

CITY COUNCIL MINUTES

City Council Chambers, 7:00 P. M.
Tuesday, September 26, 1961

Council met in regular session. Present on roll call 9. Bott, Cvitanich, Easterday, Murtland, Olson, Porter, Price, Steele and Mayor Hanson.

Mrs. Price moved that the minutes of the meeting of September 12, 1961 be approved as submitted. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

RESOLUTIONS:

Resolution No. 16740: (postponed from the meeting of Sept. 19, 1961)

Authorizing the selection of Knight, Vale & Gregory as Certified Public Accountants for the purpose of making an audit of accounts and books of the City.

54: 22
54: 106
54: 126

It was moved by Mr. Easterday that the Resolution be adopted. Seconded by Mr. Steele.

(Verbatim as requested by Mr. Cvitanich)

Mayor Hanson: I believe that we should act on the filling in of the name. Is there a motion.

Mrs. Price: I so move.

Mr. Murtland: Isn't the name filled in Mr. Mayor. The year is blank.

Mayor Hanson: Oh, yes, that is right. The name was filled in by Council action at the last session.

Mr. Cvitanich: Mr. Mayor.

Mayor Hanson: Mr. Cvitanich.

Mr. Cvitanich: Yes, one thing that enters my mind on this Resolution. Why isn't Section 7.14 incorporated in this Resolution - of the Charter which calls for an audit.

Mayor Hanson: Well, I believe that the records show that has been the background of a great deal of discussion which has culminated in this action. I don't believe that there would ever be any question about the fact that that was considered during a number of lengthy discussions about the independent public accountant firm.

Mr. Cvitanich: Mr. Mayor.

Mayor Hanson: Mr. Cvitanich.

Mr. Cvitanich: Mr. Hamilton, as the Charter is worded now, will this Council be complying with Section 7.14 of the City Charter?

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Mr. Hamilton: I don't know whether it will or not. I'm sure that I precisely understand your question. The Section that you refer to, of course, requires that there be an independent public accounting firm audit the books and records of the City. This, of course, fulfills a part of that obligation in that you are retaining an accounting firm but there is nothing in here which would indicate the extent of the audit. That would have to be determined before you would know if you were in compliance with that.

Mr. Cvitanich: Well, the Charter says "all accounts and books."

Mayor Hanson: I believe, that in the discussion leading up to this Resolution, it was the consensus that upon hiring a firm, we should then meet with them to discuss the scope of their audit and the contract.

Mr. Steele: Point of order, Mr. Mayor.

Mayor Hanson: Mr. Steele.

Mr. Steele: I suggest that this argument is baseless, because the Resolution simply retains a firm of attorneys and the Charter and Ordinances of the City are consistently followed and there is nothing in here that relates to the fact that they are not to be followed. It is simply the retention of a firm of accountants. I think this argument is purely political.

Mr. Cvitanich: Well, Mr. Mayor, I would like to move to amend this Resolution.

Mayor Hanson: What is your motion.

Mr. Cvitanich: Behind the first "Whereas", I'd like Section 7.14 of the Charter inserted. For the record I would like the Clerk to read that section.

Mrs. Melton, City Clerk: Independent Audit Section 7.14 - The Council shall provide for a running audit of all accounts and books of the City by a firm of certified public accountants who are in no way connected with the City government. A comprehensive annual report on the financial condition of the City shall be prepared by such firm, which shall be submitted to the Council and open to public inspection.

Mr. Porter: Second that motion.

Mayor Hanson: Questions or discussions? If not, those in favor-

Mr. Murtland: What was the amendment then: I'm afraid I lost...

Mayor Hanson: It was moved and seconded to insert Section 7.14 of the Charter immediately following the second whereas of this Resolution.

Mr. Murtland: The full section as read?

Mayor Hanson: Yes.

Mr. Murtland: I see.

Mayor Hanson: Any further questions or discussion; if not those in favor...

Mr. Cvitanich: Roll call.

Mayor Hanson: Proceed with the Roll call on the motion.

Bott: Aye

Cvitanich: Aye

Murtland: No

Olson: Aye

Porter: Aye

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Price: Aye
 Steele: Aye
 Hanson: Aye. Carried.

Mayor Hanson: Now, on the Resolution as amended, any discussion? With reference to the calendar - making an audit of accounts and books of the City for the calendar years - the blank. Is there discussion on the identification of what the calendar years, this authorization and direction refer to.

Mrs. Price: It was my understanding that it was to be the audit for the year of 1961.

Mr. Steele: 1961 is correct.

Mr. Bott: I so move.

Mayor Hanson: Is there a second.

Mr. Murtland: Second.

Mayor Hanson: Questions or discussion? The motion is to insert in the blank, the year 1961. Those in favor say "aye" (ayes) Opposed "no". Carried. Now on the Resolution as amended. Those in favor of the Resolution say "aye" (ayes) Opposed "no". Carried.

Resolution No. 16743: (postponed from the meeting of Sept. 19, 1961)

Awarding contract to Star Machinery for a steam cleaner for the Transit System for the sum of \$2,244 less two percent, plus sales tax.

It was moved by Mr. Bott that the Resolution be adopted. Seconded by Mr. Easterday.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16752:

Fixing Monday, October 23, 1961 at 4:00 P. M. as the date for hearing on L I D 4687 for paving on the alley between No. 28th and 29th from Lawrence to Warner; No. 17th & 19th from Lawrence to Alder; also sidewalks on the north side of No. 11th near Lawrence and on the south side of No. 46th from Lawrence to Alder St.

It was moved by Mr. Bott that the Resolution be adopted. Seconded by Mr. Easterday.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16753:

Fixing Monday October 23, 1961 at 4:00 P. M. as the date for hearing on L I D 6788 for modern street lights on No. 15th St. from Pine to Lawrence Sts.

It was moved by Mr. Civitanich that the Resolution be adopted. Seconded by Mr. Easterday.
Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16754:

Accepting certain offers to sell Real Property situated within the Center Street Urban Renewal Project Designated Project No. Wash. R-1.

It was moved by Mrs. Price that the Resolution be adopted. Seconded by Mr. Murtland.

Mr. Bott asked if this was the Council's privilege to accept or reject any of these?

Mayor Hanson said that was correct.

Mrs. Olson said in connection with that question, if the Council rejected the bids, what would be the procedure.

Mayor Hanson said it would mean they would have to submit another appraisal.

Mrs. Olson said the bid itself is based upon the appraisal.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

VERBATIM AS REQUESTED

Mr. Steele: Mr. Mayor, at the last meeting of the Council we considered Resolution No. 16751, a Resolution of the Council approving the Urban Renewal Plan for the Fawcett Street Project No. Wash. R-3. A resolution relating to the adopting of the findings of the Council as a consequence of regular schedule hearing held pursuant to statutory authority. Last meeting, September 19th, the Resolution failed and I at the time, gave notice that at the next following meeting I would move to reconsider the vote by which Resolution No. 16751 failed, having voted on the prevailing side. Mr. Mayor, at this time, I move that the Council reconsider the vote by which Resolution No. 16751 failed at the meeting of September 19th of this Council.

Mayor Hanson: Is there a second.

Mrs. Price: I second it.

Mr. Porter: Roll call.

Mayor Hanson: A motion to reconsider, by placing the motion - must be acted upon without debate, is that - or without further discussion. In checking the rules, I found no general rule covering it.

Mr. Hamilton: Mr. Mayor, it is my understanding that the motion is debatable.

Mayor Hanson: Mr. Steele.

Mr. Steele: To the motion, Mr. Mayor - the Resolution relating to the Council's adoption, as the Council's findings, determining that the Fawcett Avenue Renewal Area Wash. R-3 is a "blight" area and one suitable for Urban Renewal redevelopment and this finding is pursuant to evidence presented at a previously scheduled meeting of the Council on September 5th. The Resolution not only adopts the findings as well as the evidence presented at that time but also determines that the Urban Renewal Plan proposed is a proper, feasible and workable plan within the scope and meaning of our general over-all comprehensive redevelopment program, and at the last meeting much discussion was had about what, to my way of thinking, were entirely unrelated subjects, that this project has been carefully evaluated and carefully studied by every agency of the City that has any reference to this redevelopment, rehabilitation program-The Health Dept., The Fire Dept., -Building Code; Building Inspectors, Electrical Code Inspectors; Planning Dept., Planning Commission; the Urban Renewal Staff; and it represents the next proper step in the Urban Renewal Development Rehabilitation Program. Not only for the Fawcett area but for the entire General Neighborhood Renewal Plan Downtown Tacoma. The Plan as presented, I think, was somewhat lost sight of in the fog we had last Tuesday and has been before the Planning Commission on two occasions. The Planning Commission has reviewed this plan, this plan that we are considering, this Fawcett Avenue Urban Renewal Plan, without alternative 1 or 2 is the plan recommended by the Planning Commission and it does not gain anything for any one individual to say that the Planning Commission has not brought that up. You had the evidence in the letter signed by Chairman Swedberg and attested by the Secretary Riconosciuto at the last meeting. Not to adopt this plan is in effect to tell the Planning Commission that they did not know what they were doing. Some suggestion has been made to refer this back to the Planning Commission. The Planning Commission has had it on two separate occasions. They have studied it independently and in concert with the Council and the plan as presented is adequate, complete and feasible within the program and it should be adopted, and I submit, Mr. Mayor, that the----keep in mind that they have to take these things one step at a time and this is just but a step. I have heard since last Tuesday that they want a lot of answers and a lot of questions. Well, there's a lot of answers to some questions that you don't get until this is adopted. For instance, you talk about owner participant agreements, and no property owners in the area concerned has no vested interest, right, or otherwise until we establish and adopt this plan. No person in City Government, Council or otherwise has any authority to discuss or go to or talk or undertake any negotiations with any owner, property owner, in the area at this time. After the plan is adopted, yes; at this time, no. The question comes up, I own property in this area - I see property owners in that area here tonight. They want to know what will I be offered for my property. We can't tell you because we cannot get the second appraisal necessary to determine the fair market value until the City Council, not the Manager, Urban Renewal or anyone else, but until the City Council has adopted this plan as contemplated by this Resolution. And then when we get the second set of appraisals, determine the fair market value, then we can talk to the owner, then the property owner can determine, shall I take this bundle and re-establish myself elsewhere or what program can I - then you

can talk to them, but not at the present time. You've got to get the horse in front of the cart, you can't, even in Texas, you can't run these things backwards. And I submit, Mr. Mayor, that we should reconsider. Now, if there is a possibility that there are still some areas that members of the City Council desire further clarification or further opportunity to evaluate it or understand and comprehend what we are about to do or should be doing, I'm perfectly agreeable that the matter be continued for one week or two weeks as it may be desirable for such persons to come to a conclusion which in their conscience they can support. I have no difficulty in coming to a conclusion after this matter has been before the Council. These facts and figures have been available. We have been milling this thing for a matter of years. It's been a hot topic for 8 months. Why we come up at this time with all this confusion, with all these extraneous matters, is beyond me, if we are basically concerned with progress in the City of Tacoma. I move the reconsideration, Mr. Mayor.

Mayor Hanson: Any further discussion on the motion to reconsider.

Mrs. Olson: Well, Mr. Mayor.

Mayor Hanson: Mrs. Olson.

Mrs. Olson: I had not intended to say anything, but I do feel in my own mind that there are, there is at least one very important area which has not been resolved to my satisfaction, and that concerns the local public agency. I have written to several communities all over America who have Urban Renewal programs asking them who their local public agency is; I so far have heard only from Denver. I expect to hear from other communities. But Denver, -who-which I understand has a very successful Urban Renewal Program, has a local public agency which is composed of (1) citizens who represent many different walks of life in the community and they make the very important determinations, which are granted to the local public agency, the authorities and the rights which are given to the local public agency; and all of this power in our own particular community is vested in the hands of one individual who happens to be our City Manager. I do not think that this is the proper way to proceed under the circumstances. I hope that by next week, I will have heard from sufficient communities. I would like to bring in a Resolution calling for a different system to be established, but to me, these are very, very important considerations and I know of no reason why this is so urgent that we can't proceed at least to make sure that the rights of all of the citizens are properly protected. Number (2), in reference to the Planning Commission, I can only state again, that while it did appear before them, twice, they were instructed to make their determination not on the feasibility or the propriety of the plan itself, but on the - they were instructed to determine whether or not it was in conflict with a Comprehensive Plan and their determination was that it was not in conflict with the Comprehensive Plan. I think we could probably - we could not - I have never seen any communication from the Planning Commission to the effect that they have endorsed this plan as such.

Mayor Hanson: Well, along that line, if it were to be reconsidered, there are questions yet to be resolved, it could be continued one, two or even three weeks since we are in the middle of budget matters.

Mr. Steele: Mr. Mayor.

Mayor Hanson: We have, first of all, the motion to reconsider.

Mr. Steele.

Mr. Steele: I would say in observation of Mrs. Olson's concern about the local public agency designation, that it is not infrequent in the Mayor Council community that the Mayor, the Chief Administration Officer, he is designated the local public agency. It only fits with statutory provisions that the City Manager being the chief administrative officer is here designated to be the local public agency. A prior Council so designated him. If this Council desires to do otherwise they can certainly do so, but not at the risk of completely halting and wrecking this particular Urban Renewal Project.

Mr. Murtland: In other words, as I understand it, excuse me

Mr. Mayor--

Mayor Hanson: Mr. Murtland.

Mr. Murtland: At a later time we could, Mr. Steele going along with your thought, we could amend it as far as who will be the local public agency.

Mr. Steele: We can make anybody the local public agency. You have to conform in accordance with statutory requirements. Perhaps the Mayor wants to be local public agency and sign all the papers - let him be the local public agency. That's immaterial, let's get on with the program.

Mayor Hanson: In any event before - in order to continue and attempt to resolve these differences, it will be necessary to move for reconsideration and then consider the matter of whether or not we take action on it or set it over. Any further discussion.

Mr. Steele: I've indicated, I think, possibly I've indicated that it should go over a week, two weeks - as a matter of fact, I was of the view last Tuesday, that it was possible that Mr. Easterday had a valid suggestion in continuing it for a week last Tuesday, but at the time, I forewent any agreement on that program to see exactly where we would wind up. If they want another week, two weeks, well, let's have a couple of weeks. Let's not bury something that's alive floundering.

Mr. Porter: Mr. Mayor.

Mayor Hanson: Mr. Porter.

Mr. Porter: I would like to point out that Mr. Steele has spoken on this subject 4 times since he made his motion and I would like to again call for the roll call on the motion.

Mayor Hanson: Any further discussion.

Mr. Easterday: Yes, Mr. Mayor.

Mayor Hanson: Mr. Easterday.

Mr. Easterday: I have heard the logic and the facts by Mr. Rowlands. I have heard Mr. Maffin, heard Mr. Steele on this matter. I went along on the Fawcett Street - on the Center Street area, light industrial area, and if my memory doesn't trick me, over 3 years has now elapsed since we have first appointed Mr. Robert Jacobson as Administrator or Director of Urban Renewal. Mr. Maffin made the statement today, that about 89 % of the property involved had been acquired. I know there has been a substantiality in Staff and the opportunity ample, and I have also heard people that - I have heard Mr. Porter tonight, Mrs. Olson tonight. I don't- I believe the whole

Council has been more or less lax in ascertaining and directing as we should the preparation of the application. I don't think anything, although I admit that I partially - I didn't assure, no, I didn't assure, I didn't disagree with Mr. Steele when he asked me at noon today to go along on a continuance. This is probably our last gib the Urban Renewal will sort - all of our credits that we accrued by virtue of the recent bond issue whereby we built both the M Street and Yakima Avenue Bridges. I daresay, I do, that I would like to go further into this thing and ascertain again--anything as serious as this. Or is there some other - is there-another area within Tacoma that would - that is also badly blighted - I admit there is considerable blight on Fawcett Avenue between 11th and 9th - much blight. Many buildings on Tacoma Avenue are anything but desirable. I would like to start, to start again and when we do, I want to be - I hope that the staff -be-has continual, many hearings before the Council and also the Planning Commission and we will decide all the ground rules and all that should be incorporated in our application and resubmit. For that reason I expect tonight to-I will vote tonight to, to not reconsider.

Mayor Hanson: Is there any further discussion.

Mr. Murtland: Mr. Mayor.

Mayor Hanson: Mr. Murtland.

Mr. Murtland: As you know and the other members of the Council are aware and probably much of the audience, I abstained last week from voting because I feel that the interest that I have in the area is too great to permit me to vote which I also of course worked out with the City Attorney and the City Manager in which they both indicated that I should not. However, I intend to vote in favor of reconsideration and for this reason--that I voted for the initial study to be made because I felt that as I expressed last week, it's the duty of the City Manager and the City Council to approach every avenue that is possible that might aid in the development of our City. I feel that in order to make certain that those who have expressed some doubts tonight as to whether this is the proper area (Unintelligible--someone coughing) is not that it would be in proper order for me to allow that to be done. So I will vote to reconsider.

Mayor Hanson: Is there any further discussion.

Mrs. Olson: Mr. Mayor.

Mayor Hanson: Mrs. Olson.

Mrs. Olson: I would like to ask a question. Many times in the last several weeks--three or four weeks, Mr. Murtland has referred to his interest in the Fawcett Street area and while none of us, or at least I have not asked him specifically what it is, I think maybe at this point it might be well if the interest which you have in that area would be clarified for the....

Mr. Murtland: Very well. I think the paper carried it quite properly Mrs. Olson, if you read the paper. But I am not amiss at saying what my interest is. As you no doubt know, my law office is located at 915 So. Tacoma Avenue, that's advertisement by the way, and the property is owned by Vernon S. Lyons and my father, John H. Murtland. However, the property was bought in their name, I have the beneficial interest. I am the only son, only child of John H. Murtland, who is now a widower. As far as I know, anything that is his holding, to the best of my knowledge at this time, it will also eventually accrue to me. Also if it is not that I am actually in

ownership there, in the position of the location of that property is beneficial to me and my particular profession, it is worth more than just a building, a lot, or anything else. The location is of value. I feel that that is a type of interest that is set forth in the Charter where the party should not engage in either with the City where it involves sales, purchase or lease of land. I've discussed it with Marshall McCormick and he has advised that it would be improper for me to vote on it. I have had repeated questions asked me by other parties in the City that I'm not going to vote on it or something to that point. I have talked to Mr. Rowlands on it. I also have my own mind as far as the matter is concerned that it is a personal interest which should be - prohibit me from voting.

Mrs. Olson: Does your father live in Tacoma. Do you exercise any control over the property.

Mr. Murtland: I'd say, 99 1/2%.

Mrs. Olson: Control?

Mr. Murtland: That's correct.

Mrs. Olson: In that case, I feel that there is a provision of the Charter, of the State law, which should be read at this point. I do not want to take issue with Mr. Murtland, but for his own protection, if he is not familiar with that portion of the law, I think that it should be read to him. And I have the reference somewhere but I can't seem to locate it.

Mr. Porter: I have the copy here. RCW 35. 81. 150.

Mrs. Olson: Could somebody read that section of the law.

Mr. Thompson: Mrs. Olson, this is the section that we read last week regarding the administrative functions of the City Manager.

Mrs. Olson: No, I'm sorry. It's 35. 81. 180

Mr. Porter: 150

Mr. Thompson: 180

Mrs. Olson: 180

Mr. Porter: 180? You're right.

Mr. Thompson It states as follows: "No public official, department or division head of a municipality or urban renewal agency or department or officers which have been vested by municipality with urban renewal project powers and responsibilities under RCW 35. 81. 150 shall voluntarily acquire any interest, direct or indirect, in any urban renewal project or in any property included or planned to be included in any urban renewal project of such municipality, or in any contract or proposed contract in connection with such urban renewal project. Where such acquisition is not voluntary the interest acquired shall be immediately disclosed in writing to the local governing body and such disclosure shall be aired upon the minutes of the governing body. If any such official, department, or division head owns or controls or owned or controlled within two years prior to the date of hearing on the urban renewal project, any interest direct or indirect, in any property which he knows is included in an urban renewal project, he shall immediately disclose this fact in writing to the local governing body and such disclosure shall be entered upon the minutes of the governing body and any such official, department or division head shall not participate in any action on that particular project by the municipality or urban renewal agency, department, or officers which have been vested with urban renewal project powers by the municipality pursuant to the provisions of RCW 35. 81. 150. A majority of the commissioners of an urban

renewal agency exercising powers pursuant to this chapter shall not hold any other public office under the municipality other than their commissionship or office with respect to such urban renewal agency, department or officers. Any violation of this of the provisions of this section shall constitute misconduct in office."

Mr. Porter: Mr. Mayor, I would like to ask our legal counsel a question.

Mr. Murtland: As far as that part is concerned I...

Mayor Hanson: Mr. Porter.

Mr. Porter: Referring to the part of the section which says, perhaps, I had better go back a little further - "And any such official, department or division head shall not participate in any action on that particular project." Would you care to define for me what it meant by the words "not participate in any action on that particular project." Would that include voting on the motion to reconsider.

Mr. Hamilton: Do you want to handle that? We were trying unsuccessfully.

Mr. Hamilton: I really don't know the answer to that, being not much conservative by nature, I would suggest that, perhaps, the motion to reconsider is an action within the purview of that statute. Frankly, it hasn't arisen and I haven't had time to read (unintelligible) but my offhand opinion would be that a motion to reconsider, inasmuch as it affects the entire project would be an action within the project.

Mayor Hanson: Well, do we have a project within the meaning of that. Aren't we determining whether or not to have a project, isn't this merely the....

Mr. Murtland: That is correct.

Mayor Hanson: An analysis of the preliminary information that is brought to us prior to the creation of the project.

Mr. Murtland: We don't have any project yet that I can see as far as that is concerned, and that is the word that is used throughout there. This is not even establishing a project, a motion to reconsider. So I can't see how you can say that it is in the purview of this statute at all; because until, and we have had explained to us by you gentlemen, by Mr. Rowlands, Mr. Steele and even by the persons who have opposed the project, that the Council has to do something before we have a project. Is that not correct, Mr. Thompson.

Mr. Thompson: That is correct.

Mr. Murtland: And we haven't done it yet that I know of, have we?

Mr. Thompson: No, this - the Urban Renewal Plan must be adopted before the project is actually created.

Mayor Hanson: Now, if this were actually action creating a project that would be an action involving the project. There's no question about that. Is that correct?

Mr. Thompson: That is correct.

Mayor Hanson: But, we do not yet have a project, this is further consideration and information.

Mr. Thompson: It is only in the planning stage at this point, and there is no project as such until it is approved by the local governing body.

Mayor Hanson: Is there any further discussion?

Mrs. Olson: Well, I can only mention that it does say, it refers to a period two years prior from date of hearing. And it is not my intention, to keep Mr. Murtland from voting, I think it would be fine, but I do feel that inasmuch as this particular section of the law does carry with it a penalty that this is a serious question.

Mr. Murtland: Mr. Thompson, may I review that two years deal. As I recall it, I think, it said two years prior, doesn't it or something like that. We are talking about.

Mr. Thompson: Two years prior to the date of the hearing.

Mr. Murtland: In other words, would you say that if it were more than that, before the hearing, it would not apply?

Mr. Steele: The hearing was Sept. 5th.

Mr. Thompson: Well, this is in reference to disclosing information of your interest in the property.

Mayor Hanson: Yes, had he held a

Mr. Thompson: In respect to this particular

Mr. Murtland: I see, at any time before that two years, is that the idea. But that only says it has to be revealed, doesn't it.

Mr. Thompson: Yes.

Mr. Murtland: It's been revealed.

Mrs. Olson:.....(in background)

Mr. Murtland: Oh, yes. He's got it on file up in his office.

Mayor Hanson: As I understand, the one, is one portion of that refers to interest presently held but goes further that even if a person had held an interest in a piece of real estate and sold it sometime prior, if that was within two years of the hearing then he too would have to disclose.

Mr. Murtland: And the hearing is what? At the time that the project is adopted, is that what you're telling us.

Mr. Thompson: Immediately prior thereto.

Mr. Murtland: Immediately prior thereto, But I mean, that would mean at the time that we either adopt or reject the plan.

Mr. Thompson: That's correct.

Mr. Porter: Mr. Mayor, am I correct in presuming that last week we had a hearing on the Fawcett Urban Renewal Project and that there was a vote taken on it at which time it failed.

Mayor Hanson: Well, the analysis of what is an interest sets up a method of computing how much time prior to the hearing a person would have interest, even or would have had interest that would require him to disclose the fact, has only a reference to a date two years prior to a hearing. It doesn't add additional significance to a hearing.

Mr. Porter: Mr. Mayor, I wonder if I could ask someone else that question and perhaps get an answer. Mr. Thompson, did we last week have a hearing on the Fawcett Street Urban Renewal Project at which time it failed by a tie vote.

Mr. Thompson: We did not have a hearing last week, Mr. Porter. The hearing was on September 5th.

Mr. Porter: Then we have already had a hearing, however.

Mr. Thompson: Yes, sir. We had a hearing on September 5th.

Mr. Porter: On the Fawcett Street Urban Renewal Project.

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Mr. Thompson: That is correct.

Mr. Porter: Then it must be a Project.

Mr. Thompson: No the Resolution is a necessary part of the hearing. In other words, at the conclusion of the hearing, the Council must take action. Now it can be at the same date of the hearing, or it can be some time following. It is not a project until it is approved by the governing body.

Mr. Porter: Then that hearing that we held was not the project referred to where it says "Hearing on the Urban Renewal Project."

Mr. Thompson: It was a hearing on the Urban Renewal Project, yes sir, as proposed.

Mr. Porter: Is that the one that is referred to there, then.

Mr. Thompson: Yes, sir.

Mr. Porter: Well, in that case then, the conclusion that has been drawn is incorrect.

Mr. Murtland: Mr. Thompson, may I see that again.

Mr. Bott: Mr. Mayor, is that a proposed project, it isn't a project until after we vote on it.

Mayor Hanson: No. the reference to two years merely identifies the time within which a person holding property will have to make this disclosure.

Mr. Thompson: That's right.

Mayor Hanson: The other references in terms of disqualification refer to a project - a project. We've had a hearing preparatory to taking action on a project, but we have not taken action establishing a project.

Mr. Porter: Well, Mr. Mayor, may I point out in a real simple manner for a real simple mind, that once you have held a hearing on something and adopted it as a project, I hardly - it hardly seems likely to me that you need then to hold another hearing on it. Therefore, I believe we have held the hearing and that it is a project.

Mr. Steele: Mr. Mayor.

Mayor Hanson: Had we adopted it, we would be - we would have a project, but we didn't adopt it.

Mr. Porter: And then would we be holding a hearing on it again.

Mr. Steele: Mr. Mayor, possibly I could explain this to Mr. Porter. That is what all this tussle is about Mr. Porter, so that if we vote to adopt the Resolution, then we are adopting as findings the matter presented before the Council on September 5th, which is the hearing and determine that this is a blighted area and the next further resolve in the Resolution, that the Urban Renewal Plan be and is hereby in all respects approved. That's where we are trying to get to Mr. Porter.

Mr. Porter: Mr. Steele, perhaps, you can answer my question. If we should reconsider and then vote by a majority to adopt that Resolution for the Fawcett Urban Renewal Project, then would we have to hold another hearing on the Fawcett Urban Renewal Project as a project.

Mr. Steele: No, Mr. Porter, we would then have a project. However, if we do not vote to adopt this Resolution and it fails, then you must

have another hearing at a later date on another proposal and you would go through all this "rigamaroll" all over again.

Mr. Porter: Why is that necessary.

Mr. Steele: Oh, quite necessary. (Several persons talking at once-therefore his answer was not clear.)

Mayor Hanson: I think this discussion of the analysis of this law has gone far enough. I believe, Mr. Murtland, as an attorney, has made himself familiar with this provision, and according to the discussion here this provision does not include him since we have no project. Mr. Murtland has indicated his intention----it's his decision. You have pointed up the other aspects of it, but I see no, nothing to be gained to continue further in all this legal analysis for members of the Council.

Mrs. Olson: Mr. Mayor, the front of his says "Project No. Washington R-3" and it is the plan which we have not adopted.

Mr. Thompson: This is the proposed plan until it is adopted. This is the very thing that you are acting upon. It is not a project plan until the project and the plan have been approved. So it is just proposed at this time.

Mr. Murtland: Mr. Thompson, pointing that up some more. In other words, because it's called a project plan-No. Washington R-3,"it is not a project as yet. Is that correct?

Mr. Thompson: No, it is not a project.

Mr. Murtland: It's not a project as yet. If it were to be adopted it would then become a project and that would be the number of it.

Mr. Thompson: That's right.

Mr. Steele: It becomes a project when the agreement--grant agreement comes back from Washington.

Mr. Maffin: The contract with the Federal Government for Surveying and Planning calls for the survey, planning and determining whether an Urban Renewal Project can be undertaken within a given area, a determination as to whether there is in fact a project rests on a determination of whether you have an approved plan or not. So that the contracts the City now has with the Federal Government is a Survey and Planning Contract to determine whether there in fact shall be such a project.

Mr. Murtland: Mr. Hamilton, could this be perhaps - we have here Project No. Wash. R-3. Like down in the Legislature, House Bill No. so & so is given a number even before it becomes a law.

Mr. Hamilton: That's right.

Mr. Murtland: In other words nothing's been done on this project No. Wash. R-3 as a project, is that right,

Mr. Steele: Up to now it's pure "gas".

Mayor Hanson: Mr. Bott:

Mr. Bott: I am undetermined as to whether we are concerned with the fate of Councilman Murtland if he's guilty of malfeasance of office.

Mr. Murtland: I'll be glad to resign.

Mr. Bott: Or whether we are concerned with the outcome of this Urban Renewal, I think inasmuch as Mr. Murtland is willing to take the consequences, we shall accept the legal opinion.

Mayor Hanson: Is there any further discussion? If not, proceed with the roll call on the vote to reconsider.

Cvitanich: No
Easterday: No
Murtland: Aye
Olson: No

Porter: Before I cast my vote, I would like to say that this is obviously a method to get this into a position where someone can move to postpone it for a week or a month and when that comes up I intend to also vote "no" as I vote "no" on the motion to reconsider.

Price: Aye
Steele: Aye
Hanson: Aye Carried
Bott: Aye

Hanson: Carried. We have before us then for reconsideration

Resolution No. 16751.

Mr. Steele: Mr. Mayor.

Mayor Hanson: Mr. Steele.

Mr. Steele: I move that the reconsideration of 16751 be continued until the meeting of October 10th.

Mayor Hanson: Let's see. Is that the week that we

Mr. Steele: That's a week after the budget.

Mayor Hanson: It's a week after the budget.

Mr. Rowlands: You are going to be meeting every night next week - the Council. I want to point that out. It will only give you a couple of days

Mr. Easterday: I would like to have that some other evening other than October 10th as I do not anticipate being in this area at that time. The elk season, -the deer season will be open in the Blue Mountains and I expect to be gone.

Mr. Steele: Is October 17th acceptable.

Mr. Easterday: The 17th.

Mr. Steele: I will amend the motion to October 17th.

Mayor Hanson: Is there a second.

Mr. Murtland: Second.

Mayor Hanson: The motion is to continue this matter until the meeting of October 17th. Those in favor say "aye" (ayes); opposed "no" (no) Carried. Now, would --

Mrs. Olson: I was merely going to ask the question as to what we will be doing with this now, between now and October 17th.

Mr. Steele: We will be trying to clarify the area.

Mayor Hanson: The purpose of the continuance, of course, is the hope that questions can be resolved to the satisfaction of the people voting. . . Well, let's put it this way, the questions raised - we hope that many of those questions will be resolved - in that time we will set up a series of meetings for that purpose.

Mr. Porter: Mr. Mayor, I would like to ask at this time that all of this debate tonight on the Urban Renewal question and reconsideration be reproduced exactly word for word and that I be furnished with enough copies so that I can then send it to the State Attorney General and the Federal Urban Renewal Authorities.

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Mr. Murtland: Mr. Mayor.

Mayor Hanson: Mr. Murtland:

Mr. Murtland: I wanted to speak as far as Mrs. Olson is concerned. It seemed to me tonight when she made her opening remarks that she was in question as to some of the things in here and that she wanted further time to examine them. And yet at a later time, I know, I thank her very much for being so concerned with my welfare, but I felt that when I was reconsidering it, certainly it is not on anything that I feel that I can do in the future either to vote for or against this as a project, but if she was in doubt as to certain things, this is an opportunity for her and I did that clearly, I mean, I can't either make this or break it so I was hoping a reconsideration would give her that opportunity.

Mrs. Olson: Mr. Mayor, I want to thank Mr. Murtland for his consideration, I appreciate it very much and I would like to say that my questioning of the legality of his position tonight was done in exactly the same spirit because it isn't very often that you find a section of the law which carries with it a penalty for violation and I know that there are many sections of the law which have not been brought to the attention of various members of the City Council in connection with this Urban Renewal project and I was afraid that it just might be that this particular section of the law had not been brought to Mr. Murtland's attention and a charge of misconduct is a very serious charge so I, it was with the spirit of making sure that he was aware of exactly what kind of step he was taking in voting on this particular thing. There seems to be some difference of opinion as to whether we have a project or whether we don't, but I would also assure Mr. Murtland that my concern for his welfare was in the same spirit as his remark.

Mr. Steele: Mr. Mayor.

Mayor Hanson: Mr. Steele.

Mr. Steele: I would only like to say in passing gists along with the rest of the gists here, that I think that most any constitutional lawyer could probably presume and put together a pretty valid brief in support of the proposition that he could even vote on the adoption of the plan without any violence of the statute and I will tender my services to Mr. Murtland as counsel amicus curiae in case the opposition does proceed to carry you to the Supreme Court there, Mr. Murtland.

Mr. Bott: Mr. Mayor: I'd like to have permission to admonish the Press and Radio to report the peace and harmony that is prevailing on the Council now.

Mrs. Olson: Mr. Mayor, I do think, however, there is one question which has not been properly brought out and it seems to be consistently coming up and that is that I don't think it has been made clear to the Press and to the Radio that we cannot proceed to modify or change this plan unless we have another public hearing and unless the modified or changed plan goes through the same process as the original project plan, and it is for that reason that I can't help but feel that the motion to postpone for a number of weeks is not going to accomplish the kind of thing that Mr. Murtland apparently hopes that it will, that we can come up with a new plan. There is nothing to prevent this one being defeated and a new project plan being recommended and going through the San Francisco Agency and the Federal Agency, and before another

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public hearing and back to the City Council, but I'm not sure that under the present circumstances that we will be able to, by just studying this further to be able to make all the corrections that are necessary in it. However, I would still like to bring forward my Resolution next week or so calling for a change in the public agency.

Mr. Steele: Mr. Mayor, at the risk of further inaccuracy or the "folderol" of getting into the public press media, I think the Press will straighten that out as to another hearing. We can, I'm satisfied, the Council can modify the plan in respect to acquisition or disposition of property without the necessity of another hearing as such was held on September 5th. The reason it was held on September 5th was to determine whether or not this was a blighted area. And there's a slight difference oh, disseminators of information.

Mayor Hanson: Well, I---It's our hope that some of these questions will be resolved in the minds of Council members over the next 3 weeks. Proceed with the first reading of Ordinances.

END OF VERBATIM

FIRST READING OF ORDINANCES:

Ordinance No. 16891

Changing the names of certain streets in the City of Tacoma located in the southern section of the vicinity along the limited access Freeway between Center St. and So. 96th St. effective January 1, 1962. Read by title.

Mr. Rowlands asked Mr. Paul Benson, Senior Planner, if he would point out the changes occasioned by the development of the Freeway.

Mr. Benson pointed out on the large map the changes. The purpose of the Ordinance, he explained, was to name the new streets on the west side of the Freeway, Sprague Avenue, and all of those on the east side of the Freeway, Hosmer Street. That is renaming the present Sprague Avenue alignment between So. 96th and So. 80th to Hosmer Street, designating the presently unnamed portion of Sprague Avenue extension from South 72nd to South 80th to Hosmer Street, designating the unnamed portion of the new service road on the east side of the Freeway on Hosmer Street alignment from So. 47th to So. 53rd to Hosmer Street; designating the unnamed portion of the service road abutting the N. E. corner of the South 38th Street intersection of the Freeway between Hosmer Street and Ash Street to Hosmer Street; designating the unnamed portion of frontage road on the west side of the Freeway lying between So. 71st Street extended and South 80th Street to Sprague Avenue, and designating the unnamed portion of the service road lying on the west side of the Freeway from So. 50th Street to So. 54th Street as Sprague Avenue.

Mr. Benson explained that the notices of hearing were sent to all residents and businesses abutting the above street rights of ways and no protests were made by the affected property owners. There was one business firm, however,

Cooney Transfers, who asked that the effective date of the Ordinance be January 1, 1962, in order to give them an opportunity to make the proper arrangements for the change.

Mr. Easterday said he would like to compliment Mr. Benson and the Staff for the very fine map that they prepared.

Mr. Benson said they were also preparing a set of maps in book form for the Council members in which there will be a page for each section of the City. This will give the Council a close reference right at their desks, he added.

The Ordinance was then placed in order of final reading.

Ordinance No. 16892:

Amending Section 5.46.070 of the Official Code of the City relating to the Housing Code on - Right of Entry. Read by title.

Mr. Porter said he would like to point out the last sentence to the Council members which provides for the manner in which the Health Officer or his representative can go into an apparently abandoned building. He said he thought consideration should be given as to whether there is any danger as to the misuse of the rights of individuals and property rights in including that sentence.

Mr. Murtland asked if the normal business hours pertained to the City.

Mr. Porter asked Mr. Hamilton what his interpretation of that language would be.

Mr. Hamilton said his impression would be, the normal business day from 8 to 5.

Mr. Murtland asked if it would be proper to amend the Ordinance to that effect.

Mr. Bott suggested then the Ordinance be changed to include the words "from the hours of 8 to 5 on weekdays." He said they may find occasions that entry would be impossible during this time, and therefore, a special trip would be required. Mr. Bott then moved the inclusion of the hours of 8 to 5 Monday through Fridays. Seconded by Mr. Murtland.

Mrs. Price said it could be possible that the owner of a dwelling might be working during those hours, therefore, entry would be impossible. She thought that something should be included in the Ordinance whereby an appointment could be made with the owners.

Mr. Porter said he would like to point out that the phrase, "during normal business hours". is also in another sentence in the Ordinance which includes giving the officer or his representative the order to request from the owner or occupant the right to enter and later on in the event they are not given permission, it requires that they obtain a warrant to enter. Mr. Porter suggested that inasmuch as it is only the first reading of the Ordinance, that any amendments be made at the next meeting.

Mr. Rowlands said as the Council recalls there was considerable discussion when this code was adopted. Records have been compiled on the different types of inspections and they have been carried out extremely effectively and with a great deal of courtesy. He said Dr. Fargher, who is

present this evening, might wish to comment on any of the difficulties that their Dept. might face should a warrant be required before making an inspection.

Mr. Rowlands remarked that it should also be pointed out to the Council that the Housing Code is an integral part of the Workable Program and again they will try to get the information to the Council on what adverse fee effect if any this type of action might have in connection with the Housing Program.

Dr. Fargher, Director of Health and Welfare, explained that at a study session held in the past, it was pointed out to the Council how an inspection was made and no difficulty whatever has been encountered.

Mr. Bott asked Dr. Fargher if he had any objections to this Ordinance as it is written since he anticipates no difficulties.

Dr. Fargher said as he understands this, as it is written now, although a Health Officer has never been turned away to his knowledge, should they be turned away, a warrant will be required which will be an extra step for a Health Officer to gain entry to inspect a house for health purposes.

Mr. Bott said in the interest of protecting the sanctity of one's home if it would entail only the Health Department obtaining a warrant once a year, he didn't think that would be too much to demand to protect the people's rights.

Dr. Fargher said he did not know how long the warrants would be good for, or how long it would take to make a satisfactory inspection of the premises as it may take several trips. He thought the legal Dept. could explain this more thoroughly, but the Ordinance as worded did seem to require an extra procedure.

Mr. Bott said the Ordinance in effect at present gave the Health Department more right than the Police Department. The Health Officer now has the right to enter regardless.

Mayor Hanson asked if the authority the City is presently operating under is an unusual provision.

Dr. Fargher said all the Housing Codes give the Public Agencies the authority to go in at a reasonable time to make these inspections. He did not know of any other code that required a Warrant.

Mr. Bott said perhaps Mr. Porter had a reason for asking for this admendment and asked if he would like to explain it to the Council.

Mr. Porter said he believed it was one of the very basic right in America and has been since the start of our Country that a man has the right to privacy of his own home and the right to exclude anybody else unless they have a warrant to enter. I doubt very much, Dr. Fargher's statement that all of these Housing Codes allow Health authorities to enter without a warrant. There may be some that do, but surely so many of our American rights couldn't have been whittled away in just a few years of Urban Renewal and while there have been no violations in anybody's home and while I doubt that there would be, still you might also say that you have a benevolent despot that that's an ideal condition, but how do you know that he will always live and that you won't have someone else on the job who might conduct himself otherwise.

Mayor Hanson said the Council does have a motion before it, however, with the consent of the person who made the motion, and the person who seconded the motion, action will be delayed on this until final reading.

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The Ordinance was then placed in order of final reading.

Ordinance No. 16893:

Amending the Official Code of the City of Tacoma by adding to Title 9 - two new sections 9.24.010 & 020 in reference to Minimum Vertical Clearance Established. Read by title.

Mr. Rowlands said this particular recommendation was sent to the City by the State Highway Department. The establishment of the 16 foot clearances on Defense Highway routes is an attempt to establish a uniform minimum clearance in order to transport certain defense materials and supplies in times of emergency.

The Ordinance was then placed in order of final hearing.

UNFINISHED BUSINESS:

The Director of Public Utilities presents the assessment roll for the cost of improvement in L I D 5325 for cast iron water mains in Pearl St. from North 35th to North 37th; 37th from Pearl to Whitman; No. 42nd from Vassault to Whitman and in Vassault from 37th to North 42nd.

Mr. Easterday moved that Monday, October 23, 1961 be fixed as the date for hearing on the assessment roll for L I D 5325. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Tacoma Police report for the Traffic Division for the month of August 1961.
- b. Director of Finance report for the month of August 1961.

COMMENTS:

Mr. Rowlands advised that he had a few items in reference to the budget that he would like to go over with the Council members.

Mayor Hanson remarked that after the regular meeting the Council could adjourn to the Conference Room to discuss these matters and also the matter of the replacement of the Utility Board member vacated by Al Farrar who tendered his resignation recently.

Mrs. Olson said perhaps the budget matters could be discussed now inasmuch as there are several people in attendance who would be interested in knowing what items are to be discussed.

Mr. Steele said public hearings will be held on the Budget all next week.

Mr. Rowlands said the reason for discussing the budget matter privately was because Union negotiations and requests would be discussed. A meeting is to be held on Wednesday with approximately (7) different Unions and he would like to have the feelings of the Council before proceeding.

Mayor Hanson said this meeting is only an effort to give some direction to the Manager prior to taking final action on the budget as there will be a series of public hearings next week.

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Mr. Riconosciuto explained last week during the Council meeting the Comprehensive Plan was a topic of discussion. He thought the matter was passed over rather quickly and since it is such an important question, he would like to have a few minutes to discuss this further. He said he would like to read something to the Council in relation to the Comprehensive Plan and thought some of the problems would be resolved if some of this could be put in simple ABC terms.

Mr. Riconosciuto continued that he would like to preface this by one statement. The Planning Commission, this year, has formed subcommittees and he as Chairman of the Comprehensive Plan Subcommittee proposes to hold some committee meetings soon and hopes that the members of the City Council will find time to attend the meetings. His desire to discuss this tonight is because this is the basis under which these meetings are to be held and if there are any differences of opinion, he would like to have them expressed by the Council. He has investigated to determine what a Comprehensive Plan is because it is referred to in Urban Renewal so many times. He quoted from "City Planning and Urban Development," the booklet put out by the United States Chamber of Commerce and by most of the planning organizations in the Country on the Comprehensive Plan.

Mr. Riconosciuto further stated he read the particular section from the booklet as this is the basis on which he has been functioning as a Planning Commission member ever since he read the document and he has raised several questions before the Council in the past related to his thinking which was based on the thinking expressed in the booklet, and thought it was good sound valid thinking. Transit and Airport are mentioned in the excerpt just read, they are all important parts of the Comprehensive Plan, he added, and yet when they were raised here, it was said many times that these were none of the Planning Commission's affairs. In fact, he said, he was told that officially at a Council meeting and that is what concerns him no end. Last week, he stated, he was not aware of any Comprehensive Plan in the meaning he read tonight. The Planning Commission six years ago had underway through public hearings and was putting into effect, gathering material whereby they could publish and come up with a good Comprehensive Plan to the best of their ability for the City of Tacoma. Unfortunately, because it seemed that the time was ripe, that duty was taken away from the Commission; and most of the major public improvements, the bond issues that were voted on in the last few years were taken out of the hands of the Planning Commission, and he felt that is the reason today the City is faced with some of these problems. Each time, he raised that point here, apparently, he did not make himself as clear as he should. One other thing that came up at the meeting last week, it was pointed out that the Commission approved the Urban Renewal Plan in relationship with the Comprehensive Plan and it was also pointed out that he had attested to that fact. He said he is Secretary of the Planning Commission and as Secretary it is his duty to attest to any action or motions that were passed at the Planning Commission meeting. In no way does that mean that he either agrees or disagrees with that action; and if members of the press or audience attended any of the Planning Commission meetings the past 6 years, it should be very clear to them as to his point of view on whether Urban Renewal in

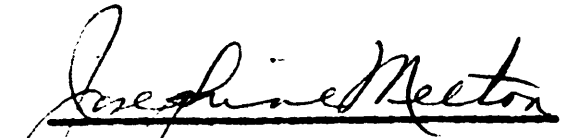
in Tacoma has ever been related to a Comprehensive Plan. He hoped that they could get going again with some good planning in the community and hoped that just because there have been some differences of opinions and because they have wished to raise some questions as members of an official body that they are not opposed to a project or put in that position. He thought it was vital - these are the questions that should be answered and put in an ABC form so that everyone in this community can have an idea of what is being discussed.

Mayor Hanson thanked Mr. Riconosciuto. He said he would like to request that Mr. Riconosciuto take the section he read and have the Staff reproduce it for every Council member's consideration; and, perhaps, they could then arrange a meeting with the Planning Commission and discuss fully the program's definition.

Mr. Carlom, a member of the audience, spoke briefly on the taxpayer's taxes being taxed.

There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 8:45 P. M.


Mayor of the City Council

Attest: 
Josephine Melton