th at 4 P. M. as the date for hearing for the vacation of a portion of the alley between Yakima and I Sts. between So. 16th & 17th Streets. (High Twelve Corporation)

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

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

Ayes 7: Corsi, Finnigan, Herrmann, Jarstad, Maule, Moss and Schroeder.
Nays 0. Absent 1: Mayor Johnston.
The Resolution was declared passed by the Chairman.

Resolution No. 20938

Awarding contract to Byron Rockstead Construction, Inc. for L. I. D. 3706 on its basic bid of \$4,534.00 and on the supplemental bid of \$592.00.

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

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

Ayes 7: Corsi, Finnigan, Herrmann, Jarstad, Maule, Moss and Schroeder.
Nays 0. Absent 1: Mayor Johnston.
The Resolution was declared passed by the Chairman.

Resolution No. 20939

Approving the amended agreement of sale with Dean Witter & Company for re-development of real property in the New Tacoma Urban Renewal Project Wash. R-14.

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

VERBATIM TRANSCRIPT

Mr. Corsi: I would like to make a motion at this time, that the Agreement constituting a part of Resolution 20939 be amended by incorporating therein, by reference, the Addendum dated 10/27/70, entitled Amendment to Proposed Agreement, consisting of eleven proposed amendments, a copy of which is filed with the City Clerk and by this reference a part of this meeting.

Mr. Schroeder: I second it.

Mr. Finnigan: In our discussing the amendment, is there anyone who has any comments on this? Mr. McCormick

Mr. McCormick: There are present tonight at this meeting Mr. Martin and Mr. Wisner who represent Dean-Witter, and I understand one or two of the Council may want to ask some questions. If they do, they are available.

Mr. Finnigan: Any Council member have any questions or comments in regard to the amendments.

Mr. Maule: I have one, and that is, if possible, will Tacoma area firms be allowed to bid?

Mr. Finnigan: Mr. Martin, would you like to answer that.

Mr. Martin: The answer to that is definitely "yes." My response is that we will make every effort to do precisely that -- we are very anxious to see the work done here by local people.

Mr. Finnigan: (To the audience). I would like to point out that we have the microphones placed so that the Clerk can record the statements made in the Council meeting; it is not just a matter of being able to say what you want to and have everybody hear.

Mr. Moss: Four of us are pretty new on the Council as we got in on the tail end of a three-year battle, but we got in on enough of it to know that the interest of the City has been the prime interest of the legal department and the Council that has tried to put it together. I want to reiterate the one thing we said that is absolutely vital, and that will be repeated. I am real proud that we made the agreement, at our study session it didn't look too good, but it looks great now. But you said to us that we would have certain things available to the Council ten days from now, and at that time we couldn't agree. It was the option of either of us to walk away from it. And I have no qualms about walking away from it, if you don't meet your agreement.

Mr. Martin: I fully appreciate that, and this is precisely what we anticipate. However I should add at this point that I am confident that when our preliminary plans are brought to you for your approval, you will be very excited and very pleased with what we submit to you; but we are fully aware of the fact that if the City is not pleased with what we submit -- and again I say I think you will be quite pleased and if the City is not pleased, you have the option to walk away from this contract.

Mr. Finnigan: Does anyone else have a question at this time?

Mr. Fox: My name is Morley Fox, 1140 Broadway, a neighbor of Sears store. I would like to talk about one aspect of this Dean-Witter building, and that is tearing down the moving sidewalk which we now have, and substituting for that some moving steps inside of the building.

As far as business is concerned, I believe it is very obvious that having moving steps inside of the building will hinder the flow of traffic which is now so great and so obvious, from 12th and Pacific to 12th and Broadway. You have in downtown Tacoma two such situations. You have moving steps in Pacific First Federal, which are obviously designed so that the public could use them; but the public doesn't. In Woolworth's, from Commerce to Broadway you have moving steps, which the public does not use. Count the number of people who walk up the hill and who substitute for that, using Woolworth's steps. Do the same at the Pacific First Federal.

Now, there is one other thing I would like to call to your attention, and as far as I am concerned, this is far more important than this flow of traffic. In your moving sidewalk, wheelchairs can use them, one in strollers, old people -- you can't take a wheelchair onto moving steps, you just can't do it. It is dangerous and difficult to take a stroller, and I notice the women do not. Now, at one time in downtown Tacoma, on every corner, you had a ramp which made it possible for a wheelchair to very easily move over the entire downtown. The substitution of moving steps for a moving sidewalk injures and makes the town less accessible to a lot of people who deserve more consideration. And you have one other aspect which I think is going back to the business standpoint. Moving sidewalks are a tourist attraction. And if you would listen to the tourists, which we heard in our establishment speak about these moving sidewalks, vaguely you would know what I mean, and you would know that they do constitute a worthwhile and wholly commendable tourist attraction. Thank you.

Mr. Finnigan: Thank you.

Mr. Ghildarducci: I am an attorney for the New Tacoma Parking Corporation and the Local Development Company, both of whom are directly involved as the operators and owners of the garage and property immediately south of the property in question.

Colonel MacGrain and I attended the study session yesterday and were quite concerned about the issues discussed. We have not had a chance to be apprised of what is in the amendments, but I would like if possible for the City Attorney or the City Urban Renewal Director to explain to us the effect of these amendments on the issues that concern the garages; namely, the drawing off from the pool of floor area ratio, and how it would affect the ability of the parking garages to be expanded, if and when it is feasible to do so. Secondly, what provisions are in here regarding the effect upon the location of the escalator and the protection of the City's grant-and-aid credits. Thirdly, the effect of these amendments upon the easements which are currently owned by the City for the benefit of people getting in and

out of the garages, and also, obviously, the effect upon our north wall regarding the openings, not only on Pacific but half way up. Primarily these were our concerns, because it does affect our building directly, and if we could get some sort of explanation on what these amendments have done to cure those problems we would appreciate it.

Mr. Finnigan: May I say first that we appreciate the attendance of Col. MacGrain and yourself, yesterday, and you brought up some very pertinent points. You are just as interested in seeing the downtown grow as the rest of us are. I'm gratified to know that the Dean-Witter people and the City staff spent the balance of the day until about 5:30 in the evening going over these items in question, and these comments or amendments are a result of this very serious study. Would you feel that you would like to have the answers to the questions you just raised at this time or would you feel that the staff is cognizant of your conditions.

Mr. Ghilaroucci: I am sure the staff is cognizant of our situation, but if the provisions that have been included in these amendments don't protect the interests that we feel need protecting, of course we stand here ready to squawk. If they do adequately protect our interests, we have no objection whatsoever. We too want to see the building built. However in our opinion it can only be done in such a way that our project, the construction of these parking garages and development of the property underneath them, is in no way hindered from going forward. This is the primary reason for our being here and being a part of the study of this agreement.

Col. MacGrain: I am Colonel MacGrain, executive vice president of the Parking Corporation. We spent thousands of dollars putting in foundations so that should the City at a later date desire to add additional floors of parking to these foundations, the floors are there. And we would like to be assured that this will never be put in jeopardy by virtue of the types of structures that Dean Witter is going to build. We certainly would not abrogate our rights, and I certainly wouldn't recommend the City abrogate its rights to enlarge these garages if it desires to do so at a future time.

Mr. Finnigan: Mr. McCormick, would you want Mr. Hamilton to answer these questions?

Mr. McCormick: Mr. Mayor, I believe that these things were taken into consideration, and the amendments will not affect that; however, I think the City Attorney should probably discuss those, and assure them what is in these amendments.

Mr. Ghilarducci: May I say that we certainly reinforce the position established a long time ago by the Parking Corporation and the Local Development Company; we are as anxious to see Dean-Witter build a building as the Council is and Dean Witter is. We have spent a considerable time accommodating the evolutionary changes in the architectural concepts of Dean-Witter to bring this to fruition, and I hope it is clear to the Council that we are very much in favor of this building, but we are in favor also of protecting certain rights that belong to the City, and certain financial obligations which have been incurred by the Parking Corporation.

Mr. Hamilton: I don't know that these proposed amendments will solve all of the problems raised by Colonel MacGrain and Mr. Ghilarducci, but I will review one or two of them to indicate, at least, to some extent the course on which we are now venturing.

In the first place we have provided that in addition to the submission of the height-mass study showing the contours of the building, within thirty days after the execution of the agreement, the precise location of the substitute escalator must be shown. Secondly, we have provided that the Council, upon approving the height-mass open-space design and engineering concepts, and the escalator location, shall also find that the new escalators which are to be installed are - substantially equivalent substitute for the existing escalades with reference to utility, location, purpose and ownership.

There has been no change with reference to the consent of Dean-Witter & Co. to consent to an increase in the floor area ratio over and above the amount of the excess which they are taking off at this time. That is a matter of policy for the Council and Dean-Witter to resolve, their argument being at this time that in effect if they will consent to the amount of the excess; anything over that puts them in the same position as any other owner. And I know that it is your position that puts the shoe on the other foot; you have to come in and make application for that, for exceeding that ratio. But that is their position and they will have to justify it for the Council.

With reference to the question of the easements as was discussed yesterday, Mr. Sullivan advises me he now has in his pocket, with letters of instruction, a \$5,000 check payable to the corporation to take care of the change in design, and that those easements will be released officially by the City.

The bulk of the amendments are technical amendments relating to the requirements of the Dept. of Housing and Urban Development.

Mr. Ghilarducci: Might I ask, Mr. Hamilton, if the provision regarding a finding by the City that the escalades are substantially equivalent substitutes is the only protection the City has on the grant-and-aid credits being discussed here.

Mr. Hamilton: That, and the right to approve, Mr. Ghilarducci, the ultimate and final design of the substitutes.

Mr. Ghilarducci: Is it contemplated by the City that they will seek a finding by HUD that this will be a "substantially equivalent" escalade before they make a finding?

Mr. Hamilton: Yes, that is contemplated. And HUD has indicated in some correspondence that what they require is a finding by the Council that it is a substantially equivalent substitute.

Mr. Finnigan: Mr. Hamilton, for the information of these gentlemen, you were also in conference with the officials from HUD yesterday afternoon, were you not?

- Mr. Hamilton: The gentlemen over there did reserve the right to further study, and it is still under, as far as that is concerned. And as you will note, the resolution provides that should the Council adopt it tonight, it is not to be executed until such time as it does receive HUD approval.
- Dr. Herrmann: I was going to say, with reference to this floor-area ratio this was of some concern to me in the study session. It seems to me that if and when the time comes that additional parking -- one floor or two additional floors are required -- it would be incumbent on the Council to take the initiative as far as a public hearing is concerned, and to amend the floor-area ratio. I don't see that, as any real practical problem.
- Mr. Ghilarducci: Well, our only concern, obviously, is that at the present time we are unencumbered by such a burden, and the action of this Council in accepting this provision is to put upon us the burden of either changing the urban renewal plan or seeking a change in it, or seeking a waiver, and having in effect to go to Dean-Witter for their consent. We don't particularly appreciate or relish being in this position. Because all of a sudden we are encumbered by the requirement of having to deal with someone else that we aren't now. Now, obviously, Dean-Witter, if they put up a lovely building next to our garages, are going to wheel and deal when it comes to allowing us to add a couple of floors to the parking garages. Because it would at that time affect their structure, and it doesn't make a good bargaining position. We have that position now, and prefer to keep it if we can.
- When I say, I am talking in effect, of the City. Because the City owns the garage structures at this time. On the other hand if the City is unwilling or unable to add additional floors of parking, the Local Development Company, who owns the air rights on top of these garages, may well, with the City's blessings, want to put up some private development, and we would similarly be under the same problem of having to go to Dean-Witter for a consent to a waiver, or shouldering the burden of having to seek an amendment to the urban renewal plan floor-area ratio. This position we do not like to be in if we don't have to.
- Dr. Herrmann: But Dean-Witter's position in regard to a hearing would be a very minority situation.
- Mr. Ghilarducci: With regard to the south garage, they would be the only property owner affected, and obviously they would be in the majority.
- Dr. Herrmann: I thought it was indicated in the study session yesterday that the additional two floors -- it wouldn't be any detriment.
- Mr. Ghilarducci: This is very "iffy" because we don't know what kind of a building they are going to design. They have indicated they are going to build a building flush to our wall, extending up the property line.
- Dr. Herrmann: The final question is, can we add that as another addendum to the agreement, if Dean-Witter would not object. If they did not object,

there is no reason it couldn't be added to the agreement, is there?

Jim Wisner:

My name is Jim Wisner, and I have been in charge of the legal work for this fine project, and I just wanted to say that the reason we are here, of course, is to help one of the top offices, Dean-Witter, get a new space. Its quarters are not now equivalent of what we think they ought to be, and so we would like to put them into this building. Now to speak to this specific point, Dr. Herrmann, your point is already completely taken care of in the agreement, and I will read directly from it for you.

A little background -- what the urban renewal plan says is that on our property, we could only build a four-story building, the way it stands now, but it is within the authority of the Council to waive that four-story limitation and allow us to build a higher building, subject to the fact that the whole high-density office core area has a four to one ratio. Now what this in effect does is a planning concept used in these urban renewal plans -- the idea that is for the policy-making body of the agency or the City involved, to decide what buildings they want, and where. I talked to the people at HUD, and said, "What does this do?" We don't like the idea of taking somebody else's space. We don't want to do this. So we are not taking somebody else's space, and this is how it is provided for: it says

"Redeveloper, its successors and assigns, consents, to the extent that Redeveloper in constructing its office building has used floor area in excess of a ratio of four to one, to an amendment of the New Tacoma Urban Renewal Plan, Project Wash. R-14, to allow greater maximum floor ratio to the extent of such excess in the high-density office core in said Project Wash. R-14."

What this means is that if you allow us to use this space and make a policy decision, we waive any claim to try to stop somebody else from getting that space. This was how it was worked out. We did not want to take somebody else's space.

This means that we are in the same position, as I understand it, as the Commonwealth Building or the garages themselves, that by HUD regulations everybody in an urban renewal area place is asked whether they will consent to an amendment of the Plan. And we feel that we should be in the same position as everybody else as far as giving our consent. But to the extent that we get any other space, we waive that. So, if the Council makes a policy decision that they would like us to be able to build a tall building there, we waive any claim that we would have to that space, and consent. If you want to increase the Urban Renewal plan by that much -- whatever square footage we use in excess of four to one -- if you want to amend the Urban Renewal Plan to allow the parking garages or want anybody else to have that space that we used, our consent is written right down here. And there it is. So we have consented, and it is written into the agreement, and the point is completely taken care of.

We stand where everybody else does on the urban renewal plan. And I might say further that, for the Parking Corporation and their garages, which we are delighted to have down there -- they help to make the project a reality. But they will have to do the same thing we are doing tonight -- to come to the Council and ask whether the City policy-making body approves of the project they propose. And it will be up to you to decide. We are asking you tonight whether you approve of allowing us to present our desires to you in thirty days. And it is a policy decision for the City to decide. We are here; we are on line; we are ready to go. We are ready to show you something we think will be attractive. We feel this problem is not a problem at all; it is taken care of in the Agreement.

- Mr. Finnigan: Thank you, Mr. Wisner. Does that answer your question, Dr. Herrmann?
- Mr. Corsi: I would like to ask Mr. Ghilarducci if in his evaluation, in reading the contract, he understands this contingency has been taken care of, in the same terms that Mr. Wisner has just described.
- Mr. Ghilarducci: There has been no change in this paragraph since yesterday's study session, and we have the same concerns tonight as we did yesterday noon. And that is the shift of the burden of seeking a change in the Urban Renewal Project in order to expand our parking garages. Right now we do not have the burden of seeking a change. In order to do that, if the Council accepts this Agreement, the provision as written, the burden of seeking that change if we wish to extend, switches to us. We don't particularly care to carry that burden.
- Mr. Moss: Mr. Ghilarducci, wouldn't you be coming back to the Council in any event, to increase the size of that parking garage?
- Mr. Ghilarducci: Yes; if the City expands the garages we may not necessarily be involved at all. If the Local Development Company tries to develop anything on top of the garages we have to come to the City because the City has to go along with us because they own the garages on which we will be seeking the development.
- Mr. Moss: You seem to be saying two things. One is if the City decides to build more parking space, and two, if the Local Development Company decides to do something other than parking space.
- Mr. Ghilarducci: Yes. If the Local Development Company seeks additional commercial development on top of the garages, we can't do it without the joint consent of the City because they own the structure upon which we would be building. So far as expanding the garages is concerned, since they are now City-owned, this would be a unilateral action by the City if it can seek its financing. And the only way the City would be burdened by this proposed change is if it also is similarly bound to the floor-area ratio requirements as the other developers in that area.
- Mr. Moss: Now, do you have something in mind there?

Mr. Ghilarducci: No. We had no particular development in mind. Our only issue is that in designing the garages we expended a considerable extra amount of money to provide footings for an additional two full floors of parking, or its equivalent, with hopes that according to our feasibility studies, there would be demand for additional parking at some future time. But we don't know when and if, etc. But the garages are designed for that.

Mr. Schroeder: There is one thing that has not been discussed, or mentioned this evening, or in any of our other discussions. And that is the question that I asked Mr. Hamilton this evening. And that question was this is it not possible for us to go to HUD and have revisions made in this ruling as it is now in existence. It would seem to me this would be a logical step for us to take upon approval of the plans from Dean-Witter. Not wait until we want further development either as parking garages or commercial developments on top of the garages. But the City Attorney and his staff should begin this process now so that in the event we want to take advantage of this we can do this.

Mr. Ghilarducci: If this can be done without unduly delaying Dean-Witter's project, it solves our problem.

If you are asking me, I would say "no." If you are asking the City Attorney, let him answer your question.

Mr. Schroeder: I am not asking that it be done tonight. I am not asking that it be done before approval is given to Dean-Witter. I am simply saying this would seem to be the next logical step to take.

Mr. Corsi: Could we possibly get a response from Mr. Sullivan from the Urban Renewal Department?

Mr. Sullivan: Could you repeat the question, Mr. Ghilarducci?

Mr. Ghilarducci: Is it possible at this time for you to respond to Mr. Schroeder's inquiry?

Mr. Sullivan: As I understand Mr. Schroeder's inquiry, what he is saying is -- and it does make sense to begin with that in order to resolve the necessity of Dean-Witter's consent along the lines Mr. Ghilarducci suggests, to protect both sides, that in effect the urban renewal plan and its FAR provisions be increased at this time. And the answer is -- and I would have to bow to the attorneys -- in order to do that it would require a Plan Amendment. A Plan Amendment isn't a matter of simply going to the Dept. of Housing and Urban Development -- it requires, as some of the members of the Council know, public hearings that would probably would take a month or so. It is possible, obviously, to change this Plan. As a matter of fact, as I understand Mr. Ghilarducci and Col. MacGrain, that's precisely what they are saying is that at a later date there may be a Plan change, and at that time the consent of affected redevelopers is required by HUD. So the answer to your question, plus the additional factor -- the City Attorney would have to answer this.

In answer to whether or not we could do it -- it could be done within a month or so, but beyond that we are presently in litigation on the second half of our eminent domain action, and whether or not we would want to open up the Plan, to amend it, at this time, in the process of a public use and necessity hearing is a matter that the City Attorney might want to speak to. Your suggestion would solve everything, but whether or not it can be done at this time, I don't know.

Mr. Corsi: Mr. Hamilton, it is my understanding that it is within the realm of the City Council to waive that four to one ratio; is that true?

Mr. Hamilton: That's part of the problem, there. You can waive it up to a point, until you approach the over-all limitation. But if a new structure needs a waiver in excess of the over-all limitation, then you are faced with a prime amendment. And that is the thing I think Mr. Ghilarducci is concerned about -- if the Dean-Witter Company, by waiver, gets most of the unallocated space, then the next person that comes in who wants additional space over and above the existing limitation has to process a Plan Amendment, rather than a mere waiver. Do I make myself clear?

Mr. Corsi: Yes. Thank you.

Mr. Finnigan: This gentleman has been standing here for some time. Will you go ahead, please.

Mr. Buell: Mr. Mayor and members of the Council, I am Mr. William Buell, chairman of the architectural barriers committee, Tacoma Handicapped. On behalf of the organization in general, I believe I have made mention of the fact before that we handicapped senior citizens would reap special benefits over what would comprise a minority over what the Republicans were in '64; so we seek with quite a bit of interest, and having served in years past on the Board of Trustees with the Mayor's father, I would presume that some of his feelings might have been inherited.

I mentioned in the past that when the downtown business firms and merchants took it upon themselves to replace their elevators with escalators, they made that in the hope they would better meet the demands of the public, and yet the fact is that with the elimination of the elevators they put up the bars against a large segment of the community. And as merchants, you would be very happy, I know, to avail yourselves of at least 10% more customers. These people adopted the escalator idea at the expense of the wheelchair jockey, for one. If the insurance regulations would permit, the fact remains that you never saw a wheelchair jockey on an escalator. It would be too dangerous. They have signs warning against that. But they don't provide for the jockey in the wheelchair.

A little while ago Mr. Fox "stole some of my thunder" in his mention of the problem. I would hope that this requirement -- to retain the escalade which will and does provide adequate access for the wheelchair jockey that the escalator will not -- will be entered into the document and retained -- to retain the escalade as it exists. Thank you.

Mr. Finnigan: Thank you Mr. Buell. I might make the comment that this does not mean that we are doing away with elevators.

Mr. Ghilarducci: If it will ease your mind any -- we are building five elevators in the garages, expandable to seven when the need requires it -- with a complete cross-walk to Broadway.

Mr. Buell: It is hoped that it will not be found necessary to encroach upon a private corporation in the use of his utility, where it is already available as a public utility.

Mr. Finnigan: The garages will belong to the City, Mr. Buell.

Mr. Fox: Mr. Mayor, I have something to add. In No. 3 of these amendments, you will find that the underlined portion says that the new moving steps "shall be substantially equivalent" to the present situation. I would like to point something out: you have at the moment the moving sidewalks, sheltered, but open; your moving steps are enclosed. I don't quite see how this is a "substantial equivalent."

Mr. Finnigan: Do you have a brief comment?

Mr. Schiflet: My name is Tom Schiflet, Manager of Dahnken's in Tacoma, and I am here on behalf of my immediate superior, Mr. McIvor who owns the building. My question is, once Dean-Witter starts building their building -- and I am sure they will start, I hope, because I want that building, are we to assume the escalade between Pacific and Commerce will be out of operation for the entire period of the construction of the building. This is a question I would like to have answered by somebody.

Mr. Finnigan: I would assume, as the corporation begins its foundation work, it will be necessary to remove the present escalade; however, I am sure they are just as interested in getting it back into operation as we all are. This is one of the provisions in granting them the right to purchase the property -- that an equal escalator will be replaced in that same relative location. I don't believe Dean-Witter can tell us now how soon it will be back in operation.

In the meantime, as you all know, the garage on the south end is going to be open next week, and as Mr. Ghilarducci stated, five elevators will be in the building.

Mr. Schiflet: I am glad to see that because those elevators will still never take the place of that escalade as far as flow of traffic is concerned.

Mr. Finnigan: Did you wish to speak, sir?

Mr. Nalley: My name is George Nalley, 4011 No. Frace Street. I speak as a private citizen right now. I am a member of the Park Board. I ask that you lend an ear to what Mr. Buell has to say about the elevator and the ramp and escalator situation. There will be lots of elevators, but the escalades seem to give a type of freedom downtown. And now one escalade, whether it be escalade or steps, is going behind closed doors. Just to get into closed doors is a chore; sometimes it can't

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be done alone. It takes somebody with you. And here is one access to Commerce, to Pacific and to Broadway that is being closed off to a pure minority. And next it will be the one on 13th, the one upstairs, and then the one on the other side. But I sincerely ask that you look at this -- you are closing a door. Many people used the stairs, but are using the Mall now because it is level and because you don't have to go in and out of doors all day long. I think if Dean-Witter is going to use a ramp instead of the steps on this escalade, it would mean a major change in width and other specifications.

Mr. Finnigan: Mr. Nalley, I can assure you we have listened carefully to everyone. We have, for over three years now, during the processing of this.

(To another citizen) Do you have a brief comment?

Mr. Hall: Yes, my name is J. W. Hall, Jr. I live at 805 Baylor. I would like to urge the Council to give affirmative action to this resolution here tonight. The City of Tacoma desperately needs downtown development. Right now at this site we have a vacant lot, and as I said before, the City needs additional development to go with the fine projects we have underway. We have before us an opportunity to take advantage of Dean-Witter's willingness to make one of these developments, and I think Tacoma should take this opportunity. I am a newcomer to the area, but I understand the history of Tacoma is one of missed opportunities. I would hate to see us miss this very fine opportunity. Thank you.

Mr. Finnigan: Thank you for your refreshing comment. Is the Council ready to take action? Call for the roll. Dr. Herrmann made the motion to accept the resolution as amended. Seconded by Mr. Maule.

Roll call was taken, resulting as follows:

Ayes 7: Corsi, Finnigan, Herrmann, Jarstad, Maule, Moss and Schroeder.

Nays 0.

Absent 1: Johnston (excused).

END OF VERBATIM

Mr. Jarstad moved to suspend the rules to reconsider Resolution No. 20929 which had been adopted at the meeting of October 20th. Seconded by Dr. Herrmann.

Resolution No. 20929

Directing and advising the Regional Director of the Office of Economic Opportunity that the City of Tacoma no longer wishes recognition as a Community Action Agency.

Mr. Jarstad moved to continue the resolution for one week to allow the legal staff an opportunity to check into the matter. Seconded by Mr. Maule. Voice vote was taken and carried unanimously.

The resolution was continued to November 4th.

FIRST READING OF ORDINANCES:

Ordinance No. 19221

Amending Section 1.12.410 of the official code by adding two new subsections, No. 0627 and 0628 to the Pay & Compensation Plan, to establish two new classes of Refuse Site Checker and Refuse Scale Operator.

Mr. Bixel, Personnel Director, explained these are amendments to the Compensation Plan. This ordinance would establish two new positions, but is merely a housekeeping ordinance which would give a more descriptive classification for incumbent employees, who will remain on the jobs in the Utilities Dept.

The ordinance was placed in order for final reading.

Ordinance No. 19222

Amending Section 1.12.450 of the official code by adding a new subsection known as No. 2034 relative to the Pay and Compensation Plan to establish a specialized class for Traffic Engineer.

Mr. Bixel explained this is a parallel, housekeeping ordinance to establish a special class of Traffic Engineer in lieu of Civil Engineer in the Public Works Dept. He hoped the ordinance would be approved so that the City can take advantage of local personnel in the area. He said this is a budgeted position, which should be filled at this time.

The ordinance was placed in order for final reading.

Ordinance No. 19223

Amending Title 8 of the official code by repealing Chapter 8.70 and reenacting the same, pertaining to Jurisdiction of Municipal Court.

Mr. Hamilton, Acting City Attorney, explained that under the existing ordinance the court may impose a suspended sentence, which can be operative no longer than 90 days. The State Legislature recently has changed the law relating to Justice Courts and authorizing suspended sentences and in addition imposing deferred sentences. The imposition of such a sentence would remain effective for one year. The Municipal judges of the City have indicated this would be an element of control over persons for a period in excess of 90 days to assure the violator complies with the terms of the suspended sentence or deferment.

Mr. Corsi asked Mr. Hamilton if he considered this to be a useful tool in connection with first offenders.

Mr. Hamilton replied it would be. He added persons who are arrested for drunken driving are sometimes sent to a driving school, and if the school calendar happens to be halfway through a 90-day class period, then the person could drop out before his 90 days are up and the court then cannot reimpose the original sentence, as the period of suspension had expired. Under the proposed ordinance, the court would have continuing jurisdiction until the completion of the school course. He said this is only one example as there are others, such as psychiatric treatments, etc., which last more than 90 days.

The ordinance was placed in order for final reading.

Mr. Jarstad left the meeting at 8:30 P. M.

Ordinance No. 19224

Amending Title 8 of the official code and repealing section 8.44.080 and adding a new chapter 8.27 to establish a Metropolitan Park Code.

At the request of the acting Mayor, Mr. Hamilton explained that the Park Board had reviewed its rules and regulations recently in order to adequately combat incidents that have occurred from time to time in the parks, and are requesting that the City, by ordinance, adopt the rules and regulations so that these can be used by the Police Dept. in enforcing the law. In this case, if passed, a violation would be a violation of a City Ordinance as well as of the Park Board rules and regulations.

Mr. Dave Workman, a citizen, asked if the ordinance is passed would it indicate that the Council alone would have jurisdiction and the Park Board have no voice in the matters.

Mr. Omar Bratrud, president of the Metropolitan Park Board, explained they were asking that an ordinance be passed to "fortify" their rules and regulations. The jurisdiction and management of the parks would still remain under the Park Commissioners. He added it seemed to be the consensus of the Council and the Police Dept., if the City passed the ordinance, it would be easier to exercise pertinent police powers over the parks.

Mr. Workman asked if that would exclude the parks for use for political or religious rallies, etc.

Dr. Herrmann said he had reviewed this ordinance carefully and could see some good points, but the proposed rules and regulations seemed to be too restrictive. He said he would like to have the language clarified, or have Section 8.27.180 on page 5, stricken entirely. He feels a person should be allowed to use the parks, for example, to chip golf balls, play a few games or shine a car.

Mr. Bratrud pointed out that there are regulations to control litter in the parks, but many people violate the rules and extra personnel have to be hired to clean up the parks at extra expense.

Mr. William Glundberg, Director of the Park Dept., said he felt there is a need for some specific rules in order to protect park users. He cited a case where a baby had been hit by a hard ball during a baseball game in the park and the City had been sued for half a million dollars. However, the case was later dropped because the game had been played in an area where it should not have taken place. He added this is an example where control is needed. He thought a number of regulations are needed, but they will be tempered with discretion as far as enforcement is concerned.

Mr. Moss said he felt the rules and regulations set up by the Park Board provide the necessary authority to regulate parks, but he thought to combine them with as much law as possible would give a somewhat oppressive feeling. He pointed out the rules and regulations are already enforceable under the jurisdiction of the Park Board.

Mr. Schroeder referred to Section 8.27.040 regarding permits for assemblies, speeches or entertainment, which states there will be no such gatherings without written permission of the Park Board Commissioners. He said it seemed to him as though some emergency or unpredicted occasion might arise where the Board might wish to grant a permit, but would not be scheduled to hold a meeting, and the rules do not provide that one individual can approve such a request.

Mr. Bratrud pointed out that the Board meets twice a month, but if a special occasion arose, the Board would meet immediately. He said there has been no problem to date.

Mr. Moss referred to Section 8.27.090 stating that no structures may be erected in the parks. He wondered if that were a proper ruling.

Mr. Bratrud explained this was included so as to eliminate the possibility of having two or more groups in a park at the same time and interfering with each other's activities. He said it would be up to the Park Commissioners to grant a permit when a special event occurs.

Mr. Maule asked if most of the rules were not already in effect under the Park Board authority.

Mr. Finnigan said this was true as the Park Board had already adopted these regulations. He added he feels the rules are a protection for the majority and not a penalty. He recommended the Council postpone its decision temporarily and suggested the Council members discuss the matter individually with the Park Board if they wished in order to see if an agreeable arrangement can be worked out.

The ordinance was placed in order for final reading.

Ordinance No. 19225

Amending Section 6.02.030 & 070 of the official code to add certain standards for the suspension or revocation of licenses and conditions for the repayment of application fees.

Mr. Hamilton explained the legal department is of the opinion the existing code which authorizes a revocation of licenses by the City Manager is too vague. He said there had been some litigation approximately six months ago wherein this point was argued forcibly, therefore, it is being recommended to the Council to amend that section of the City Code.

The ordinance was placed in order for final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 19220

Establishing a new position classification of Sewage Plant Maintenance man in the Sewer Utility in salary range 28 consisting of \$690.00 to \$760.00 monthly.

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

Yes 6: Corsi, Finnigan, Herrmann, Maule, Moss and Schroeder.
Nays 0. Absent 2: Jarstad and Mayor Johnston.
The Ordinance was declared passed by the Chairman.

UNFINISHED BUSINESS:

The Director of Public Works presented the Assessment Roll for the following:

LID 4895 for paving in alley between Pacific Avenue and "A" St. from So. 26th to So. 28th St. and other nearby streets.

Dr. Herrmann moved that the date of hearing be set for Monday, December 7th at 4:00 P.M. Seconded by Mr. Maule. Voice vote was taken. Motion carried.

REPORTS BY CITY MANAGER:

Mr. McCormick reminded the Council that next week's Council meeting will be held on Wednesday, November 4th, as Tuesday, November 3rd, is General Election Day.

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Mr. McCormick said the Preliminary Budget for 1971 has been printed, and in accordance with State law will be submitted by November 1st. It will be distributed to the Council members along with the agenda for the following week. Copies will be available for the public at the public library, public schools and the City Clerk's office.

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Mr. McCormick extended an invitation to the Council members, especially the newly appointed members and asked if they would notify his office when they would like to visit the various City departments to see first-hand the functions of their departments so they can better evaluate the matters presented to the Council. He commented that the City is a big corporation, having over 2,000 employees.

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Mr. McCormick announced there would be a Council study session on Monday, November 2nd, to discuss the sewer revenue bonds and the procedures in connection with them. He pointed out the meeting may last several hours as the projects include a line across the Tideflats and other large projects.

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Mr. McCormick said he had received a request from the Police Dept. to send someone to Minnesota on October 27th through October 29th for training at the Trace-Metal Detection Workshop. He said he had approved the request, subject to Council approval, and explained that the former Council had by resolution provided that all out of state travel expense must be approved by the Council.

Chief Lyle Smith explained this training opportunity had been made available to the City through an Omnibus Bill on crime. This school is for instructions in identification of trace metal through a new technique whereby any criminal who might be carrying metal on his person can be detected. He added that Lt. Marvin Snyder, the person he had selected to attend, has expressed his interest in being sent and has offered to give up his holiday pay time, and will pay for the additional expenses out of his own pocket. The City would be paying only for the travel expense.

Mr. Corsi suggested that upon his return, Lt. Snyder make a report to the Council.

Mr. McCormick said this is a standard practice and that a written report will be distributed to the Council.

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COMMENTS BY MEMBERS OF THE CITY COUNCIL:

Mr. Finnigan commented that at the last meeting when there had been a large attendance and notable subjects discussed, there were three newsmen attending without permission and wandering on the Council podium. He said he did not

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feel this was a suitable situation for the meetings. He added he hopes the public inside and outside of the Council Chambers will recognize that the Council is trying to maintain proper decorum at all times.

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Dr. Herrmann asked to be excused for the next two meetings.

Mr. Finnigan moved to excuse Dr. Herrmann. Seconded by Mr. Corsi. Voice vote was taken. Motion carried.

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Mr. Moss said he was pleased to see at last week's meeting how much information the staff had in connection with the Dean-Witter matter. He added there are a lot of people interested in what happens in the City and that is very encouraging.

Mr. Corsi expressed a similar opinion and said this could be the beginning of a movement in which many great things will take place in the City. He said the discussion on the Dean-Witter building was a good example of the great amount of interest in building up our City. He said he was extremely pleased to be taking part in these matters.

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Mr. Finnigan read a letter that had been sent to Mayor Johnston from Washington Disabilities, Inc. The letter stated that the firm had decided to relinquish its lease on the old Fire Hall No. 9 located at Sixth and Pine Streets.

Mr. Moss moved to accept the notice of termination of the lease. Seconded by Mr. Maule. Voice vote was taken and motion carried.

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ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Minutes of Public Utility Board of October 14, 1970.
- b. Report of the Director of Finance, September, 1970.
- c. Community Improvement Program, Status Report No. 8--City Planning Dept.
- d. Community Improvement Program, Quarterly Report, 3rd Quarter 1970--City Planning Dept.
- e. Quarterly Report of Highway Safety Project #TR 69-2-001--Police Dept.
- f. Updated Cost Estimate for No. 26th St., Urban Arterial Project No. 8-1-128(31), Improvement No. 4931--Public Works Dept.

Placed on file.

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Dr. Herrmann moved to adjourn the meeting. Seconded by Mr. Maule. The meeting was adjourned at 9:25 P. M.

Attest:

Josephine Melton
Josephine Melton - City Clerk

Maurice S. Finnigan
Maurice Finnigan - Deputy Mayor