

CITY COUNCIL MINUTES

City Council Chambers, 4.00 P. M.
Tuesday, Jan. 2nd, 1968

Council met in regular session. Present on roll call 8: Banfield, Bott, Stanich, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen. Absent 1, Knigen.

Mr. Murtland moved that the minutes of the meeting of Dec. 19th, 1967 be approved as submitted. Seconded by Mr. Bott.

Mr. Bott moved that the minutes be amended to correct a typographical error on Page 3, the 10th paragraph, to change the figure of \$28,000 to \$380,000. Seconded by Mr. Zatkovich. Voice vote taken. Motion carried.

Voice vote was taken to approve the minutes of Dec. 19th, 1967 as corrected. Motion carried.

Mr. Rowlands, City Manager, presented Mr. James H. Burnside of the Public Works Dept. with a \$50.00 award for his suggestion to weld a steel bar on the bulldozers used in the refuge dump to keep foreign matter from flipping into the machinery.

Mr. Burnside was congratulated by Mayor Rasmussen, Mr. Rowlands, City Manager and members of the City Council.

COMMUNICATIONS:

Mayor Rasmussen stated he had a reply from Governor Evans relative to retaining the Mt. View Hospital. Governor Evans said that the State Health Dept. has retained the consulting firm of Ernst & Ernst with respect to consolidation of the tuberculosis facilities, either at Mt. View Hospital in Tacoma or Firlands in Seattle, and the report should be completed shortly. Governor Evans indicated it was hoped that the report from Ernst & Ernst would contain sufficient factual data to allow as objective a decision to be made as soon as possible. ✓ 141 62-193

Mayor Rasmussen also brought up that a report was received from the Utilities Dept. in answer to the inquiry from the City Council relative to what land would be available for recreational facilities. Four pieces of land were listed in the south end area which would be available from the Water Division. Two pieces of land in the south end and one in the north end from the Light Division. ✓ 110

Mayor Rasmussen said these areas will be reviewed and, perhaps, the Park Dept. will assist in their development.

Mayor Rasmussen mentioned another communication that has been received in regard to Air Pollution caused by burning trash in barrels and requesting that this be prohibited. ✓ 195

Mr. Rowlands, City Manager, explained this is illegal and anyone wishing to burn trash would have to obtain a permit from the Fire Dept. This will be included in the new ordinance being proposed by the Puget Sound Air Pollution Agency which will be ready by March 1st, 1968.

Also a communication from Sam Smith, City Councilman in Seattle, stating that the City of Seattle will be pleased to work with the City of Tacoma and its new charter.

RESOLUTIONS:

Resolution No. 19463 (postponed from the meeting of Dec. 5, 1967)

A proposed amendment to Article V. Sec. 5.2 of the City Charter relative to elections to conform to the new provision contained in the State Law.

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Mayor Rasmussen explained that previously, it was thought Resolution No. 19463 through Resolution No. 19470, all individual Charter amendments, would have to be placed separately on the ballot. However, since that time the City Attorney has been working on the City Charter and many of these proposed changes have been incorporated. He said he would entertain a motion that these be removed from the agenda.

Mr. Murtland asked Mr. McCormick if these were removed from the agenda, if their purpose will still be accomplished.

Mr. McCormick, City Attorney, explained there may be some that will probably be resubmitted later, but several of them they believe can be incorporated in the original proposition that was before the Council a month ago. For example, the running audit and the provision for the extension of the benefits to the elective as well as the non-elected officials, will probably have to go back on as separate propositions. However, the other provisions simply correct the provisions of the Charter which are in conflict with the State law and can be incorporated.

Mr. Zatkovich moved that the Resolution be removed from the agenda. Seconded by Mr. Bott. Voice vote taken. Motion carried.

Resolution No. 19464 (postponed from the meeting of Dec. 5, 1967)

A proposed amendment to Article V. Sec. 5.3 of the City Charter relative to the filing of a declaration of candidacy with the Clerk of the City of Tacoma.

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Mr. Zatkovich moved that the Resolution be removed from the agenda. Seconded by Mr. Bott. Voice vote taken. Motion carried.

Resolution No. 19465 (postponed from the meeting of Dec. 5, 1967)

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A proposed amendment to Article V. Sec. 5.4 of the City Charter relative to designating all positions and elective offices of the City and the positions and offices to be designated be considered as separate offices for election purposes.

Mr. Zatkovich moved that the Resolution be removed from the agenda. Seconded by Mr. Bott. Voice vote taken. Motion carried.

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Resolution No. 19466 (postponed from the meeting of Dec. 5, 1967)

A proposed amendment to Article V. Sec. 5.6 of the City Charter relative to candidates statement of qualifications only with reference to primary elections. 140

Mr. Zatkovich moved that the Resolution be removed from the Agenda. Seconded by Mr. Bott. Voice vote taken. Motion carried.

Resolution No. 19467 (postponed from the meeting of Dec. 5, 1967)

A proposed amendment to Article VI. Sec. 6.10 of the City Charter to authorize elective officials to participate in retirement benefits and group life, hospital, health and accident insurance.

Mr. Zatkovich moved that the Resolution be removed from the agenda. Seconded by Mr. Bott. Voice vote taken. Motion carried. 140

Resolution No. 19468 (postponed from the meeting of Dec. 5, 1967)

A proposed amendment to Article VII. Sec. 7.14 of the City Charter to clarify the provision with reference to the independent audit providing over a three year period, such an audit shall be completed.

Mr. Zatkovich moved that the Resolution be removed from the agenda, Seconded by Mr. Bott. Voice vote taken. Motion carried. 140

Resolution No. 19469 (postponed from the meeting of Dec. 5, 1967)

A proposed amendment to Article IX. Sec. 9.3 of the City Charter relative to filing claims against the City of Tacoma.

Mr. Zatkovich moved that the Resolution be removed from the agenda. Seconded by Mr. Bott. Voice vote taken. Motion carried. 140

Resolution No. 19470 (postponed from the meeting of Dec. 5, 1967)

Requesting the Pierce County Auditor to place on the ballot the seven propositions approved by the City Council. 140

Mr. Zatkovich moved that the Resolution be removed from the agenda. Seconded by Mr. Bott. Voice vote taken. Motion carried.

Resolution No. 19471 (postponed from the meeting of Dec. 5, 1967)

Submitting to the qualified voters of the City at a special election a proposition to elect 15 freeholders to prepare and propose a new City Charter. 183 + 198

Mr. Johnson moved that Resolution No. 19471 be postponed until Tuesday, January 16th, 1968. Seconded by Dr. Herrmann. Voice vote taken. Motion carried.

Resolution No. 19517

Fixing Monday January 22, 1968 at 4 P. M. as the date for hearing on L I D 5452 for water mains in Vassault from So. 8th to So. 12th; So. 10th from Whitman to Vassault St.

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

The Resolution was passed unanimously by voice vote.
Ayes 8; Nays 0; Absent 1, Finnigan.

Resolution No. 19518

Fixing Monday January 22, 1968 at 4 P. M. as the date for hearing on L I D
No. 53 for water mains in I & K Sts. from So. 88th to 90th; So. J from So. 88th south
approximately 525 feet.

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

The Resolution was passed unanimously by voice vote.
Ayes 8; Nays 0; Absent 1, Finnigan.

Resolution No. 19519

Fixing Monday January 22, 1968 at 4 P. M. as the date for hearing on L I D
No. 46 for water mains in Sprague Ave. from 12th to 15th; So. 17th from Sprague
Prospect and other nearby streets.

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

The Resolution was passed unanimously by voice vote.
Ayes 8; Nays 0; Absent 1, Finnigan.

Resolution No. 19520

Fixing Tuesday January 16, 1968 at 4 P. M. as the date for hearing for the
Rezoning of the S. W. corner of No. 45th & Orchard Sts. from an "R-2" to an "R-3"
District. (petition of Douglas R. Fabre)

Mr. Johnson moved that the resolution be adopted. Seconded by Mr. Murtland.

The Resolution was passed unanimously by voice vote.
Ayes 8; Nays 0; Absent 1, Finnigan.

Resolution No. 19521

Authorizing the execution of a Supplemental agreement between the City and
the Railroad Yardmasters of America providing for pay increase for Yardmaster
position effective as of January 1, 1968.

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

The Resolution was passed unanimously by voice vote.
Ayes 8; Nays 0; Absent 1, Finnigan.

Resolution No. 19522

Awarding contract to Sam's Tire Service Inc. & Wested Tire Company for the
furnishing of pneumatic tire and tube requirements for the year 1968.

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Mr. Orlinovich moved that the resolution be adopted. Seconded by Mr. Zaskovich.

The Resolution was passed unanimously by voice vote.
Ayes 6; Nays 0; Absent 1, Finnigan.

Ordinance No. 18473

Awarding contract to Phillips Petroleum Company for the furnishing of motor oil requirements for the calendar year 1968.

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

The Resolution was passed unanimously by voice vote.
Ayes 6; Nays 0; Absent 1, Finnigan.

FIRST READING OF ORDINANCES:

Ordinance No. 18474

Amending Sec. 6.13.050 & 110 and adding a new section 6.14.050 & repealing Sec. 8.20.220 of the official code relative to public dance halls and cabarets and establishing the hours, and in particular when New Year's Eve falls on Sunday.

Mrs. Banfield felt it should be the prerogative of the City Council to grant permission for changing the hours of public dance halls and cabarets rather than the City Manager.

Mr. Rowlands, City Manager said this is a question of whether the Council wished to extend dances to be held on Sundays. He explained the applications are also checked by the Chief of Police and other departments.

Mrs. Banfield moved where the words, City Manager, appear in the ordinance, that it be changed to City Council. Seconded by Mr. Zatkovich. Roll call was taken on the amendment. Ayes 5; Nays 3, Herrmann, Johnson and Murtland. Absent 1, Finnigan. Motion carried.

The ordinance as amended was placed in order of final reading.

Ordinance No. 18475

Amending Chapter 2.05 of the official code and adding sub-sections (e) and (f) relative to the Inspection of Signs.

The ordinance was placed in order of final reading.

Ordinance No. 18476

Repealing Ordinance No. 18414 which set up L I D 5447 for water mains on No. 9th from Shirley to Highland; Highland from No. 9th to 11th & Winnifred from No. 9th to Dahl St.

Mr. Benedetti, Assistant Director of Utilities, explained that this ordinance repeals Ordinance No. 18414 concerning L I D 5447, as the petitioner has not been able to secure necessary easements for other utility services. There are only two petitioners for the L I D and they may proceed under a private contract later.

The ordinance was placed in order of final reading.

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FINAL READING OF ORDINANCES:

Ordinance No. 18459 (Reconsidered at the meeting of Dec. 26th, 1967)

Providing for the improvement of L I D 4821 for paving on Prospect from So. 60th to So. 62nd; L from So. 25th to So. 27th and other south end streets.

Mr. Schuster, Public Works Director, explained this ordinance was being reconsidered to re-insert the street that was deleted at the Council meeting of December 19th, 1967, namely, Ainsworth Ave. from So. 78th St. to So. 80th St., as there is now a 61% favoring the re-instatement.

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Mr. Jordin, residing at 7802 So. Ainsworth who submitted a petition against the improvement, stated his most recent petition did not change the percentage of protests but the contractor had said he would sign the petition with the majority. He reiterated the lots that each property owner owned. He noted that there are 15 lots against 18 as of today, plus the contractor.

Mr. Murtland felt the contractor was for the L I D as he has not been at the meeting to protest the improvement.

Mayor Rasmussen remarked that Mr. Jordin does have a very serious concern about the people who find it difficult to pay the L I D assessments. He assured Mr. Jordin that a committee has been appointed to check on the number of L I D's that can be assessed against a property owner at one time.

Mr. Bott felt an L I D district should be concentrated in one area rather than dispersed around the City.

Mr. Schuster explained that the Department receives better bids on large projects. This is the reason for instituting a larger L I D. The Council has always taken this approach as it is possible for them to delete a section if there is sufficient remonstrances. He mentioned that this L I D was in part a mail survey.

Mr. Cvitanich moved that Ainsworth Ave. from So. 78th to So. 80th St. be re-instated in L I D 4821. Seconded by Mr. Zatkovich. Voice vote taken. Motion carried.

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

Ayes 8; Nays 0; Absent 1, Finnigan.
The Ordinance was declared passed by the Chairman.

Ordinance No. 18468

Vacating So. 14th St. between Union Ave. and the alley lying immediately west thereof. (petition of the Public Works Dept.)

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

Ayes 8; Nays 0; Absent 1, Finnigan.
The Ordinance was declared passed by the Chairman.

Ordinance No. 18469

Amending Chapter 13.06 of the official code to add a new section 13.06.065-79 to include property on the S. W. corner of No. 10th & Yakima Ave. in an "R-4-L" District. (petition of Louis J. Burkey)

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

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Ayes 7; Nays 1, Cvitanich; Absent 1, Finnigan.
The Ordinance was declared passed by the Chairman.

Ordinance No. 18470

Amending Chapter 13.06 of the official code to add a new section 13.06.065-78 to include property on the west side of M St. between So. 41st and So. 43rd St. in an "R-4-L" District. (Petition of Alf L. Hystad)

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

Ayes 8; Nays 0; Absent 1, Finnigan.
The Ordinance was declared passed by the Chairman.

Ordinance No. 18471

Appropriating the sum of \$20,000 or so much thereof as may be necessary from the General Fund to the Police Relief & Pension Fund to pay pensions for the balance of the year 1967.

Mr. Gaisford, Director of Finance, explained that the Police Pension Fund is funded in an entirely different method than any other system within the State. Mainly they have the authority for all licenses and permits, fines and forfeitures which at the present time is taking a very small percentage of this revenue. It is also true that the active police officers are placing into the fund 6% of their salaries. There are the two types of revenues available.

He added, it is up to the Director of Finance to make an estimate, approximately 18 months prior to the payment of these pensions, and unfortunately in the year of 1966 he did not recognize the fact that this great number of police officers were going to retire. Therefore, he had not estimated correctly. He hoped he had made a proper estimate for the year 1968.

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

Ayes 8; Nays 0; Absent 1, Finnigan.
The Ordinance was declared passed by the Chairman.

Ordinance No. 18472

Authorizing the transfer of any and all funds remaining in said Storm Drain & Storm Sewer Construction Fund of 1958 to the Federal Aid Sewer Construction Fund No. 1 and repealing Ordinance No. 16073.

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

Ayes 8; Nays 0; Absent 1, Finnigan.
The Ordinance was declared passed by the Chairman.

REPORTS:

- a. MC-514 Accomplishments in 1967--Goals for 1968.

Placed on file.

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- b. Report from the State Auditor for the Tacoma Transit System--Jan. 1, 1966 to December 31, 1966.
Placed on file.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. 73th Annual Report - 1966 from the Fire Dept.
- b. Report from the Light, Water and Belt Line Div. for the month of Nov. 1967.

COMMENTS:

Archie Carter of 7514 1/2 52nd Ave. West, suggested to the Council that they appoint members to a committee with the responsibility of initiating, overseeing and encouraging the financing of a non-profit corporation, with the aim of upgrading some present facility with a synthetic playing field for sports.

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He added, schools, parks and the City could cooperate in a community service as the Tacoma Community College could not themselves support a bond issue. He suggested that the Chamber of Commerce appoint two of their members to the committee, one from the School Board and the Board's Athletic Director and the head coach at each of the four City High Schools. In addition, two members of the City Council, the Park Board's Activities Director as well as having one County Commissioner on the committee.

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Mayor Rasmussen stated the City Council will take this under consideration. The Mayor asked that Mr. McCormick, City Attorney, contact Mr. McCutcheon, local attorney for the Tacoma Community College, in regard to this matter.

Mrs. Virginia Shackelford, 1105 No. L, spoke for the Committee for Representative Government and denied that petitions circulated by her group for a freeholder election are being withheld from filing by a Council member or some person of influence. She said she was making the denial because of the insinuations made at last week's meeting by a member of the Action Committee of Tacoma.

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Mrs. Shackelford said she also wanted it known that her organization was merely a committee of three housewives, namely Helen Anderson, Sylvia Bacon and herself and the Committee's financing has come from small donations.

She added, that her committee began circulating freeholder petitions last spring after the Council refused to exercise its power to call a freeholder election by resolution. Since that time she had discussed this matter with Mayor Rasmussen during his campaign, and one of his campaign promises was to put the matter to the vote of the people for a change in the form of government, therefore the petitions were set aside. However she said she believes for a direct vote on a Charter change.

Mr. Zatkovich felt the people wanted a change and suggested that a third proposition be put on the ballot giving the people the opportunity to vote for a strong Council-Mayor form of government if they wished.

Dr. Herrmann contended that the freeholder approach by itself was the best way to handle charter changes. It would provide the time needed to call in experts on governmental systems. He noted that the people did get a change in the last election, a new Mayor and two new Councilmen.

Mayor Rasmussen stated, there is now a proposed new Charter with 90% of the old Charter and 10% new amendments, being submitted to the Council for their perusal. If it is agreeable with the Council, it can then be placed on the ballot.

Mrs. Donald Gaston, State President of Pro-America, stated her organization was in favor of the resolution, submitting the proposed Charter changes to the voters at an early election, specifically on Feb. 6th, 1968.

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Marshall Riconosciuto, Advertising Executive, spoke at the request of Mr. Karl J. Beaty who had filed petitions relative to freeholders last year, which were deemed invalid by the City Attorney. He felt that Mr. Beaty's petitions should have been accepted by the Council, even though they had contained simple legal irregularities, as they expressed the signers' desire for a change. Mr. Beaty had presented a letter to this effect to the Council last July and never received a formal reply. For the record and to clear a point, the gentleman who was at the Council meeting last week said petitions were stolen. Mr. Beaty has possession of the petitions. He was also a one-man committee and no others were involved.

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Mr. Riconosciuto also questioned why ACT was not interested in freeholders six months ago, as at that time they could have stood up for Mr. Beaty and demanded the right these petitions be acted upon.

Mr. Bott reminded Mr. Riconosciuto that the Council relies on their Legal staff's opinion.

Mayor Rasmussen remarked that a letter had been received from Mrs. Buel Sever, President of the Tacoma-Pierce County Civic Arts Commission, requesting that the City Council set up a "Civic Arts Commission Trust Fund" within the City Treasury. In addition, that the enabling resolution or ordinance carry with it provisions that monies from the Fund cannot be expended without majority approval from the Civic Arts Commission and that the City Finance Committee be allowed to temporarily invest monies in the Fund when not needed.

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Mayor Rasmussen asked that Mr. McCormick draft an ordinance and have the draft reviewed by the Council before it is submitted for the agenda.

Mayor Rasmussen asked that the Public Works Dept. issue a building permit to the South Lake Shore Christian Church who had requested one at the Planning Commission and had been denied, as he has personally heard from them.

Mr. Schuster, Public Works Director, stated that all churches are required by law to request a Special Use Permit to build a church. The Planning Commission at their meeting of Dec. 18th, 1967 informed the representative of the South Lake Shore Christian church that this permit would be issued upon the condition, if they deed a 20 foot right of way strip to the City, then it would be approved. The Pastor of the Church presented these conditions to his Church Board and they refused to deed this property. Therefore, the Planning Commission denied the request. The reason for denying the request was because of the proposed 84th St. which would require the right of way, as it is a connection from the freeway off ramp to the easterly direction toward McKinley Ave. He felt Mr. Cvitanich who is the representative of the Council on the Planning Commission could explain this further.

Mr. Cvitanich explained this request was denied by the Planning Commission and the proper procedure would be for the church to appeal this through the Planning Commission.

There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 7:10 P. M.

G. L. Rasmussen
MAYOR

Attest: *Josephine Nestor*
City Clerk