

CITY COUNCIL MINUTES

City Council Chambers  
Tuesday, August 4, 1970

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

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

Moved by Mr. Finnigan that Mrs. Banfield and Dr. Herrmann be excused. Seconded by Mr. Dean. Voice vote was taken. Motion carried.

The Flag Salute was led by Mr. Dean.

Mayor Johnston asked if there were any omissions or corrections to the minutes of July 7th, 1970.

Mr. Cvitanich moved that the minutes of July 7th be approved as submitted. Seconded by Mr. Zatkovich. Voice vote was taken. Motion carried.

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Mayor Johnston explained that the items that were not taken up at last week's meeting will be considered before the regular items on the agenda are considered. Mr. Cvitanich moved that the items to be filed be placed on file without reading. Seconded by Mr. O'Leary. Voice vote was taken. Motion carried unanimously.

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Mayor Johnston said he would allow the people to speak that asked to speak last week at this time.

Mr. Raymond Roland, a citizen, asked if any report was received regarding his question relative to bus subsidy of last week. He added he owns two homes on one piece of property and only one is occupied and he is being charged a double transit tax. He said some of his neighbors are paying the tax on an old home and also on a new home even though it isn't occupied. He didn't think that was the way the tax was intended to be set up.

Mayor Johnston said this matter will be taken up with the City Manager.

Mr. Roland said he also wanted to call attention to the \$200 charges on water mains which are not yet installed. He said there are 13 property owners on his street being charged.

Mayor Johnston said this would be referred to the Public Works Committee.

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Mrs. Thelma Coonan was also given the opportunity to talk.

Mrs. Coonan contended that Resolution 20777 relating to the authorization of the Model Cities Program was illegally passed at the July 21, 1970, meeting. She said she would like to set forth the facts as they occurred so that they would become an official

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part of the minutes. She claims the facts as set forth should nullify the resolution passed because they nullify her rights as granted by the charter of the City of Tacoma and made her the subject of ridicule which has caused her much mental anguish.

She said when she had asked to speak before the Council on July 21 in regard to Resolution No. 20777, the Mayor would not allow her to speak, but stated he had taken upon himself to rule there would be no discussion on the matter with the exception of the Council and that he would stand on that ruling. He had told her she was out of order and called for the roll on the resolution. Mrs. Coonan pointed out that Section 2.9 of the City Charter states "subject to limitations imposed by law and by this Charter, the Council shall establish its own rules and order of business". She added the City is organized under the laws of the State, stating "the laws under which Cities shall exercise the duties conferred on them by law, and shall be as provided in the Charter itself". She asserted inasmuch as the State law indicates the manner and mode under which the Cities shall be carried out, Rule 2 of the City Council sets forth the duties of the presiding officer and states "the chairman shall observe and enforce all rules adopted by the Council for its government" and further that the chairman "shall have only those rights and be governed in all matters". Rule 2 also states that "amendment to these rules shall be made by resolution of the Council, which must be laid over for one week".

She said the rules are specific as to how they can be amended. The rules do not require the other members of the Council have the Mayor or chairman follow the law, but they do have the right to challenge any ruling of the presiding officer. She said she has been advised, the fact the Council did not dissent, could be construed as approving the Mayor's action. She pointed out that Rule 12 permits any person to speak on any item on the agenda at the time the matter is discussed, and that the Mayor had violated this rule by not allowing her to speak. Therefore, the legislation passed on that night is illegal, because it was passed in an illegal manner.

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HEARINGS & APPEALS:

a. This is the date set for hearing of rezoning south side of No. 9th between Orchard St. & Villard St. extended from an "R-2" to an "R-3" District. (Petition of Karl A. Tongedahl)

Mr. Russ Buehler, Director of Planning, explained this is a request for rezoning by Mr. Tongedahl to build a single-story duplex.

Mr. Tongedahl said he had purchased 180 feet of property front and built one house on 75 feet, but the remaining footage was quite large for a single home. Since the zoning ordinance had been instituted after his purchase, he is now asking for a variance.

Mr. Cvitanich asked when the area had been partially rezoned and when he plans to start construction.

Mr. Tongedahl replied that this was rezoned in January of 1968 and he plans to start clearing the land within a week.

Moved by Mr. Pinnigan and seconded by Mr. O'Leary to concur in the recommendation of the Planning Commission. Voice vote was taken. Motion carried.

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b. This is the date set for rezoning of the area at 7th & So. Sprague Ave. from an "R-4" to a "C-2" District. (Petition of John G. Kerr)

Mr. Buehler explained this tract is 150 x 150 and the area on Sixth Avenue where Mr. Kerr has his business is zoned "C-2". The property adjoining this property has three old homes. One is to be taken down which is on the edge of the present "C-2". He added he plans to fence this off so that the automobiles that he will be working on will be enclosed as an interim storage area.

Mr. Buehler said Mr. Kerr expects to work on cars which had been wrecked

Mr. O'Leary asked if such a zoning would have any effect on taxes on surrounding property. He was advised the Assessor assesses property that is zoned when preparing his assessments.

Mr. Finnigan moved to concur in the recommendation of the Planning Commission to rezone. Seconded by Mr. Dean. Voice vote was taken. Motion carried.

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COMMUNICATIONS:

a. Communication from David R. Tuell, Jr., regarding Admissions Tax on bowling.

Mr. Cvitanich remarked that Mr. Tuell had contacted him and he stated he feels there is an inequity in regard to admissions taxes and that the tax should be charged on the gross admission charge.

Mayor Johnston recommended referring this matter to the Finance Committee.

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b. Communication from Mabel B. Roberts, Director, Operations Mainstream, asking the City's support of Operation Mainstream's program for 1970-71.

Mr. Cvitanich said this matter was important because of the timing. He thought the committee could meet directly after the Council meeting to make a decision on this request for continued support for the Operation Mainstream to help the semi-retarded in job training.

The matter was referred to the Finance Committee.

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RESOLUTIONS:

Resolution No. 20829

Authorizing the execution of a supplemental agreement with the State of Washington providing for participation in a joint project relating to Ponders-to-Tacoma Ward's Lake Drainage System Project.

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

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

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

Nays 0. Absent 2: Banfield and Herrmann.

The Resolution was declared passed by the Chairman.

Resolution No. 20830

Authorizing the proper officers to execute an agreement with the State of Washington for additional funds for acquisition of property for Ruston Way open space.

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

Mr. Buehler explained he had presented copies of a letter regarding an additional change to be made in the resolution to proceed with this project. He added he had talked to the Inter-agency staff in Olympia and they had indicated they would not consider the funding until these two additional 50 foot lots were included in the application which would increase the cost to \$70,000.

Mr. Zatkovich inquired about the vast difference in price per foot between the former acquisitions and the additional lots. It was explained that the appraisals had been going higher in that area in the last few years and if the City had to go into condemnation proceedings, it would cost whatever the court settled on.

Mr. Finnigan moved to amend the resolution to include the additional feet and extra cost to purchase the lots in question. Motion seconded by Mr. O'Leary. Voice vote was taken. Motion carried.

Mr. McCormick explained that an emergency appropriation will be forthcoming at a later date and the Council will be asked to pass an ordinance at that time.

Mr. Cvitanich asked if the proportion was still 50% federal, 25% state and 25% city. He was advised it was.

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

Ayes 6: Cvitanich, Dean, Finnigan, Jarstad, O'Leary and Mayor Johnston.

Nays 1: Zatkovich. Absent 2: Banfield and Herrmann.

The Resolution was declared passed by the Chairman.

Resolution No. 20831

Fixing Monday, August 24th at 4:00 P.M. for LID 4947, paving on South 72nd St. from Oakes St. to Prospect St.; South "I" St. from South 63rd St. to South 64th St. and other nearby streets.

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

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

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

Nays 0. Absent 2: Banfield and Herrmann.

The Resolution was declared passed by the Chairman.

Resolution No. 20832

Fixing Tuesday Sept. 8 at 7 P.M. as the date for hearing for the rezoning of the east side of Wilkeson St. between So. 25th & Center St. from an "R-2" to an "M-1" District. (Petition of Atlas Foundry & Machine Co.)

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

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

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

Nays 0. Absent 2: Banfield and Herrmann.

The Resolution was declared passed by the Chairman.

Resolution No. 20833

Fixing Tuesday Sept. 8 at 7 P.M. as the date for hearing for the vacation of alley between Alaska and Wilkeson Sts. from 500' N. of Center St. to approximately 621' N. of Center St. (Petition of Atlas Foundry & Machine Co.)

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

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

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

Nays 0. Absent 2: Banfield and Herrmann.

The Resolution was declared passed by the Chairman.

FINAL READING OF ORDINANCES:

Ordinance No. 19146 (Postponed from the meeting of July 21st)

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

Mr. Cvitanich moved to accept the substitute ordinance. Seconded by Mr. O'Leary. Voice vote was taken. Motion carried unanimously.

Mr. O'Leary thanked the Council for postponing the ordinance in order that the committee could hold meetings to allow the Coast Guard and Fire Dept. and trucking firms to check the Ordinance. He explained the wording had been changed to indicate that the trucks while parked on the docks would have to be tended at all times and headed in the direction of unimpeded exit. The trailers are to be classed as cargo and can be parked in the cargo areas. He feels these meetings helped to bring these factions closer together and closer to the City administrative groups.

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

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

The Ordinance was declared passed by the Chairman.

Ordinance No. 19167

Creating a Working Fund Advance for the Garbage and Refuse Division in the sum of \$100.00

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

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

The Ordinance was declared passed by the Chairman.

Ordinance No. 19168

Amending Chapter 13.06 of the official code by adding Sec. 13.06.100-2 to include property in the area bounded by So. 19th; J and So. 17th & So. I Sts. in an "R-5-TB" District. (Petition of St. Joseph Hospital)

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

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

The Ordinance was declared passed by the Chairman.

Ordinance No. 19169

Providing for the improvement of LID 3702 providing for sanitary sewers in East 65th St. from East "S" St. to East "T" St. and in other east side locations.

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

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

The Ordinance was declared passed by the Chairman.

Ordinance No. 19170

Providing for improvement of LID 3704, providing for storm drainage in alley between Ferdinand St. and Mullen St. from No. 45th to No. 46th Streets.

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

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

Ordinance No. 19171

Providing for improvement of LID 6927 for intersection lights on No. 10th, No. 11th and No. 12th St. from Stevens to Orchard.

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

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

Ordinance No. 19172

Providing for improvement of LID 6928 for intersection lights on No. Hawthorne Sixth Avenue to No. 9th St.

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

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

Ordinance No. 19173

Providing for improvement of LID 5500 of water mains in East 65th & East 66th St. from the west line of Berkley Groves 3rd Add. to 312 feet west, and in East Sonia St. from East 66th St. south 269 feet.

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

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

Ordinance No. 19174

Approving and confirming the Assessment Roll for LID 3659 for sanitary sewers in North 27th St. from Narrows Place to Bridgeview Drive and other nearby streets.

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

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

Ordinance No. 19175

Approving and confirming the Assessment Roll for LID 3678 for sanitary sewers in Wistaview Drive from No. 23rd to No. 27th and in other nearby streets.

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

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

Ordinance No. 19176

Approving and confirming the Assessment Roll for LID 3692 for sanitary sewers in alley between East 59th and 60th Streets from "K" to "L".

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

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

Ordinance No. 19177

Approving and confirming the Assessment Roll for LID 4883 for permanent paving for Fawcett Ave. from So. 84th to So. 88th; Grove Place from Verde St. to Ferdinand St. and other nearby streets.

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

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

UNFINISHED BUSINESS:

The Director of Public Works presents the assessment rolls for the following:

LID 6900 for modern street lights on existing wood poles at intersections along North 22nd St. from Proctor to Stevens Sts.

LID 6891 for modern street lights on wood poles at street intersections along East "L" St. from East 56th St. to East 62nd St.; East "M" St. from East 56th St. to East 64th St. and other nearby streets.

Mr. Cvitanich moved that the date of hearing be set for Monday, September 14th, at 4 P.M. Seconded by Mr. Zatkovich. Voice vote was taken. Motion unanimously carried.

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Mr. Jarstad said he would like to have a figure on the total valuation of all these LIDS and also new improvements anticipated for the City.

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Mayor Johnston commented on the fact that State law governs the conduct of the City Council and as Mayor he would like to request the City Attorney to prepare five resolutions for next week's agenda, which will spell out the date of September 15th for the Recall election.

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Mr. Dean called attention to the fact that there was one week remaining before the Tacoma Youth Symphony leaves on its trip. They will be participating in more concerts than any other symphony in the entire world. They have been asked to play in a hospital and a machine factory. He remarked this is an outstanding feature as they are the only symphony which has ever been asked to do such a thing. They will be participating in ten concerts altogether. He announced they are having a concert at the Pacific Lutheran College auditorium on August 6 and are still \$3,000 short.

Mayor Johnston commended Mr. Dean for the eloquent way he has continually endeavored to raise money for the Tacoma Youth Symphony and for pointing out the groups outstanding assignments for this European tour. Mayor Johnston said he was only sorry the Council cannot send Mr. Dean on the tour also.

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Mr. Zatkovich commented, with reference to the Mayor's request for resolutions for the coming election, despite the fact the "air was polluted" the Recall date can be settled in spite of the "reluctance of five". He said he wished to state at this time that because of the Recall committee's actions the five Councilmen have saved the City of Tacoma \$35,000 to \$50,000, and he hopes it will be appreciated by the community. He said he thinks the press, certain officials and the Recall committee were all premature. He said he is not afraid of anything--the phoney people, the phoney charges, etc.--and he is sure the other four will feel the same.

Mr. O'Leary said some reports have come to him regarding the Recall. He added he would like to make the City Manager aware of the fact that some Department Directors have been using the Recall election as an excuse for non-action. He said a Department Director is directed to run his department to the best interests of the City of Tacoma and the makeup of the Council should not matter regardless of the Recall.

Mr. McCormick said he agreed fully with Mr. O'Leary's remark. He said he was not aware of any delinquency on the part of department heads during the Recall process. He said he certainly had not given any instructions to that effect, but rather to accomplish things as rapidly as they can in the event other important matters come up. He added he would certainly check the matter.

REPORTS BY CITY MANAGER:

Mr. McCormick, Acting City Manager, read a letter he had received regarding Metermatic Systems in Tacoma. He said he would have copies for Council members made if they so desired. The letter said they had been working with Mr. Zatkovich on establishing a meter testing program and indicated the system would involve the conversion of the present meters which could increase the City's revenue for parking cars by as much as 40%. The letter asked the Manager to let the company know if the City is interested in having a test project.

Mr. Cvitanich said he did not think the City should lose sight of the fact that parking meters are a traffic control device, rather than a source of revenue.

Mayor Johnston referred the matter to the Public Works Committee.

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COMMENTS BY MEMBERS OF THE CITY COUNCIL:

Mr. Cvitanich cited a case where four 7th grade youngsters had taken it upon themselves to clean out two vacant lots at 69th & Pine and made it a playground for all the neighborhood youngsters over the past two years. He commended the boys and said he thought the Council should acknowledge their good work and the fact they have set a good example for others to follow. The boys are: Kelly Kenyon, Denny Bowey, Kevin Mosier and Duke Kaywood.

Mr. O'Leary mentioned he thought it was County property and he thought perhaps the Council could work with the County and make it into a playground, by following up on the project.

Mayor Johnston said it was City property and said if they were in need of any equipment the City could furnish it to assist the boys in the work. He said he would take the matter up with Mr. Schuster, Director of Public Works.

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Mr. Dean asked the Mayor what was the outcome of the meeting regarding Bayside Drive.

Mayor Johnston said the matter had been continued for four weeks, last week being the third and that there had been difficulty in trying to get the members of the Council together for a meeting, but suggested another meeting for Monday, August 10th.

Mr. Dean said the Council had already received a noon luncheon invitation at St. Joseph's Hospital on that Monday and suggested an 8:00 P.M. meeting.

The Mayor concurred.

Mr. Finnigan asked that the meeting dates be discussed by the members before making any dates as each Councilman has other commitments.

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Mr. Cvitanich referred to the homeowners monthly assessment in the vicinity of 46th & Portland Avenue and said the sewer rate has been listed at \$1.50 whereas he thought it is \$2.00, garbage at \$1.50 instead of \$1.75 and the transit tax is not listed at all.

Mayor Johnston said he would have this checked.

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Mr. Dean announced the last Salmon Bake of the season for August 5th and that it was a wonderful way to spend an evening.

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ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Updated Cost Estimate for Urban Arterial Project No. 8-1-128(25), So. 84th St. (Unit "A"-Thompson Ave. to Yakima Ave.--Dept. of Public Works.
- b. Updated Cost Estimate-Urban Arterial Project No. 8-1-128(09), Yakima Ave.--Dept. of Public Works.
- c. HUD Form 6148, Gross Rental Schedule--Dept. of Urban Renewal.
- d. Tacoma City Planning Commission Minutes of July 20, 1970.
- e. Quarterly Financial Report, Tacoma Industrial Airport, period ending June 30, 1970.
- f. Personnel Report of June, 1970.

Placed on file.

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Mr. Dean moved to adjourn the meeting. Seconded by Mr. O'Leary. The meeting was adjourned at 8:20 P.M.

Attest: Josephine Melton  
Josephine Melton - City Clerk

Gordon N. Johnston  
Gordon N. Johnston - Mayor