

CITY COUNCIL MINUTES

City Council Chambers, 7:00 P. M.
Tuesday, September 19, 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 September 5, 1961 be approved as submitted. Seconded by Mr. Steele. Voice vote taken. Motion carried.

Mr. Steele said the Council has before it excerpts from the minutes of September 12th relating to the adoption of Resolution No. 16735 which authorizes the selling of the \$4,000,000 Sewer Revenue Bonds. It is desirable to have the Council approve this in order that the Attorney may prepare the necessary bond transcript to send to the Bonding Co. Therefore, he moved that the excerpts from the minutes of September 12th be approved as submitted. Seconded by Mrs. Price. Voice vote taken. Motion carried.

RESOLUTIONS:

Resolution No. 16734 (postponed from the meeting of Sept. 12, 1961)

Awarding contract to Motor Products Corporation for the furnishing and installing of the manual double and single parking meters in the amount of \$18,155.80 plus sales tax. 54:129
54:152

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

Mr. Porter asked for a roll call.

Mr. Bott said he was opposed to the purchase of these meters because there is a \$10,000 difference over the meters the City now has and he did not think that anything would be accomplished by the expenditure of that extra \$10,000.

Roll call was taken on the Resolution resulting as follows:

Ayes 5; Nays 4, Bott, Easterday, Olson and Porter. Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16736: (postponed from the meeting of Sept. 12, 1961)

Authorizing the City Attorney of Tacoma to intervene in proceedings before the Interstate Commerce Commission in opposition to the merger of the Northern Pacific, Great Northern, Burlington and S. P. & S. Railways. 53:72.41
54:12
54:178
61:141

Mayor Hanson said this Resolution was continued from last week and asked if there was any further discussion.

City Council Minutes - Page 2 - September 19, 1961

Mr. Murtland explained that he previously stated that he felt he could not vote for this Resolution as long as the second "Whereas" was contained in the Resolution because the entire emphasis seems to dwell on the subject that there may be employment of fewer men in this vicinity and for that reason the City should oppose the merger. Whether the merger is good for the Country as a whole, the State as a whole or even the City of Tacoma, he did not believe the Council was in good standing to oppose private enterprise on the basis that the merger may remove a few of the citizens of Tacoma or cause unemployment. He said he could not honestly vote for it for that reason and felt that the Council was approaching the matter improperly by opposing the merger solely on the basis of a decrease in taxes, and an increase in unemployment.

Mr. Murtland said, secondly, he thought the third "Whereas" was a little too forceful in stating that "said merger will further create a monopoly". He did not think the Council was in a position to say that it would create a monopoly. With that in mind, he moved that the Resolution be amended to delete the second "Whereas" in its entirety and to change the "will" in the third "Whereas" to "may". Seconded by Mr. Bott.

Mrs. Olson said she requested the Resolution; she did not author the Resolution but discussed with Marshall McCormick, City Attorney, some of the things that might properly be included in the Resolution. However, she added, the purpose of the Resolution is to put Tacoma in a position to be represented at the hearing. In view of that, rather than jeopardize the Resolution, she said she would vote for Mr. Murtland's motion.

Voice vote was taken on the motion. Motion carried.

Mr. Steele said there are also other railroads concerned, the Milwaukee and the Union Pacific, and it has occurred to him on several instances that the City as such has no business in concerning itself in an official manner with whether or not there is a merger. Intervention is already being accomplished by proper State agencies. The Attorney General of this State and the Public Service Commission of this State have already intervened and this is a merger that embraces far more real estate than the City of Tacoma. He believed the City is making a serious mistake to intervene in the proceedings and this is the reason he will vote "no" on the Resolution.

Mr. Murtland said Mr. Steele has brought out many of the thoughts that he also has on the matter. He said he moved to amend the Resolution for the reason he felt there were some very serious items that should not be included should the majority of the Council approve the intervention. He said he wished to add his voice to Mr. Steele's as he fails to see that it has been shown there is any particular reason why the City of Tacoma should intervene.

Mrs. Olson said not only have Auburn, Sumner and other cities in the State taken a very definite stand on this, but cities all over America are taking a stand, at least those which are immediately affected by this merger. She thought it very important that this Council of the City go on record opposing. She said she heard no such argument when the Mt. Rainier Ordnance Depot issue arose. That definitely affected personnel from the City, and yet the City objected to the Federal Government taking the Depot out of this area, which the Federal Government felt would be a better move. The

City Council Minutes - Page 3 - September 19, 1961

City took a very definite stand on that and she felt it was entirely proper for the City to do so. The City again has a problem, a similar situation which can affect Tacoma just as widely as the Mt. Rainier Ordnance Depot, even more so in years to come. Tacoma is located in a very northwest corner of the U. S. and is very dependent upon railroad transportation and for this action to take place without the City of Tacoma even being able to attend the hearing and cross examine seems to her to be very remiss. She thought this was something that was very important and something upon which the Council should take a very definite stand.

Mr. Porter said as he recalls the Council took a stand on the Milwaukee Railroad's petition to eliminate the passenger service. This Resolution directs the City Attorney to intervene, in a proposed merger and he thought it was a very good idea.

Mrs. Price asked Mr. McCormick if in order to get a transcript of the proceedings of the hearing, would it be necessary for the City to intervene.

Mr. McCormick said that was his understanding.

Mrs. Price asked if she was correct in saying that afterwards should the City Council decide to change their position, they will be free to do so.

Mr. McCormick said that was correct.

Mayor Hanson said, as he sees it, the Railroads petitioning for this merger must establish that it would be in the public's interest. He said it may well be, but no definite proof has been seen of the affects of this merger on service and service rates. There is much that is not known of the affects of this merger and he felt it would be proper for the City to intervene in order to ask questions that may have a bearing on this particular community; therefore, he will vote in favor of the Resolution.

Mr. Easterday asked for a roll call.

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

Ayes 7; Nays 2, Murtland and Steele; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16737:

Accepting certain offers to sell Real property situated within an Urban Renewal Project Designated Project No. Wash. R-1.

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

Voice vote was taken on the Resolution

The Resolution was then declared adopted by the Chairman.

Resolution No. 16738:

Authorizing the settlement of a lawsuit of E. N. McConnell against the City of Tacoma for the sum of \$1,350.00.

City Council Minutes - Page 4 - September 19, 1961

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

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16739:

Authorizing the transfer of the sum of \$250.00 as may be necessary from the Cumulative Reserve Fund for Capital Outlay & M & O to the Legislative Dept. for the purchase of maps, and the sum of \$339.00 to the Fire Dept. for the purchase of a sign for the new Fire Training Station.

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

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16740:

Authorizing the selection of a Certified Public Accountant Firm for the purpose of making an audit of accounts and books of the City.

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

Mayor Hanson said this Resolution involves the choice of a firm from a number of applicants. The Council expected to come to a decision with reference to the firm at the study session this noon; however, they were unable to do so because of a tight schedule. Therefore, he would ask for a ten minute recess so that the Council might adjourn to the Conference Room to discuss the matter. Seconded by Mrs. Price. Voice vote taken. Motion carried.

The Council then adjourned to the Conference Room at 7:20 P. M.
The Council reconvened at 7:35 P. M.

Mayor Hanson explained that the reason for the closed session was that there were 8 very fine firms that applied for the work to be performed. It has been the policy of the Council not to discuss professional firms in public as well as personalities.

Mr. Steele then moved that Resolution No. 16740 be adopted by inserting the name of Knight Vale & Gregory in the Resolution. Seconded by Mr. Cvitanich.

Mr. Porter asked if the Mr. Gregory who is with this firm was the same person present at the hearing this noon who is on one of the City Board's. If he is the same person, would he be eligible to accept this job.

Mr. McCormick said the Charter specifically provides that no officer or employee of the City shall be interested directly or indirectly in any contract with the City. Being a member of the Retirement Board, Mr. Gregory is an officer of the City, and in his opinion, Mr. Gregory is

53:30
54:17
54:106
54:126

ineligible unless he resigns to enter into such a contract.

Mayor Hanson said before the City could legally enter into a contract Mr. Gregory's status as to that point would have to be determined.

Mrs. Olson asked if anyone had discussed the possibility with Mr. Gregory that his might be the firm chosen.

Mr. Gaisford, Finance Director, said at the time his company submitted their bid, he was informed that if his firm were selected it would be necessary for Mr. Gregory to resign.

Mrs. Olson asked how long Mr. Gregory had held his position on the Board.

Mr. Gaisford said he has been on the Board for about two years.

Mr. Bott said to eliminate any illegal action taken, he would move that the Resolution be postponed for one week until September 26. Seconded by Mr. Porter. Voice vote taken. Motion carried.

Resolution No. 16741:

Awarding contract to Tucci & Sons for L I D 4677, Unit A on their bid of \$20,873.95 plus sales tax which was determined to be the lowest and best bid.

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

Voice vote taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16742:

Awarding contract to Westinghouse Electric Supply Co. for the furnishing of Street Lighting luminaries for the sum of \$38,514.00 plus sales tax which was determined to be the lowest and best bid.

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

Voice vote taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16743:

Awarding contract to Star Machinery for a steam cleaner for the Transit System for the sum of \$2,244.00 less two per cent, plus sales tax.

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

Mr. Bott said he desires more information on this Resolution before he votes on it, and therefore, he moved to postpone the Resolution for one week until September 26, 1961. Seconded by Mr. Porter:

Voice vote taken. Motion carried.

City Council Minutes - Page 6 - September 19, 1961

Resolution No. 16744:

Authorizing the proper officers of the City to execute to the State of Washington, Dept. of Highways, a local improvement assessment deed for unimproved property located on the south side of So. 31st between So. C and Pacific Avenue for the sum of \$345.26.

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

Voice vote taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16745:

Authorizing the proper officers to execute a local assessment deed to Chester E. and Helen E. Davis for property located on the N. W. corner of So. Center St. and So. Lawrence upon payment of the sum of \$10.00.

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

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16746:

Appointing J. B. Feist as the Planning Commission's representative to the Board of Adjustment for a one-year term commencing October 1, 1961 and expiring Sept. 30, 1962.

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

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16747:

Appointing Hugh C. Miller to the Board of Adjustment for a four-year term commencing October 1, 1961 and expiring Sept. 30, 1965.

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

Mayor Hanson said he was certain that the Council joined him in expressing appreciation to Mr. Miller for his willingness to serve an additional term on the Board of Adjustment.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

City Council Minutes - Page 7 - September 19, 1961

Resolution No. 16748:

Authorizing the purchase of land on the Alder to Eatonville Farm to Market Road for the sum of \$ 4,000, necessary to correct certain earth slides occurring at the road,

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

Mr. Benedetti, Acting Utilities Director, said this will authorize the acquisition of 20 acres of land located immediately above a section of Alder Dam to Eatonville Farm to Market Road which was relocated in connection with the building of the Alder Dam and has been maintained by the Public Utilities. Difficulty has been experienced with earth slides and the Department of Public Utilities by order of the Superior Court of Pierce County have to correct this situation. A program of remedial measures has been the subject of engineering research and design by the Dept. and it is determined that a surface drainage project must be the initial step in the program which makes it necessary to acquire this 20 acres.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16749:

Authorizing the proper officers of the City to purchase property on the corner of West 75th and Grange St. for substation purposes for the sum of \$2,400.

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

Mr. Benedetti explained that this land is needed for the extension and betterment of the distribution system of the Light Division, and it is the recommendation of the Utility Board that the land be purchased for the sum of \$2,400.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16750:

Authorizing the proper officers to lease property near the turn-off from the Bremerton Highway to Gig Harbor to the Olympic Village Inc. for a parking lot.

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

City Council Minutes - Page 8 - September 19, 1961

Mr. Benedetti explained that Olympic Village, Inc. has requested the Light Division to lease to them approximately 1.5 acres of land on the Cushman transmission line right of way for the purposes of a parking lot. This property is now being used for the purpose of a transmission line right of way and the maintenance of a parking lot will not interfere with the City's use of the property. Therefore, it is recommended that this land be leased to the Olympic Village, Inc. for the sum of \$180 per year for a 20 year term, with the provision for 5 year adjustments.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 1675i:

BY REQUEST OF STEELE:

Approving the Urban Renewal Plan and the Feasibility of relocation for Project No. Wash. R-3 of the Fawcett Urban Renewal area. 53:166
54:50

(Verbatim as requested by Mr. Cvitanich)

Mayor Hanson: Questions or discussions. We completed the public hearing on this matter two weeks ago and it is now for Council's consideration and open for discussion. We have received additional communications concerning this matter. However,

Mr. Murtland: Mr. Mayor

Mayor Hanson: Mr. Murtland.

Mr. Murtland: While you are making the preliminaries there, I would like to ask a question of Mr. McCormick: Mr. McCormick, I have discussed with you my interest in the property located in this area, is that not correct.

Mr. McCormick: That is correct.

Mr. Murtland: And you have advised me that it would be advisable that I abstain from voting, is that correct.

Mr. McCormick: That is right.

Mr. Murtland: Thank you, and Mr. Mayor, if you will give me a chance to excuse myself when the time comes, I will

Mr. Porter: Mr. Mayor.

Mayor Hanson: Mr. Porter.

Mr. Porter: Somewhat related to the same subject, I would like to refer to an article in the Sunday paper, written by one Dennis MacGougan in which he makes the statement that Mr. Porter has his office building in the area. I would like to state that the only correct letters, word, in that sentence is my name. The building is owned by a lady named Mrs. Bracken. The Musicians' Association of Tacoma rents less than half of the building and I am one of the 10 elected officials who conducts business for the Association in the building, but I have no interest in the building or in even an office in the building except that I work there, sometimes.

Mrs. Olson: Mr. Mayor.

City Council Minutes - Page 9 - September 19, 1961

Mayor Hanson: Mrs. Olson

Mrs. Olson: This Resolution is quite lengthy, but I feel it is of sufficient importance to the Community as well as to the members of the City Council to have the Resolution read and I would like at this time to ask Josephine Melton if she would read the Resolution.

Mayor Hanson: The rules state that upon request of Council members any Resolution or Ordinance shall be read in full. Proceed Mrs. Melton.

(End of Verbatim) Mrs. Melton read the Resolution in full, after which Mayor Hanson asked her to read several communications he had received directed to the Council and the Mayor. These included letters from the Pierce County Central Labor Council, the Sixth Avenue Baptist Church and the Clinton Music House. These communications were placed on file in the office of the City Clerk.

(Continuation of Verbatim)

Mayor Hanson: Thank you. I only introduced those letters that were addressed to the Mayor and Council feeling that they were directed to the body. The ones directed only to myself I do not feel obligated to convey for the record.

Mr. Bott: Mr. Mayor.

Mayor Hanson: Mr. Bott.

Mr. Bott: I would like to make note that I received several letters both for and against which I did not think you were going to read so I did not bring them.

Mayor Hanson: Again I point out, when they are directed to both Mayor and the Council or the Council as a body . . . I understand that we have all received letters. I have not received any unfavorable letters, but I know that many have.

Mr. Porter: I didn't hear you, Mr. Mayor.

Mr. Bott: Mr. Mayor, it seems like we have the makings of a good choir here.

Mayor Hanson: Any further discussion.

Mrs. Olson: Mr. Mayor.

Mayor Hanson: Mrs. Olson.

Mrs. Olson: I would like to say that I think it's wonderful when people do take the time and trouble to express themselves and their interest in a community project. I would only like to say this, that those of us on the Council and those members of the Planning Commission and those members of the Staff who have spent, many of us, have spent endless hours studying this project trying to make a determination which we have felt would be the best. I speak for myself because I can't speak for anyone else. I have studied it for many hours, trying to make a determination which I personally have felt would be in the best interest of the City of Tacoma, not only for now, but for the future. While I think it's very fine for people to express themselves in regard to these matters, they are highly complicated, the law involved is highly complicated, the funds involved are very significant in this particular project amounting to some \$2,000,000 and while I think it is very fine for people to discuss these

City Council Minutes - Page 10 - September 19, 1961

projects at Board meetings or at Council meetings and to come up with a determination or recommendation, I also feel very confident that you can appreciate the fact that some of us who may have spent a greater length of time in study of these things may have reason to not necessarily agree with the findings that some of you have made. And I have a few questions that I would like to ask; they are questions that I have done some research on this week and have determined some of the answers for myself, but I do feel that these are questions which have been raised in the past, and perhaps, have not been adequately answered for some of the other members of the Council, or even for some members of the public at large, and before we proceed to a vote on this very very important Resolution before us, I think that it would be well to go back and ask Mr. Maffin, if he would tell us the process which was followed in order to bring this project before the City Council in the first place. If you would quickly reveal it.

Mr. Maffin: As in the case of all Urban Renewal Projects, the Council of the City initiates the action. They ask the Federal Government if they feel the area initially in the exploratory stage might be suitable for Urban Renewal. If the Council makes the findings, the initial findings, that the area is blighted, with that finding authorizes the proper officers of the City to make an application for what is called a Survey & Planning Fund. When that planning contract is returned after Federal review and H H F A extends an offer of contract to the City, the Council will again determine whether or not they want to move in with a survey and planning by taking action on the contract. Having taken favorable action on the contract, then for a period varying anywhere from a year to two years generally, a study of the survey and planning nature is undertaken in an area to determine the land uses, the extent of public improvement, extent of acquisition, the potential disposition of the property as to its values, the relocation of families, etc. That Survey and Planning . . . is culminated with the preparation of the Urban Renewal Plan which represents the general program of action to be followed. At this point, briefly, the Council now finds itself. There is one intermediary step prior to the time that we are now at and that is when the Council authorizes the filing of Part I which is the detailed findings of plans, the justifications for financing public improvements, etc. ; that preceded this, I believe, in February, and now we are at this point, the action of the Council following the review by the Planning Commission of the plan.

Mrs. Olson: Has this plan been submitted to any Federal Agency.

Mr. Maffin: Yes Ma'm.

Mrs. Olson: Has it been submitted to the Agency in San Francisco.

Mr. Maffin: Yes Ma'm.

Mrs. Olson: And then to the Federal Agency in Washington D. C.

Mr. Maffin: Yes Ma'm.

Mrs. Olson: And then it has been returned back to us.

Mr. Maffin: Right, with their modifications, with their suggestions, their review based on experience from other communities, we have brought their review to bear on the previous plan that was submitted in February, and the results of that review plus discussions with the Planning Staff and others

City Council Minutes - Page 11 - September 19, 1961

has resulted in this plan which is now before the Council.

Mrs. Olson: Would you tell me what month the Federal Agency approved this plan.

Mr. Maffin: I believe it was May, I don't recall the precise date.

Mrs. Olson: Now is that, was that plan approved by the Federal Agency then, not identical to the blue plan which is before us.

Mr. Maffin: That is correct.

Mr. Olson: Now this plan was revised again in August.

Mr. Maffin: That is correct.

Mrs. Olson: So this plan on which we are voting tonight has not actually been before any agency of the Government as it appears before us, is that true.

Mr. Maffin: Precisely, that is correct.

Mrs. Olson: If we want to make any changes or modifications in this plan, I think that this is a question which has not been fully explained to the Council and I don't think they thoroughly understand the steps that need to take place prior to modification of the plan. I would appreciate it if you would explain what has to take place in order to change, in order to change or modify this plan, that you might adopt the change.

Mr. Maffin: Yes. Basically there is a two point breakdown, but first I want to say that as far as Federal regulations are concerned, the plan may be modified at any time by the local governing body, the Council with the concurrence of the Federal Government as a party in the contract. Now as far as State Law is concerned, the State Law says the same thing. It says that Urban Renewal Project Plans may be modified at any time by the local governing body. This presumes of course that there is a plan that has been adopted. After that point in time the Council can modify that plan. Now, if however, under the execution of the plan, subsequent to its adoption, in the beginning of the carrying out of the project, there are other private parties that become parties of interest to the plan through the execution of an owner participation agreement or through the disposition of land to a potential redevelopment, then they too have to concur in any modification or change in the plan.

Mrs. Olson: They too have to concur in any change or modification.

Mr. Maffin: That is right.

Mrs. Olson: So that the control then passes out of the hands of the City Council into the hands of the people who might be interested in purchasing property in the area.

Mr. Maffin: It remains in both hands, ma'am.

Mrs. Olson: But the control is no longer vested solely in the City Council at that point.

Mr. Maffin: That is correct.

Mr. Olson: The reason I am making a point of this is because I think this is a very important thing which we have not thoroughly gone into. There are some of us who have questioned, perhaps, the fact that we are retaining 4 pieces of property in this project area. There are some of us who say "Well, we are not sure if we should retain all of those" or "why aren't we retaining the Emerson Apartments on this corner because it is a good brick building and perhaps it needs something in the way of rewiring, but we

City Council Minutes - Page 12 - September 19, 1961

are not convinced that it is at the point of having to be torn down, especially if we are going to need some other buildings in the area." There are some schools of thought which say that all buildings in the area should be razed and the whole site should be cleared. There are some who say "no" some of these buildings should be left because something is better than nothing." Now I spoke with some members of our legal staff this afternoon because there were questions that keep coming back to me, how do we modify, how can we when we have to go through agencies of the Federal Government and hold a public hearing in order to get a project plan adopted in the first place. How can we then take it upon ourselves to modify it without following the same procedure? Common sense will tell you that you have to go through the same steps in order to modify a plan that you had to go through in order to adopt it in the first place. And now Mr. Maffin added to that the fact that the property owners in the area with whom you have entered into some kind of an agreement have to concur in the modifications or the changes in the plans. Now I regard this as a highly significant point and feel we have not thoroughly discussed. I called Washington D. C. and spoke with a Mr. Yang who is an assistant of, a legal counselor, Mr. Curry, who happened to be out of his office at the time. He stated that this is true, this is absolutely true and I said, "Well, now as far as I am concerned, I am not sure that one of the buildings that is being left in there, or taken out, should be left in, how important is this." And he said, I don't have your plan in front of me so I hesitate to give you an opinion. However, based on what you tell me I consider it important enough and the changes are difficult enough to make, that if you envision any changes or modifications in the plan, they should be included in the original project plan" Now these are the things that I feel we have not thoroughly gone into. Our Planning Commission, did yet say that this Comprehensive Plan, - that this plan did not conflict with the Comprehensive Plan, but they further recommended that we study other possible alternatives. One - to raze every building in the area I think with the exception of the Puget Sound Bank and the other, I believe it was too, I've forgotten. Anyway they made two possible alternative recommendations. Now figures on these were prepared for us by our Urban Renewal Department, but we have not sat down and discussed the, we have not discussed the possibility of raising additional money or acquiring additional financing in order to come up with a possible alternate solution to the one which has been presented to us by Mr. Maffin and his staff at the very outset. I for one feel that we cannot afford to go into a project of this nature without giving it thorough and complete study and relating it to the whole of downtown Tacoma. There has been much said and written about this in the last week. I would like to state from the standpoint of my position that no one ever contacted me and asked me how I felt about this and yet I find that I have been put in a certain position by certain people who feel that they know how I feel without bothering to get my opinion. I think that this is entirely unfair and for that reason I have spent a good deal of time this week trying to get together some additional information which would help me make the best possible decision based upon fact and information and not upon something I am told or something that I

hope to believe or something that maybe hasn't been fully and completely explained. Urban Renewal law is a highly complicated legislative - group of items of legislation. It was amended in 1959 - the original act which was written in 1949 - I have a copy of the Federal Laws authorizing assistance in Urban Renewal and that alone fills a book of this size. And then we have State Legislation which has been enacted. I have been in touch with Mr. Layton who is the Commissioner of Urban Renewal for the United States in America. I've asked him, and I have a letter from him, which laws would supersede in case they should be in conflict. I have asked him what we do in cases where State law does not cover a point, for instance State law has nothing to say about over participation. It doesn't tell us how we are going to handle this thing. Now these are things which we should know and which the people in the project should know before we proceed any further with this plan. I do not want to take up the whole time here, but I do think the time has come when some of us should have an opportunity to express ourselves not only to the members of the Council who are going to have to vote on this tonight, but also to the members of the general public who have, I'm sure, been very inadequately informed, partly because this is such a big subject, and it is very tiring to get all of the facts across to people; but this is a project, I feel, of specific importance to the City of Tacoma, that it deserves very serious consideration from all of us. So I've prefaced my remarks by saying that I do appreciate the fact that people are concerned enough to express an opinion. I have asked many people to express their opinions to me personally and privately so that I would know the general feeling of people, but still when it comes down to the actual voting whether or not we should adopt this project plan, then we must, at least I must, make my determination based on certain things which I am able to learn. I note that the project plan designates our City Manager as the local public agency and authorizes him to carry out certain projects, authorizes him with powers. I do think that it is important that that particular portion of the law, telling us what the powers of the local public agency are, be also read here tonight, because I don't even know that that has been read to the members of the City Council and I would ask Mr. Thompson, maybe you are more familiar with that particular portion of the law and I would like to have you read that particular section which pertains to the powers of the local public agency. That is 35.81.150

Mr. Thompson: This law states:

35.81.150 Exercise of urban renewal project powers.

Subsection (1) A municipality may itself exercise its urban renewal project powers (as herein defined) or may, if the local governing body by resolution determines such action to be in the public interest, elect to have such powers exercised by the urban renewal agency (created by RCW 35.81.160) or a department or other officers of the municipality or by any existing public body corporate, as they are authorized to exercise under this chapter.

Now in this case, of course, it would be the City Manager under our form of government.

Subsection (2) In the event the local governing body makes such determination, such body may authorize the urban renewal agency or department or other officers of the municipality to exercise any of the following urban renewal project powers:

- (a) To formulate and coordinate a workable program as specified in RCW 35.81.040.
- (b) To prepare urban renewal plans.
- (c) To prepare recommended modifications to an urban renewal project plan.
- (d) To undertake and carry out urban renewal projects as required by the local governing body.
- (e) To make and execute contracts as specified in RCW 35.81.070, with the exception of contracts for the purchase or sale of real or personal property.
- (f) To disseminate blight clearance and urban renewal information.
- (g) To exercise the powers prescribed by RCW 35.81.070 (2), except the power to agree to conditions for federal financial assistance and imposed pursuant to federal law relating to salaries and wages, shall be reserved to the local governing body.
- (h) To enter any building or property, in any urban renewal area, in order to make surveys and appraisals in the manner specified in RCW 35.81.070 (3).
- (i) To improve, clear, or prepare for redevelopment any real or personal property in an urban renewal area.
- (j) To insure real or personal property as provided in RCW 35.81.070 (3).
- (k) To effectuate the plans provided for in RCW 35.81.070 (6).
- (l) To prepare plans for the relocation of families displaced from an urban renewal area and to coordinate public and private agencies in such relocation.
- (m) To prepare plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements.
- (n) To conduct appraisals, title searches, surveys, studies and other preliminary plans and work necessary to prepare for the undertaking of urban renewal projects.
- (o) To negotiate for the acquisition of land.
- (p) To study the closing, vacating, planning, or replanning of streets, roads, sidewalks, ways, or other places and to make recommendations with respect thereto.
- (q) To organize, coordinate, and direct the administration of the provisions of this chapter.
- (r) To perform such duties as the local governing body may direct so as to make the necessary arrangements for the exercise of the powers and the performance of the duties and responsibilities entrusted to the local governing body.

Any powers granted in this chapter that are not included in RCW 35.81.150 (2) as powers of the urban renewal agency or a department or other officers of a municipality in lieu thereof, may only be exercised by the local governing body or other officers, boards, and commissions as provided under existing law.

Mrs. Olson: Thank you Mr. Thompson. There was a Resolution which was passed in 1957 or 8, Resolution No. 15235 which did designate the City Manager of the City of Tacoma as the local public agency and thereby did vest in him these powers that you have just heard read by Mr. Ron Thompson. I take issue with this only because I think that this is a great deal of power to vest in the hands of one individual. I would like to read that Resolution to you. It was adopted, yes, it was adopted on roll call March 3, 1958. None of the members of the present Council were members of the Council in 1958 at the time this was adopted, but it says, "Whereas, the City of Tacoma is proceeding under Chapter 42, Laws of 1957, to provide for the rehabilitation, redevelopment and clearance of blighted areas in said City and Whereas, pursuant to Section 15 of said Chapter 42, Laws of 1957, the City deems it advisable and in the public interest to designate the City Manager of the City of Tacoma as the officer to carry out all of the Urban Renewal project powers as set forth in said statute. Now, Therefore, Be it Resolved by the Council of the City of Tacoma: That the City Manager of the City of Tacoma is hereby designated and directed on behalf of the City of Tacoma to exercise all of the Urban Renewal Project powers as set forth in Chapter 42, Laws of 1957, and it is further determined that the appointment of the said City Manager to carry out these powers is hereby found to be in the public interest of the City of Tacoma." Signed Charles Battin, Vice Mayor. Adopted on roll call and the Ayes were Battin, Bratrud, Goering, Humiston, Perdue, Tollefson; There were no nays and Jensen, Stojack, and Mayor Anderson were absent from the Council meeting at the time that vote was taken. Now, I appreciate the indulgence of the City Council and the indulgence of those present, but we have not had an opportunity to express ourselves before, I don't say that we have not had an opportunity, I say that I have not taken advantage of the opportunity to express myself before, because I didn't have the information then that I have now. I've spent, as I say, a good deal of time this last week in research.

Mr. Steele: Mr. Mayor

Mayor Hanson: Mr. Steele, ----- Mrs. Olson

Mrs. Olson: I was just merely going to read from the Federal Housing Act which defines local public agency and it says, "Local public agency means any State, County, Municipality, or other governmental entity or public body, or two or more such entities or bodies, authorized to undertake the project for which assistance is sought. State includes several states, District of Columbia, Commonwealth of Puerto Rico and the Territories & possessions of the United States." I am not saying that there is anything wrong in the way this is done, but I am saying that I do think that when the Federal Government drew up this act that they envisioned that the powers of the local public agency would be vested in more than one individual and I think it would be well for us to take even that under consideration before we proceed to vote on a project of this nature. I am sure that there are probably other people here who want to say something and I will relinquish the floor.

Thank you.

Mr. Steele: Mr. Mayor.

Mayor Hanson: Mr. Steele.

Mr. Steele: I believe, your Honor, that the Resolution referred to

City Council Minutes - Page 16 - September 19, 1961

and read by Mrs. Olson, which, I believe was 15235 was requested by Mr. Stojack although the vote at the time didn't reflect that he was present, it is reasonable to assume that he was also in favor of it. In reference to the suggestion made, the City Manager under this Resolution is the proper officer, it should be borne in mind that the City Manager is the Chief Administrative Officer of the City under the Council-Manager form of government; and he has under his control the Urban Renewal Dept. and the Planning Dept. and the various staffs in the Public Works Dept., the Health Agencies which relate to the work which has to be done pursuant to the several authorizations contained in the State Law read by Mr. Thompson. We should enumerate at this time, I believe, the Urban Renewal Action Reserved Only To The City Council:

1. Only the City Council can designate renewal areas and declare blighted areas.
2. Only the City Council can authorize applications for Survey & Planning, and Loan and Grant Contracts for urban renewal.
3. Only the City Council can approve such contracts.
4. Only the City Council can approve and adopt the urban renewal plan or modify the plan.
5. Only the City Council can buy, sell, or lease all real or personal property acquired under the plan. Only the City Council can approve and execute owner participation agreements and the plans and specifications thereto.
6. Only the City Council can authorize contracts for professional services.
7. Policies on the acquisition and disposition of land, not in conflict with State and Federal laws and regulations, must be established by the City Council.
8. Only the City Council can authorize condemnation of land.
9. Only the City Council can adopt a relocation plan for the project.
10. Only the City Council can establish eviction policy and policy on the collection of delinquent rents.
11. Only the City Council can write-off uncollectible rents.

City Council Minutes - Page 17 - September 19, 1961

I believe it is somewhat misleading to suggest that the control of power over this Urban Renewal Program lies invested in one individual.

Mr. Bott: Mr. Mayor.

Mayor Hanson: Mr. Bott.

Mr. Bott: First, of all, I would like to correct what might be a false impression there. As far as Mr. Stojack requesting that, Mr. Steele, you will recall that before you were on the Council, the names were put on this Resolution just by rotation and not necessarily by request so it is possible that Mr. Stojack did not request that himself. Secondly, I would like to ask our City Attorney a question. Mr. McCormick, by designating the City Manager as the executive officer on the Urban Renewal, that doesn't supersede the Council's responsibility to instruct the City Manager on any of these problems, does it? It doesn't set him apart from the Council in that respect, or does it?

Mr. McCormick: No, on matters of policy, the Council still, of course, has the right to determine those matters. On the right of pure administration that is within the administrator's prerogative carrying out the policy set by Council. As far as these duties here are concerned, as I listen here, they are administrative duties with the Council determining any matters of policy that may be incurred in the fixing of those duties, that is the way I interpret it.

Mr. Bott: In other words he wouldn't have any more power than he has presently here and his power is subject to the desire of the Council.

Mr. McCormick: Well, once you designate whether the City Manager or any other-nominate him and designate him as the agency, by that very act, you vest in that particular officer a particular power given by State law.

Mr. Bott: But you don't then give up your right to amend that in any manner.

Mr. McCormick: Well, you can't amend a State law.

Mr. Bott: No, no, no, I didn't think that. But I mean to say any authority that you give him, you don't give him that indefinitely, you can change that, is that right.

Mr. McCormick: That is right.

Mrs. Olson: Mr. McCormick, how would you change that if it is State Law.

Mr. McCormick: Well, as I say --what you mean, I think, once you designate him agency, doesn't mean you have to continue.

Mr. Bott: No, any instructions we give, can be amended.

Mrs. Olson: No, I think there is a misunderstanding.

Mr. McCormick: Well, Mr. Bott, by State Law, as I remember, Mr. Thompson, Attorney in my office is more familiar with this matter, but under State Law, the right is given to the City Council to designate as an agency, they can set up a separate agency if they want, they can designate the City Manager, which was done here by a former Council. When that designation is once made by the City Council, by reason of State Law certain powers are vested in that agency, not as City Manager, but as the Urban Renewal Agency of the City, which may be separate and apart from his duties and obligations as a City Manager. They are State vested powers; that I think is what the law enumerates those, which that agency may administer or may enforce and others that as Mr. Steele pointed out, under the State Law, are reserved only to the Council. I don't know whether I've made myself clear, but he

City Council Minutes - Page 18 - September 19, 1961

wears two hats, as the City Manager, he has certain powers and duties, derived from the Charter and from the Ordinances. As the Urban Renewal Agency duly appointed by the State pursuant to the State Statutes, he has certain powers vested in him as an agent not as a City Manager, and those are the powers which Mrs. Olson read off and the power reserved by that same State Statute to the Council itself are those which Mr. Steele read. They are all set forth in the State Statute.

Mayor Hanson: Well, the Council retains, in fact it is impossible for us to delegate the responsibility for the decision on establishing an Urban Renewal area, establishing the boundaries, establishing the rules, of the game so to speak and the rules involved in the Urban Renewal area. The Council must act with reference to the sale of real or personal property that might be acquired. By personal, I mean perhaps the improvements which become severed from the land. All matters in terms of establishing the policy are - and the ultimate matters of acquisition and disposition of property are retained in the hands of the City Council. The City Manager is the Agency or the Administrative vehicle whereby the policies established by the Council are executed. It is certainly not an astounding proposition, it's actually the identical process which is followed in any governmental operation where the legislative sets down certain policies and establishes certain powers and once the policy is established and the authority given, then the executive carries it out. It certainly is not a wholesale grant of power to the City Manager as one sole and supreme authority in the field of Urban Renewal, and I think it is quite obvious that it is consistent with governmental principles, established federal, the principles established in the Federal legislation and carried on through to the State. So really we have here a question of whether or not we are going to proceed, whether we have a plan and these other matters are merely a matter of education in terms of the legal principles involved. Mr. Porter.

Mr. Porter: Some time - quite a long while back in this Fawcett Street Project, the Puget Sound Bank built a branch bank in the area on Tacoma Avenue and they built it under the then policy which required considerable set back. Sometime later and after some pieces of property had changed hands, the rules were changed and the building on the corner of 11th and Tacoma, the Lucerne Building, was allowed to be constructed in a different manner regarding the set backs. Can you tell me the number of the Resolution or Ordinance by which the City Council changed the policy in this case.

Mayor Hanson: Mr. Rowlands...

Mr. Rowlands: I think in connection with the building of the Lucerne Building or for that matter any other building that might have been constructed in the Center Street area before the plan was adopted officially by the Council, that the building permit issued by the City Building Dept. must have conformed with our building code. I don't know whether Mr. Gillis is here tonight or not, but I am sure that is what happened.

Mr. Porter: That doesn't answer my question, however.

Mayor Hanson: There was no change.

Mr. Porter: The policy was changed in between and not by official action by the City Council.

Mr. Murtland: There was no policy.

Mr. Rowlands: There wasn't any policy involved. We could not permit the issuance of a permit to any individual unless he complied with the rules and regulations of the building code. We're issuing those building permits daily and until the area is delineated, until a policy is established, until a plan is adopted, then we have no legal right; I think that was reviewed with the Legal Dept. on several different occasions. Is that right, Mr. McCormick?

Mr. McCormick: That is correct.

Mr. Porter: There is also the matter of the overhanging of the sidewalks in which Mr. Murtland in remodeling his building was not allowed to build a marquee over the sidewalk but the people remodeling the Lucerne Building were allowed to build a large marquee over the sidewalk. I don't suppose that was changing the rules.

Mr. Rowlands: Again, I would have to refer that to the building inspector who issued the permit. There must have been a reason for permitting that type of construction. Will you check into that Mr. Maffin and Mr. Thompson.

Mr. Maffin: Again Mr. Rowlands this is not the province of the Urban Renewal Plan. We have made suggestions in the (unintelligible) however, the Urban Renewal plan does not encompass this area. It is simply a matter of building zones.

Mr. Porter: In other words quite a few decisions were made that affected the future of the area and the property owners and the Council did not pass an Ordinance or a Resolution on any of them and still they affect the Urban Renewal area vitally.

Mr. Rowlands: I think this should be clarified, Mr. Mayor.

Mr. Maffin: I think the rules for the issuance of permits on the Puget Sound Bank Building and the Lucerne Building and any other building in the area are based on the zoning ordinance and the building code which is duly adopted by ordinance. And it has no relation whatsoever at this junction, Mr. Porter, with the plan itself.

Mr. Porter: Mr. Maffin, would you deny that the subject of the set backs and the open spaces has been a matter of discussion between the Urban Renewal Dept., the Planning Staff and some members of the Planning Commission and the City Council at times during the past month.

Mr. Maffin: No sir, I would not deny that.

Mr. Porter: Thank you. I'm glad you don't. (Unintelligible)

Mr. Murtland: I'm moved to defend against some statement made by Mr. Porter; though regardless of what my standards along there are concerned, Mr. Porter, I don't think there is any policy determined anywhere except in the Building Code whatever it was. I mean the Council was not called upon to change the Building Code at any time, nor do I think there was any policy set either by the Council or by anyone else. We set it by a Building Code once upon a time and that's the only thing that's in affect now. If somebody wants to start in there tomorrow they can do the same thing.

Mr. Porter: What I would like to point out is that the Council has not changed the Building Code in relation to that subject nor anything else, but there have been different rules which have been used on property owners forcing them to do different things than other property owners have been forced to do. This power is obviously been vested in somebody and used by somebody but I doubt that it was legally used by them correctly.

City Council Minutes - Page 20 - September 19, 1961

Mayor Hanson: Are you coming to this conclusion because there are different types of structures or do you have people who contend that the Building Code has been enforced differently upon one as over against another, and your reference to the Bank Building, we have a new structure built for a particular purpose. - The Lucerne Building-we are talking about, a remodeling project that they apply for a building permit-will in both cases and if they satisfy the Building Code they can proceed but they can't direct the architecture.

Mr. Porter: Well Mr. Mayor, that is real good, change the subject, answer as with some of the others in my opinion.

Audience member: Mr. Mayor.

Mayor Hanson: You are out of order. You are out of order at this point. It is confined to Council discussion. The Public hearing was completed two weeks ago and this is confined to the discussion on part of the Council. I made that announcement early in the meeting.

Audience member: How about these letters that were just read. Does that.

Mayor Hanson: Well that will be a matter for the Council to consider in terms after we have completed our discussion, if the Council desires to open the matter up further it can do so, but at this point it is not so, you are out of order.

Audience member: You read some letters, would you read my letter.

Mayor Hanson: With reference to the letters. I did receive a number of letters in opposition. The ones that were read here tonight. I received a number of letters in opposition, the ones I have received recently were the ones that were. . . All previous letters that were addressed to the Mayor and City Council that I received were duplicated and sent out to the Council. The ones that were read tonight, I think with the exception of the one from one of the property owners there, was not received in time to send out with the Agenda on Friday. Is there any further discussion on the part of the Council. I will ask the citizens present to show courtesy so that we can proceed with the discussion with reference to Council discussion on this matter.

Mr. Steele: Mr. Mayor.

Mayor Hanson: Mr. Steele:

Mr. Steele: I don't know whether this aspect was one of the matters which has been brought before the Council, but we have a communication under date of September 5, 1961 from the office of Urban Renewal setting out the communications that have come to the Council with reference to this; with reference to this I refer to MC 210 dated July 14, 1958 entitled "Time table of Fawcett; MC 225 dated September 19, 1958 "Allocation of Urban Renewal Fund HHFA, " "Reservation of Grant Funds," on February 24, 1959; 1960-65 Capital Improvement Program, November 19, 1959; Handbook on Urban Renewal, January 19, 1961; Urban Renewal Plan Relocation Report, August, 1961; Workable Program, 1957-1961; then the same communication lists 9 actions by the Planning Commission running from January 17, 1958 through August 31, 1961; also it includes 12 actions by the City Council running from February 24, 1959 through August 22, 1961; 9 of which resulted in actions by Resolutions. So I suggest to this gentleman that the information is available and communications

City Council Minutes - Page 21 - September 19, 1961

can be had or if not received, then, there has been action, this isn't a matter of first impression, by any means.

Mrs. Olson: Mr. Mayor.

Mrs. Olson: I have before me Resolution No. 16316 which calls upon the Local Public Agency to do certain things which was adopted by our City Council and the last paragraph of it says, "it is further resolved that the appropriate officers of the Local Public Agency are hereby directed to execute the contract, etc. and I'm wondering who are the appropriate officers of the Local Public Agency.

Mayor Hanson: Well that would be the City Manager, would authorize to execute certain documents, others are here for the Council, I would assume and would have to be executed by the Mayor.

Mr. Maffin: That's right.

Mrs. Olson: This authorizes him to authorize the appropriate officers of the Local Public Agency to do certain things. I am saying that as long as its in the plural I'm asking, questioning who the officers might be. Is there only one?

Mr. Maffin: The Mayor, in particular.

Mrs. Olson: Well, is the Mayor an officer of the Local Public Agency then,

Mr. Maffin: Of the City.

Mrs. Olson: Well, it says here "Be it further resolved that the appropriate officers of the Local Public Agency are hereby directed to execute the contract for title services." We just have established the plan that the City Manager is the Local Public Agency. That's why I raise these questions, because I do think there's considerable confusion in the minds of many of us and while what Mr. Steele says may be true, that these things are available to us, it isn't always easy to get the answers to the questions you ask and in fair ness to people who attempt to explain them even when they answer you, sometimes it isn't clear if you don't have all the necessary background. I know that one member of our Planning Commission has been accused in the local press this week of harrassing the Urban Renewal Department, or Mr. Maffin, or somebody, because he asked specifically logical questions. I was present when many of these questions were asked. Some of these questions I have attempted to get answers for myself because the answers were not perfectly clear. I don't see how we can be expected or asked or urged to act on something which we are not thoroughly and completely familiar, because a great deal is at stake as far as the future of Tacoma is concerned. And I speak not as a person who opposes Urban Renewal because I can see that it may be a very valuable tool for us and I think it would be most distressing if we were to embark upon something now that would result in lack of public confidence in what can be accomplished or might possibly be accomplished. We talk about policy being left in the hands of the City Council. We've done very little in the way of policy determination as far as Center Street is concerned and yet we have been embarked upon that Urban Renewal Project since before I became a member of the City Council. I don't think we even have determined what our land disposition, I am sure we have not, what our land disposition plan is going to be in Center Street, let alone in the Fawcett Street area. So while we talk about the powers that are

City Council Minutes - Page 22 - September 19, 1961

vested in the City Council and the powers that we have, I would say, No. 1, that we are not moving very rapidly toward making policy decisions and in the absence of policy decision, the staff and manager are acting, they must, in the absence of it, because there are things which have to be done. I had the law read which I felt would point out to you as members of the Council exactly what the powers vested in the local public agency are. I did not say that they were in conflict with any powers which remain within the hands of the City Council. But these again are very serious, very serious decisions and I don't know whether any of you are aware of it or not, but there are certain influences, certain pressures which are brought to bear on members of the City Council to urge them to vote in a certain direction and not always urging them to rely on their own best judgment. And I say this not in criticism of those who voice their opinion because everybody has that right, but I am saying that sometimes it is easy to be swayed and hard sometimes to resist and make the determination yourself.

Mr. Steele: Mr. Mayor.

Mrs. Olson: And I only would conclude with this, in view of the indecision in my own mind, I cannot vote in favor of the Fawcett Street Project as it is proposed.

Mr. Steele: Mr. Mayor.

Mayor Hanson: Mr. Steele.

Mr. Steele: I would like to call attention to the fact that in tonight's agenda, Resolution No. 16737, which has been passed, accepts certain offers to sell real property situated within an Urban Renewal Project designated Project No. Wash. R-1, that's Center Street. We also have a final reading of Ordinance before us tonight, Ordinance No. 16886 which relates to vacating the west 5 feet of Sheridan Avenue, and I ask - that's on the agenda - the reason for recommendation from the Planning Commission is the Urban Renewal Plan for the Center Street Program calls for the eventual vacation of the entire line of Sheridan Avenue. These are just simply two matters that are on the agenda tonight relating to the Center Street area which is for Council action.

Mrs. Olson: Excuse me Mr. Mayor, but Mr. Steele, I just said that there were certain policy determinations which have not been made; I did not say that we had not voted on different matters in connection with the Center Street Project.

Mayor Hanson: Mr. Bott.

Mr. Bott: There's been quite a point raised tonight here about the powers that are invested in the City Manager, but as I recall, it doesn't say any specific City Manager, and like any business that has a Manager if the Board of Directors doesn't approve of his actions, they can replace the Manager; and I'm not aware that any of these privileges that are extended to the Manager go with the Manager as he departs, so that I don't think that that has a bearing on the matter at all.

Mayor Hanson: Is there any further discussion.

Mr. Porter: Yes, Mr. Mayor.

Mayor Hanson: Mr. Porter.

City Council Minutes - Page 23 - September 19, 1961

Mr. Porter: There are some questions I would like to ask yet. First, I would like to ask if Mr. Bill Henderson is here.

Mr. Henderson: Yes, sir.

Mr. Porter: Mr. Henderson, I would like to ask a question of you regarding two things that happened. 1, there was an article in the newspaper stating that my position on this Urban Renewal question was such; also I got my copy of the Labor Advocate wherein it says that at a meeting last Wednesday, which I unfortunately didn't attend you had stated my opinion or position on this Urban Renewal as being a certain position. Did you make that statement?

Mr. Henderson: I made that statement, Mr. Porter. In our

Mr. Porter: Could I ask you

Mr. Henderson: In our opinion - Will you let me answer please.

Mr. Porter: Go ahead.

Mr. Henderson: that in our opinion this is the way the vote would go and in my opinion that is the way it will go.

Mayor Hanson: Now ...

Mr. Porter: I haven't finished yet, Mr. Henderson.

Mayor Hanson: Now, I'll put this matter up to the Council.

Mr. Porter: I wish to ask Mr. Henderson a question.

Mayor Hanson: One moment, I will assume the prerogative just at this point and put this matter up to the Council.

Mr. Porter. Point of order, Mr. Mayor.

(Much talking and confusion)

Mayor Hanson: That is the point I am going to make right now. Does the Council feel that this is a proper procedure to become involved in as a matter of official City business. I would before permitting this type of approach to proceed, would like to ask for the thinking of the Council.

Mr. Steele; I would suggest that the inquiry made of Mr. Henderson is somewhat divorced of the issue.

Mr. Cvitanich: Mr. Mayor. I believe Mr. Porter has the right to rise to a point of personal privilege.

Mayor Hanson: Then we will put the matter before the Council. Those in favor of permitting Mr. Porter to continue to question members of the audience say "aye" - (ayes) - opposed, "no" - (no). The motion is carried. You may continue, Mr. Porter.

Mr. Porter: May I state I do not have a copy of the paper here. Mr. Henderson's statement, as I recall, it was that I was undecided on the question. I would like to know if you ever asked me any question as to how I stood on Urban Renewal or the Fawcett area at any time.

Mr. Henderson: Mr. Chairman, might I ask a question now.

Mayor Hanson: Mr. Henderson.

Mr. Henderson: Mr. Porter asked ...

Mr. Porter: Mr. Chairman, I had permission from the Council to ask questions of this gentleman and I want my questions answered. Then I'll answer any he wishes to ask me.

Mayor Hanson: Mr. Porter, if you will -- Mr. Henderson, you have been asked a number of questions. You will be permitted to answer, and would you like to have the question clarified, is that your question?

City Council Minutes - Page 24 - September 19, 1961

Mr. Porter: I will read the question, Mr. Mayor, I . . . In the Labor Advocate, Mr. Henderson stated, according to the editor of the Labor Advocate, "Gerry Bott and Jimmy Porter are the two undecided councilmen who most likely hold the key vote on the issue." I would like to know when and how you found out that I was undecided on this when you have never talked to me about it or asked me any questions on it and I have never told you how I felt about it.

Mr. Henderson: If you are not undecided, could you tell me how you are going to vote on it now.

Mr. Porter: That's a fine answer.

Mayor Hanson: I believe Mr. Henderson answered it when he said that he stated his opinion which he certainly has a right to state.

Mr. Porter: It doesn't say in here that he stated his opinion. He made a bold statement. I don't object to your making a statement, but I would like to know where you got the information from. Are you afraid to tell me.

Mr. Henderson: I am not responsible for what is written in the paper, Mr. Chairman. I did say "in my opinion."

Mr. Porter: Then the editor made a mistake. He misquoted you.

Mr. Henderson: Pardon.

Mr. Porter: Then the editor misquoted you? Because it doesn't say that here.

Mr. Henderson: I think you are undecided.

Mr. Porter: In other words you are not going to tell me who told you they thought I was undecided.

Mr. Henderson: No.

Mr. Porter: Okay, thank you. I think I have established in my own mind who did and that you are afraid to tell me.

Mayor Hanson: Although the Council acted to permit this unusual, and I consider rather disgraceful, approach to a matter involving a vote on an issue before the Council, I want to make it very clear that I read Mr. -- my opposition to it having this establish a policy for future Council action.

Mr. Carlom: Mr. Mayor, that was public brainwashing and after all . . Mr. Porter is perfectly within his rights asking these questions.

Mr. Porter: Mr. Mayor, you as a member of the Council and also as the Chairman are entitled to your opinion, and I am happy to say and announce that I have been present many times when you have questioned people in the audience and have questioned them unfairly. I feel that I have asked an honest question of this gentleman, and that I have not received an answer and that I have treated him like a gentleman. I have called him no names and I must say that in the past there has been times at these council meetings that you have over-used the authority of your gavel and insulted people and I am happy to say that I have not done that.

Mayor Hanson: If we have completed the statement of opinions, shall we get back to the topic at hand which is the proposition involving the Fawcett Street Urban Renewal.

Mr. Porter: Mr. Mayor, I believe I still have the floor. I said there was some questions I wished to ask and there are still a few more that I wish to ask.

City Council Minutes - Page 25 - September 19, 1961

Mayor Hanson: Then you continue, Mr. Porter.

Mr. Porter: I would like to ask Mr. Maffin if you have a copy of the Comprehensive Plan here.

Mr. Maffin: No sir, I do not.

Mr. Porter: Is there one in the building that you could get for me without too much delay.

Mr. Maffin: I would have to ask Mr. Buehler.

Mr. Porter: Well, Mr. Mayor, as long as he doesn't have one could I ask perhaps Marshall Riconosciuto, if you have seen a copy of the Comprehensive Plan, a document referred to in relation to the Fawcett Street Urban Renewal Project. (Background talking) You have not. As far as you are aware, is there a document called the Comprehensive Plan? As a member of the Planning Commission, I am asking this question of you as a senior member of the Planning Commission because in the three years I have been on the Planning Commission, while we have acted many times on parts of the Comprehensive Plan, I have never seen a printed document called "The Comprehensive Plan."

Mr. Riconosciuto: Do you want me to answer that?

Mr. Porter: Yes.

Mr. Riconosciuto: No, I, in my opinion, have not seen a copy of this Comprehensive Plan as related to (unintelligible) I have seen pieces of the Comprehensive Plan.

Mr. Porter: Thank you.

Mr. Rowlands: Could I...

Mr. Porter: I am not through, Mr. Rowlands. Please don't interrupt. I also having been on the Planning Commission for three years, have discussed and seen portions of the Comprehensive Plan which I feel still (unintelligible) required to do in the fact finding section 2 in this Urban Renewal Program. Also the first finding, "The Workable Program and Feasible Plan exists. I could not vote "yes" in truth and say that I believe that a feasible plan exists for this Fawcett Street area at present. Finding No. 3 - we have to make is that the Urban Renewal Plan will afford maximum opportunity among other things for the rehabilitation and redevelopment of the Fawcett Urban Renewal area by private enterprise. I certainly could not vote that this is the case, therefore I cannot honestly vote for this Fawcett Street Urban Renewal thing as it is put together now. Perhaps I could if it were put back to the Planning Commission where it should have been started and the Planning Commission have the authority to turn it into something that would mean something and then bring it to the Council and let the Council work on it rather than having the Manager and the Urban Renewal Staff do it and bring it to us occasionally for our rubber stamp. I believe it should either be sent back to be studied properly or referred to the people or perhaps both. That is all I have to say at the present, Mr. Mayor, and you will notice that that is the first statement I have made, the rest of the time I have been asking questions, so I have only spoken once on the subject.

Mr. Steele: Mr. Mayor.

Mayor Hanson: Mr. Steele, did you have a question.

Mr. Steele: No, I don't have a question. I have an answer for Mr. Porter with reference to the Workable Program. We have a communications that reviewed for us the Workable Program - 1957 through 1961, which we not

over 8 months ago, or something like that, reviewed and adopted - the workable feasible code. You might have some recollection of that. With reference to the Comprehensive Plan - we have had this Comprehensive Plan and the various parts and parcels of it running out of our ears for a year and a half that I've been around here. And so far as there being the rehabilitation and redevelopment of the Fawcett Urban Renewal area by private enterprise, I think we are obligated under the Federal law to get rid of this property within 3 years. We are required to prepare the land and dispose of it within a 3 year period of time so that certainly contemplates private enterprise doing the redeveloping in accordance with the Urban Renewal Plan which we propose to adopt tonight. If we don't adopt it tonight, and send it back to the Planning Commission, Mr. Clinton might still be trying to find a place for his pianos and organs 6 years from now.

Mr. Porter: Mr. Steele, it's certainly a sad thing that some of the people who own property in the area are going to be put to a lot of expense and trouble but I would like to point out that inasmuch as the Planning Commission and the Council have had very little to do with this project, the blame should not be put on the people who vote it down, but on the Manager and the Urban Renewal Staff who have developed this project and the sad state it's in.

Mr. Steele: Well, on August, 29, 1960 - is the first date that I note here that the Planning Commission reviewed with the Council preliminary plans for the Fawcett area. That's over a year ago.

Mayor Hanson: I believe

Mr. Steele: That's over a year ago - the Planning Commission and the Council reviewed it.

Mayor Hanson: We will henceforth address the Chair for permission to speak. Is there any further comment or discussion.

Mr. Bott: Mr. Mayor.

Mayor Hanson: Mr. Bott.

Mr. Bott: I would just like to address a little comment to the people that are here. Now, there's many of these people who are here whom I know personally and who I have the highest regard for, and there are a couple here that I know who are perennial "rabble rousers" and whether you are aware of it or whether you are not, I think that you are all advocates of orderly meetings and I plead with you to consider the people who are up here and consider the purpose and the decisions they are making; and please do not exercise your vocal cords or be prodded into it by a couple that I could name right now, but that I won't, that are professional perennial "rabble rousers" in our meetings. Thank you very much.

Mr. Carlbon: I'm pretty sure that Mr. Bott...

Mayor Hanson: Mr. Carlbon, Mr. Carlbon, Mr. Carlbon, you are out of order. Mr. Carlbon, you will sit down.

Mr. Bott: Mr. Mayor, I would like to state that if anybody feels the shoe fits, he has my permission to wear it.

Mayor Hanson: Now, a great deal of reference has been made to a Comprehensive Plan. We do have a Comprehensive Plan. I realize that the definition of Comprehensive Plan is difficult and perhaps no one can sit down and specifically identify it. I recall reading law cases where the Court had difficulty

in defining it. However, we have complete zoning of the City, a land use plan, we have arterial improvement plan encompassing the whole City, the land use and its development with reference to what parts will be commercial, residential. We have a Comprehensive Plan. The Federal Government recognized that when it approved our We have a Comprehensive Plan that is acceptable as a Comprehensive Plan to the Federal Government, and the State has indicated that by the fact that we are in the midst of the Center Street Program. The matters that have been brought up here today do not go to the merits of this project. They are merely efforts to create confusion. We have a good program here. It is designed to take a great step forward in reversing the decaying trends that have been followed in the City of Tacoma for over 50 years. We have the outstanding Urban Renewal Staff in the State. They are doing a very fine job. We are being kept informed and we can become just as informed as we choose to be. The Plans are presented to us well enough in advance of decision where we can make an intelligent decision. The Fawcett Street Project has not even been created yet. We must take action tonight before we establish all these policies that we refer to. Once we create the area as an Urban Renewal Area then we proceed to refine down the general policies that have been established, part of them by the Federal Government, by the State Legislation, part of it by previous policy laid down in the Center Street and part of it in terms of our Urban Renewal plan that was presented to us August 7th which must be adopted, but before we adopt it, and even after we adopt it, we have an opportunity to refine it and hear it as though cutting a large piece of cloth, we then fit it to this particular area. We take the broad general policies and then fit them to the particular area and it is impossible to do that until we are actually in that area and we are not even in that area yet because we haven't identified it as Urban Renewal area, a project area. We have been given approval in terms of our tentative plans, new studies were made and they all bear out our original suspicions, and that is, that this is a very good area for Urban Renewal. All the findings point in that direction, well founded in evidence, not only in evidence that was presented here but evidence by just looking at the area. The question is just merely whether or not we proceed. There are some who would like to delay or stop it. That's fine. That's their prerogative, but let's not disguise this concern over lack of information. There is ample and adequate information and it's been made available from the inception of this very idea and its been available for the Council's consideration and that is absolutely no reason why we cannot take action on this project tonight and proceed. Any refinements that are necessary, there will still be ample opportunity.

Mrs. Olson: Mr. Mayor.

Mayor Hanson: Mrs. Olson.

Mrs. Olson: There are the things that we have been told from the very out set of this Project that all we need to do is act and then later on we will decide how, and I don't like it. We have been granted \$57,000 I believe from the Federal Government with which to conduct a study of this area now I want to know what we've done with that \$57,000. If we haven't utilized it to come up with a plan which is a workable sensible plan on which we can vote to some intelligence.

Mayor Hanson: Here we have a plan presented us August 7, what specific suggestions you have in going over it, it presents a very sensible workable plan. True there may be modifications as we get into the applications to the specific pieces of property and the intentions of the property owners, but it presents a very good framework for the operation. In fact it gets quite specific and what specifically do you have to add to that or what specifically do you have to criticize about it. That's the thing that becomes confusing to me in terms of identifying your position. We have a great number of criticisms of a general nature or a series of specific vague criticisms, specific in that they refer to a power or something but specifically related to this project aside from the fact they are some who think we should take all the land and not leave anything standing and there are others that think only one building should be standing. Aside from those refinements I haven't been able to identify any objections which apply to this particular plan that is being presented to us.

Mrs. Olson: Well Mr. Mayor the things which you referred to--the idea of this session which has revolved about whether we should take all the buildings or leave some of them is just about as basic as we can get when we start to plan a project of this nature. I take issue with those who say that anyone who raises a voice to question, to object, to wish to study further is putting himself in a position of being an obstructionist. I don't know how any one on the City Council can feel that they personally are endowed with all the ability to make all of the decisions, so that the rest of the people who do not go along or say "yes" every time they ask a question are the ones who are guilty. I think each of us has not only the right but the obligation to question these things, and I feel that I have just as much right to ask these questions as you have Mr. Mayor to make their determination. I am sorry that I can't agree with you on this particular project, but I do feel in view of some of the conversations I have had that the basic point of determining whether we are going to acquire all the property or not is something that should be done before the City Council acts upon this plan. We have before us three alternate proposals of the Planning Commission which have not even been discussed and the only objection that I can find when one talks about trying to acquire all the buildings on the land in order to raze them and perhaps have a site for a civic auditorium or have a site for some thing that really might be worthwhile would -- is because of the additional cost involved and the reason that we have failed to discuss them is because under the certain plan as it is proposed with a hold over credit from the Center Street Project plus about \$150,000 that the Utility Department is spending to bury the utilities, to put the underground wires and so forth, we can come up with enough money to get matching dollars from the Federal Government to bring the, ---to be able to make up the total of the 2 million fifty-five thousand one-hundred and nineteen dollars which is involved in this project without having to come to the people and ask for any additional money with which to finance this. Now, I'll grant you that that's an important thing and we must work within an economic framework which makes sense, but I also say we should make the determination as to whether or not this project may be of great enough importance to come to the people or to find some way of raising an additional 30 or 40 thousand dollars

City Council Minutes - Page 29 - September 19, 1961

in order to get Federal funds to take care of actually rasing the buildings and cleaning the sites off completely and putting something there that might be worthwhile. So I only say that these are things that I feel have not been thoroughly explored and I think they should be, I'm not raising questions here, Mr. Mayor, except the ones that I feel are important to all of us.

Mr. Bott: Mr. Mayor the seats are getting hard and I'm sure the people are too, what do you say we have a 7th inning stretch and stand up for just a minute and relax.

Mayor Hanson: At the request of Mr. Bott we'll have a 10 minute intermission.

Mayor Hanson: The Council will reconvene. With reference to the statements concerning Comprehensive Plan, the Planning Commission has taken action indicating that this does conform to the Comprehensive Plan of the City of Tacoma as they did with reference to the Center Street project so we have a Comprehensive Plan, there is no question about it. Well I would say we have a Comprehensive Plan in spite of the fact that there is question about it.

Mr. Porter: Mr. Mayor, I think you should qualify that by saying that it's your opinion.

Mayor Hanson: Well, it is also the findings of the Planning Commission signed, adopted August 7, 1961, signed Lyle Swedberg, Chairman.

Mr. Porter: You have also heard two members of the Planning Commission including a senior member say that there is no document.

Mayor Hanson: Well it's also attested to by the Secretary of the Planning Commission, Mr. Riconosciuto. Now it does not mean that its his personal opinion. He might feel that the Comprehensive Plan does not conform to his concept of the Comprehensive Plan but the action of the Planning Commission as a body which you are a member has indicated that there is a Comprehensive Plan and that this conforms to it. Now naturally there, apparently there are a great deal of individual differences of opinion but officially it has been recognized by the Planning Commission.

Mrs. Price: Mr. Mayor.

Mayor Hanson: Mrs. Price

Mrs. Price: Before we close I would like to make a few statments. The subcommittee on Urban Renewal under the Citizens Committee for the City of Tacoma's future development, recorded on the Urban Renewal in as early as December 1957 and in that

Mr. Easterday: Would you speak just a little louder Ellen, Mrs. Price, I mean.

Mrs. Price: And in that report, the Fawcett Street Urban Renewal area was included. We have since I have been in the Council, had many meetings with the Urban Renewal Staff with the Council, with the Planning Commission. We have in addition to all of the meetings that we have attended, we have reams of material that have been supplied to us on Urban Renewal both in the Center

and the Fawcett Street Urban Renewal area. In all the questions that have been brought up tonight I feel they have been answered from time to time to my satisfaction. I would also say that any time that I have been in quest of any information in regard to any of these projects or any other project I have had the privilege of going to the staff or any member of the staff and I have received the information that I have asked for. I have never at any time been refused on a telephone call or with personal, with a personal appointment been refused any information that I have asked for. I don't believe that we have had any lack of information or any of our questions have been, have not been answered on this Urban Renewal, Fawcett Street Urban Renewal. I realize that there are many people who are opposed to it. There also many many people who are in favor of it, I feel that as a Council member I can only make up my own mind. After three years of study in this area I can only make up my own mind as to the feasibility of it and what it might do for the City of Tacoma. I feel I have a great responsibility to the citizens here and I would feel that I would be remiss if I did not do what I felt was best for this area and for the City as a whole, and for that reason when this comes up for a vote tonight I am going to vote in favor of the project, and remember this is only for getting the plan. There will be revisions made and I am sure they will be as the project progresses.

Mayor Hanson: Are there any other members of the Council?

Mr. Porter: Mr. Mayor you asked a question a while ago which Mrs. Olson answered. I don't remember the exact wording, but I believe you asked if any member of the Council had any definite reasons as to why they disagreed with this Urban Renewal Plan for the Fawcett area. I have quite a few reasons. I have just one that I don't have to search any further to dig out. At 4:40 P. M. on August 31, 1961 of the meeting Mr. Rowlands stated, "the Planning Commission and the City Council had from time to time been brought up to date of what has been taking place in the Fawcett Street Urban Renewal Area." That's the basic objections on the Plan on my part. There may be some people who are content to have the master puppeteer occasionally come along and pat them on the back and say there, there, every thing is going along fine, go home and don't worry about it, but I feel as I have stated many times that the Planning Commission and the Council are elected and appointed to do the job that they haven't been allowed to do or else haven't taken the responsibility to do and that's my basic objection to the plan, --that somebody else put something together and they keep telling you that this will take care of that and this will take care of that and we go ahead and OK it and then come out all right. If you will recall three years ago when we were campaigning together was very much of the opinion that Fawcett Street area should be the first Urban Renewal program. I realize now that it was much wiser to make Center Street the first program because of the credits we could get. We have credits left over from Center Street that can be used some place. If we use those up on the Fawcett Street as it--as present is planned in my opinion we will have wasted those credits, we will have wasted what money we put in, we will not have built something together that will turn into a magnificent project to inspire private industry to go along and redevelop in the area. We will be making a horrible sad mistake, wasting the money that we put into it and wasting those credits and therefore I believe that we are shirking our

City Council Minutes - Page 31 - September 19, 1961

responsibilities if we go along with these reports that say that everything is alright and go home, and let somebody else make the decisions. That is my decision. Also while I am at it, I would like to make a little remark. An editorial in the News Tribune last night "No Place For Politics". On that point I agree with my good friend Tom Potwin, the editorial writer, "this is no place for politics." He makes a remark that an opportunist group of local politicians uses an Urban Renewal debate for a chance to deal a blow at either the City Manager form of Government or the City Manager. In my opinion, regarding this Fawcett Street, rushing of this Fawcett Street Urban Renewal project as a political effort by the City Manager to put another feather in his cap, to get himself a better job before the house of cards falls down; and I would also like to make another remark about the next sentence, "for Urban Renewal is very much a part of the City Manager's program." I was under the impression that it was the City Council who established policy and a program and that the City Manager was just the administrator and I wonder if the Editor would like to answer to that in his next edition.

Mr. Murtland: Mr. Mayor.

Mayor Hanson: Mr. Murtland.

Mr. Murtland: Although I might have a personal interest in this particular project as has been revealed tonight and has been revealed in various paper articles, I feel that I must speak out in one point which has nothing to do with either approving or disapproving this particular project. I deplore the criticism that has been brought out tonight as far as the procedure on this thing is concerned. As far as the matter to be brought before the Council, I think that it is not only the province but the duty of the Manager and his staff to take and exhaust all ways and means in which to take and finance possible ways to improve our City. Now that does not mean that I approve this and if any one asks my personal opinion at a later time I would be glad to tell them. I'm not expressing it in public, but I do say this, that I believe that the Manager has the duty to take and bring before us and I think this is the proper way to do it, then if we decide to turn it down, alright, then we're the ones that make that decision. So far the decision hasn't been made and yet we heard it thrown around here tonight by certain Council Members that the City Manager has gone way off in left field and has made this decision. It hasn't been made yet and he has the duty and I say that the reason that he's there and that's why the Manager is there to bring these things to our attention. Whether they are right or wrong it doesn't matter. He would fail at his duty if he didn't say there is a million dollars back in Washington that might be available to us. That doesn't mean that I want that million, it doesn't mean that the Council wants it, but he should have the duty and he has fulfilled it in this instance I think to bring it here and show that we can improve part of our City because of the ways and means that are provided under Urban Renewal. If, because of personal reasons, if because of public reasons, if because of private policy, we reject it, then that's in our province but how are we going to learn of these things unless they are brought to our attention and so therefore when some of my fellow Council members get up and say, well, they don't know anything about it, then I can't understand it. I go along with Mrs. Price, this thing has been

City Council Minutes - Page 32 - September 19, 1961

up again and again. It's been known in the newspapers long before it even got to us, you might say as far as that is concerned, because they went out and explored it, I don't think they went around the corner trying to find things, and so for that reason I have to speak out because I think its deplorable to take and say that there hasn't been information given to the Council and that the City Manager didn't have the right to go out and get this information and bring it to us and if that were so, then he was derelict in his duty if he had not brought it to our attention. Thank you, Mr. Mayor.

Mrs. Olson: Mr. Mayor.

Mayor Hanson: Mrs. Olson.

Mrs. Olson: A question has been raised not by me but to me during the brief recess here and I think that perhaps it reflects some of the problems that exist in the minds of the people and this happens to be a person who is affected by this Project who has asked the question which he has not received an answer and I think that this is important and I think that it reflects again some of this, some of the problems we face and while I realize that Mr. Murtland who is an attorney may find it easier to interpret the law or to evaluate information he receives, in this particular case where a person owns property there, says to me, because he can't get the information anywhere else, will I have any right after this project is adopted? Well, I've done some research and I think I'm able to give the answer but you see these are the things that people should be told and they shouldn't have to come to me to find out that they should be able to get this from members of the staff. So I only say that each of us has their own opinion according to the questions they have asked and the way in which those questions have been answered. I regret as much as anybody if this develops into any kind of a personality fight or personality conflict because it certainly is not my intention in raising any question or in asking for any clarification or in trying to bring to the attention of members of the Council, information and fact that I have been able to find which were new to me and which I feel quite confident were not available to all of us because as late as this noon we sat in this back room and many questions were asked which apparently had not been answered to the satisfaction of the people who were present. Now again this is the question of personal interpretation, a question of each of us seeking in our way to find the answers and solutions to these problems. But I think that anyone who raises the question, who raises it, however they choose to raise it, it is their privilege and their right and that for us to engage in this business of condemning each other, it's a very wrong and unfortunate thing to do.

Mayor Hanson: Any further discussion? If not, since there seems to be a difference of opinion on the Council, proceed with the roll call.

Mr. Murtland: May I be excused?

Mr. Easterday: Mr. Mayor I desire so much to talk with you, let's don't jump to things.

Mayor Hanson: Mr. Easterday I asked if there is any further discussion, I heard no request, therefore, I am more than happy to hear from you Mr. Easterday.

Mr. Easterday: Thank you, I refrained and suspended in taking part

in this discussion. I thoroughly agree pretty much in the whole. ---unintelligible)-----immorality, public health and sanitation along the, a large portion of this area. One has but to walk down Fawcett from ninth to eleventh street and see those--in my youth they were considered beautiful houses they----the elite lived there. They were apparently just too close together, they are old wood structures, they are not fit for habitation. Nobody would like to see those houses torn down and a more substantial structure built there in their place than I would, be fire proofed and sanitary and have all the modern conveniences, but there is an old proverb, that says "waste not one" in spite of the Comprehensive Plan whether it exists or not exist, I have asked, I have tried to get the information. First they come up here with a deal, they come up with a deal where we were going to tear down everything except the bank. Then I heard the deal of where you had to have a set back. If you want to start with a set back let's start with the public library. I'm not advocating it but the comparatively new, the library is a comparatively new building. I have looked at the property of Mr. Lyons who appeared here and he made the statement and I have no reason to doubt it. The statement that he and his associates had purchased the property for \$35,000 and to my best of thinking that has been comparatively lately, in the last several years that they went forward and made that. Maybe they'll be compensated. I dare say the owners of that property must have thought carefully, thought carefully of perhaps acquiring the property before they went forward and put that improvement on it. I dare say the gentleman, Mr. Hale, that owns the Lucerne gave it considerable thought but I as yet, first they were going to tear everything out, they were going to tear everything out, but the bank then they would leave the Lucerne then they would leave the shoemakers and I heard a rumor - I never heard, nobody ever told me, and until I do get the answer I am not about to vote for this Resolution tonight.

I'm going to have that answer before I will vote. (Unintelligible) --- across the street here along side of that legal building, whether they are going to take down The Emerson Apartments down the street here are habitable and they are very good. They are excellent apartments. I've heard the bugaboo that, they got to be rewired; well, the gentleman back here that represents the Electrical Workers, he knows very well that when those buildings were wired, they were wired probably for lights and the radio, but since then they have put in electric ranges, and replaced the gas, they probably did, with electrical refrigeration, the lady that lives there probably has a radio and an iron and the load, the load is terrific; it has been increased, but I don't think because the building is going to have to be rewired, is any more good reason for tearing that building down than there is for me for throwing away my shoes because (unintelligible) ---shoe ration. It just don't add up to tear down something that is good and I don't think that it is the right thing to do. Then again, as Mr. young Murray spoke here the other night - his family had a beautiful picture, they had a beautiful picture of an architects conception of what they anticipated putting on their property. With the coming of Tacoma Avenue why there are many of them. There are many of them. Things that could be going into Tacoma Avenue and highly advantageous. Nobody's told me how long they would have to get under construction to avoid getting

City Council Minutes - Page 34 - September 19, 1961

assessed, I mean appraised, appraisals at a hundred dollars a copy, at least. Paid for the first ones and then I do think I'd like to have that assurance as to how long they will have; I'm all for removing that blight. I certainly want to remove the blight, but I don't wish, I will not buy a pig in the poke. I will not. I know there'll be a picture later, I've had that happen to me all my life. I've had that handed to me all my life. This later, the sweet bye and bye, but I want to know definitely what that plan is. Are they going to leave the legal building go over there? Are they going to leave the Emerson Apartments? If they are going to make the Emerson Apartments conform, let's make the Library conform, if there going to have a set back. Just as well, just as logical. Now you can't, I don't believe that we can make the immediate stride reached in leaps, into civic beautiful, modernizing our City in one swell swoop, it's impossible. I can pick you out more areas in Tacoma where houses sit probably 5 or 6 or 10 feet apart. Some of them within a quarter of a mile from here. I dare say that I hope, I just pray, there'll never be a fire in there because with a wind, it's going to take them all, it'll take them all. The same thing applies down on our Fawcett Avenue, and I will vote, I will vote for this measure if and when you can tell me that you're not wasting, tearing down that which is useful. Just don't go whole hog or none.

Mayor: Mr. Cvitanich.

Mr. Cvitanich: Well, I'm going to cast my vote in opposition of the Resolution. I have a brief statement that I am going to read. I'm not going to belabor the point. There's been a long discussion. I have serious doubts about investing public money to buy real estate and commercial buildings to improve Tacoma Avenue between 9th and 11th for private profit. First of all, the City cannot afford the project. This is my personal feeling. We're having difficulty even paying our light bill, as the Utility Board can well attest. And I think its silly in that situation where we can't pay our bill; it reminds me of an individual going out and building a new home when he hasn't paid the lights on the old house. The City's in the same position. Now everybody would admit that there were some buildings between 9th and 11th on Tacoma Avenue about which something should be done. Now the City Manager and the Department of Urban Renewal would like us to believe the only solution is for us to spend public money in what they call an Urban Renewal Program. I think that if the buildings are dangerous we have laws on the books to take care of that without spending public money. If the buildings are a fire hazard or a health menace because of rats or other conditions, we have laws on the books to take care of that particular situation without spending public funds. Indeed, if conditions are as bad as they have been pictured by the City Manager and his staff to the Council, I feel that they have been derelict in their duty in not enforcing the laws that we already have on the books or by not informing the City Council of this blighted condition.

Secondly, even if the only answer to the conditions between 9th and 11th on Tacoma Avenue is Urban Renewal I would only favor using that if it were applied fairly and equally to all. But the plan as submitted here is not fair

City Council Minutes - Page 35 - September 19, 1961

and equal to all because it required far less of the owners of buildings which are being remodeled, than it would of owners of new buildings which will have to be constructed at a later date. This inequity will certainly not encourage owners to build new buildings. It is my understanding, Urban Renewal is designed to persuade owners to build new buildings rather than patch work, eye appeal remodeling. And therefore, I will vote against this Resolution.

Mayor Hanson: Any further comments or statements from the City Council.

Mr. Porter: I wish to make one request which is related to this, Mr. Mayor, and perhaps I might do it now. A short time ago in passing the Housing Code, there was included in it a section or sub-section which I believe could be called "the right of free entry", giving to certain officers or employees of the City the right to enter private property without a warrant at a reasonable time, and indeed there is no one who can make a definition of some time that is a reasonable time to everyone. And at this time, I would like to ask that the Legal Department bring in a resolution eliminating that section or sub-section "right of free entry" from all instruments of the City and restoring the situation to what it was before, wherein officers or employees of the City could only enter upon private property upon the invitation of the person owning or in control of the property, or with a warrant or in the case of fire or a violent crime.

Mayor Hanson: Is there any further comments or statements?

Mr. Porter: I realize that there has been no misuse of this right of free entry so far and I'm sure there would be none until perhaps sometime after this Urban Renewal thing were passed. But I feel that it would be misused in the future. That's the reason I'm asking for that.

Mayor Hanson: Any further comments?

Mrs. Olson: Mr. Mayor.

Mayor Hanson: Mrs. Olson.

Mrs. Olson: I do believe that, that one section of the State Law which I asked Mr. Thompson to read provides that the Local Public Agency may enter premises and only if he is refused by the owner does he have to obtain a search warrant. So that power is granted under State Law in the Urban

Mr. Thompson: That is correct. I think Mr. Porter was speaking of the Housing Code.

Mrs. Olson: He was speaking of the Housing Code, but I only mention that that power is granted to the Local Public Agency under State Law, so that removing it actually from our Housing Code, while I think it is desirable, is not going to insure the citizens the kind of protection that Mr. Porter envisioned or speaks of, in connection with that. And I would like to make one more statement. We did apply for funds to study the entire downtown area of Tacoma with the idea of designating perhaps a project or some Urban Renewal Project in that -- in the 200 acres which comprise the floor area of Tacoma from A Street to Tacoma Avenue and from, I believe, 6th to 17th. It takes in the entire floor area. This was done some time ago. I mention this for those of you who feel that some of us might be wrongfully labeled obstructionists, because I have consistently voted, while I have asked certain questions, I have voted to investigate and to study and to look into Urban Renewal, and what it

might do for Tacoma from all possible aspects. I mention that because I think that this Fawcett Street Urban Renewal area should very logically be incorporated into a study of the entire downtown core area and related to any comparable project or plans which might be envisioned for the downtown area as they determine which areas should be looked into further and which perhaps would be possible project areas. For that reason, I am going to make a substitute motion. At this time I am going to move that this project be referred back to the Planning Commission for study and inclusion in the comprehensive plan for all of downtown Tacoma with the idea of preparing it to present to the voters next spring at the election.

Mr. Porter: Second the motion.

Mayor Hanson: The motion has been made to refer this to the Planning Commission with certain directions. Is there any speaking on this motion?

Mr. Steele: I think, Mr. Mayor, it might be a little soon for Mr. McCormick to formulate any opinion as to what could happen to the overall program if this all conclusive language was utilized in the substance of whatever it was we were trying to get done.

Mr. McCormick: The only thing that runs through my mind is whether or not putting it up to the vote of the people - whether we will be in conformity with the State Law which sets up a definite procedure which will be followed in establishing an Urban Renewal area.

Mrs. Olson: Could we qualify the idea of putting it up to the vote of the people if it is legally possible. Would that satisfy that?

Mr. McCormick: Yes. We would like to explore what would be necessary as mechanics.

Mrs. Olson: Well, if that will satisfy that requirement then I will add that.

Mr. McCormick: I don't know without looking into it just exactly what effect.

Mr. Porter: That seems satisfactory to the second.

Mrs. Olson: Could we add the term "if it is legally possible."

Mr. McCormick: Yes

Mayor Hanson: So the motion referring to the Planning Commission is to study it for possible incorporation in a ...

Mrs. Olson: In a inclusive plan for all of the downtown area. With an eye toward developing it as part of the whole plan.

Mayor Hanson: You have heard the motion. Is there any discussion?
Mr. Steele.

Mr. Steele: Well, I'm not prepared at this moment to discuss that, but I'm rather of the idea that this particular project is related generally to the overall downtown study and whether Mr. Maffin is prepared to enlarge upon that at this time I don't know, but you might inquire, Mr. Mayor.

Mayor Hanson: Mr. Maffin, do you have any comments related to the -- the relationship of this project to the development of the whole general area, downtown area.

Mr. Maffin: The Fawcett area as well as the downtown study area to which Mrs. Olson refers, all lie within what the Planning Commission and the

City Council Minutes - Page 37 - September 19, 1961

Planning staff call the Central Business District. They are, however, separate and distinct areas. That is, the Fawcett area is excluded from, as far as project area delineation is concerned, the downtown study area. In terms of incorporating this for the purposes of renewal there would have to be an amendment to the GNRP Downtown renewal area boundaries to include the Fawcett Area. Now, what the status of the planning advance would be in terms of the Fawcett area and its impact upon the availability of further Federal Planning Advances and further Federal Loan and Grant funds to the project in the downtown, I'm not prepared to say.

Mrs. Olson: Could I ask a question, Mr. Maffin. Is there a time limitation in which we must adopt the project plans on a given area for which we have received and expended Federal funds for study purposes?

Mr. Maffin: I don't believe there is a time limit as such. It is presumed that the Council of the municipality will act with all due promptness.

Mrs. Olson: If this were not included in the boundary of the Downtown project area or study area as such, but only held in abeyance just briefly while we could determine whether we are going to - where we are going to take our new project, would that alter or affect the status of the Fawcett Project as it stands?

Mr. Maffin: If we simply held this in abeyance, tabled it or something like this?

Mrs. Olson: Yes.

The following minutes will be incomplete due to failure of machine to properly record.

Mr. Maffin: No, I think we would just be riding on the concluding project activities as of the moment the Council decided to take no further action. Great consideration of the whole matter, of course, comes area

Mrs. Olson: Yes.

Mr. Maffin: At that time, of course, generally understood Planning grant the Federal Government before further projects

Mrs. Olson: I see. We would have to reimburse the Federal Government \$57,000.

Mr. Maffin: Part of that. That is the total planning advance

Mrs. Olson: Oh, so how much would have to be repaid?

Mr. Maffin: Roughly \$40,000, if I recall properly.

Mrs. Olson: And we would have to repay \$40,000 a new project plan for another

Mr. Maffin: That's right.

Mrs. Olson: But what if we acted upon this project plan first but in conjunction with a broader plan.

Mr. Maffin: Then you would in effect be amending the entire project and you would have to send an amendatory application including this area.

Mr. Easterday: Mr. Mayor, may I interject myself just for one minute at this point.

City Council Minutes - Page 38 - September 19, 1961

Mayor Hanson: Mr. Easterday.

Mr. Easterday: As Mr. Porter so ably pointed out a minute ago on this one project all of the available credits whether or not we could conform the public improvement to gain wherein we could go into a wider area is doubtful. It should be explored before any money, time or effort be put to it. To go to the people with a bond issue for Urban Renewal - frankly we would get a worse swamping that I did when I ran for Port Commissioner. You will not get over in this area, in my opinion, any bond issue for many many years to come, I doubt very seriously until they catch up on some of the other bond issues bonded indebtedness. It happened to the big auditorium. It got a worse thumping than I did. To put on the polls the bond issue to the people in spite of the News Tribune, Murray Morgan, Bert McMurtris and all the rest of you, I don't think you will ever sell it to the people. So I think a study down there could be carried on without any If we are going to get this thing off the ground at all why it'll take

Mr. Murtland: To carry on with Mrs. Olson's idea, I want to ask Mr. Maffin a question. On an extension of this type for a period of six months, we'll say, until we take it up at the election, would that be detrimental as far as the project is concerned? I mean would it be possible to take it up at that time again.

Mr. Maffin: As far as the project is concerned, I would say "no." But there is one point here that should be I want to just express what appears to be the Administrations attitude on this whole matter. There is a demand for Urban Renewal funds in excess of the supply of Urban Renewal funds. In judging a community's capacity to perform and, henceforth, the Federal Government's participation in that community's planning and development, it is my understanding that the Federal Government would look rather closely at the community's willingness to move with some dispatch, reasonable dispatch in undertaking Urban Renewal action.

Mr. Murtland: In asking Mrs. Olson a question. Mrs. Olson, in your suggestion to put it on the ballot, does that suggest the voice of the people rather than a bond issue. I mean, in other words to get their approval or disapproval. Is that what you have in mind?

Mrs. Olson: Well, it might be both, because if more ambitious plans were undertaken for the area then it might require funds and therefore would perhaps require a vote on that. I can't determine what the study might produce, but I know some people have said that this beautiful County-City Building on the hillside, what a lovely area for a park or a mall or perhaps something underneath, restaurants or arcades or something on top. I can't predict or suggest what might be the best possible use for that land if we were to explore all possibilities for it, but I am saying that by incorporating it into a comprehensive plan for all of the whole entire core area, it may be that we could come up with something that will enhance the whole area here on the hill side and increase the value of the surrounding properties, etc. and perhaps with not very much cost. I don't know.

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

Recorder working properly from this point.

City Council Minutes - Page 39 - September 19, 1961

Mr. Murtland: Just one thing. I cannot speak for myself, but I would like to speak perhaps for Mr. Murray, Mr. Clinton, perhaps Mr. Hill, who is not present, and other owners in that area. They are voiceless tonight, but I wish for the Council to take into consideration the feeling of the owners who have been put on this spot for quite a number of years, whose plans are perhaps, can be no more than tentative. Mine are pretty well formulated which is why I can speak for the others - can be no more than tentative until something is done.

Mayor Hanson: Any further discussion. The plan we have before us is a good one and it conforms to the common sense development of the City. It will fit in very well to the general Urban Renewal throughout the whole downtown area. It's a plan that we can finance, we have credits for it. The other matters of development of other sections of the downtown area will well be given thorough consideration, but I see no reason why this project should be delayed and why the property owners should be left dangling for an additional period of time. Even then they would never be assured it would go ahead. There is absolutely, as far as I can see, no reason why we cannot take this step and, the plan is set forth here, it is a very good one and it would become not only the, an example of what can be accomplished in our City, but it would not be such a big gulp that our City could not assimilate it. In addition to that we would have an opportunity to test out the application of some of these things. Urban Renewal is new. I see no reason why we have to take on a project encompassing the whole downtown area if we have one that we can finance and proceed upon in a relatively small area based on a very sound plan of development, then to think in terms of other uses, the uses that are set forth in this plan are sound and very sensible in terms of the needs of the community as supported by these studies and findings and as supported by our own observations of our communities natural settings and trends and developments. I see nothing to be gained by referring this to the Planning Commission.

Mr. Steele: Mr. Mayor.

Mayor Hanson: Mr. Steele.

Mr. Steele: It hasn't been brought out and I believe this is true, that this went to the Planning Commission and back again. It went to the Planning Commission on July 11th by Resolution of the City referring the Fawcett Urban Renewal Plan to the Planning Commission on July 11th, 1961 by Resolution. The Planning Commission on July 24th had a Commission study session on the Fawcett Plan. August 7th, the Planning Commission approval of Plan forwarded to Council, Aug. 31st, Planning Commission - Council Study session on Urban Renewal and Fawcett Project and then back on August 15th. Council and the Utilities Board on the Fawcett Urban Renewal Plan and August 22, designated this as a hearing. Now a great ado has been made about the alternate proposals submitted by the Planning Commission with reference to taking all of the buildings except the Bank, taking all of the buildings with the exception of the Bank and the Boilermaker's Building; if my recollection serves me right, that would entail an additional \$163,000 over the present plan of financing feasibility and if I'm not mistaken that would require an increase

City Council Minutes - Page 40 - September 19, 1961

in the Federal Grant of \$326,000 which would be a further tap on the Federal funds which some of our colleagues seem to deplore and it seems to me that we should go along with the plan that we have now developed. We've got studies running out of our ears, if we keep continuing, deferring the thing for further studies ignore it or go out to a captive audience to present the various pros and cons, why, we never will get anything accomplished. I don't see any reason why this matter should be deferred. I think we should vote on the present Resolution and pass it tonight.

Mr. Cvitanich: Mr. Chairman, I move the previous question.

Mr. Easterday: Before the previous question is voted on, I would like to have Mr. Maffin explain to me just what buildings he is going to leave, proposes to leave, so I can vote with my conscience.

Mr. Maffin: I'm glad you said, proposes, Sir. This is the staff's recommendation, plan for consideration. Map 2.

Mr. Easterday: Can you all see the Map?

Mr. Maffin: Map 2 of the Fawcett plan designates four properties for possible retention or staying in the area, those being namely: The Lucerne Building, the Majestic Building, the Puget Sound National Bank Building and the Boilermaker's Building. Now, on page 10 of the Urban Renewal Plan, it says and I quote, "The land acquisition plan - Map 2 - shall however be subject to the following conditions: Properties not designated for acquisition may be acquired as provided by law at the discretion of the Local Public Agency if the property owners do not agree to comply with the development standards for the project area." It further states, "properties proposed for acquisition may be exempted from acquisition if the property owners agree to redevelop their property in accordance with the control restrictions and standards established by this Urban Renewal Plan." What this says, Mr. Easterday, is that the final decision under this Plan rests with the economic feasibility of redeveloping the existing structure as the property owner agrees. (Unintelligible) general controls and objectives the plan sets forth. Now all of this is set forth, the property owner's consideration and the Council's consideration will be set forth in an owner participation agreement. This owner participation agreement will have to be signed and executed or approved by the City Council.

Mr. Easterday: Mr. Maffin, may I with the Mayor's permission. Would those boundaries, could not those boundaries be set 50, 60, 70 feet north of 9th on the west side of the street so you wouldn't have to go in, void worthwhile property? Just leave it out of the boundaries. It's on the edge.

Mr. Maffin: There's one general consideration here which the Housing and Home Finance Agency sets forth, that is that a Project Area shall have reasonable planning boundaries on general planning considerations rather than exclusion of particular properties for reasons other than financing.

Mr. Porter: Mr. Mayor, I believe there's

Mayor Hanson: Mr. Porter.

Mr. Porter: Another thing necessary to be asked of Mr. Maffin in regard to his reading of those two sentences on page 10. Mr. Maffin, in case

City Council Minutes - Page 41 - September 19, 1961

we should proceed in this way, excluding those four buildings and allowing them to stay and then at the last opportunity we discover that those four property owners do not choose to comply; where would you acquire the additional \$163,000 to get the properties, to acquire them?

Mr. Maffin: As I said, Mr. Porter, the conditions of an owner participation agreement, whether the owner wanted to stay or not would have to be executed by the Council. If the Council were faced with that decision, the Council would have the decision of where they were going to get the \$163,000.

Mayor Hanson: Or whether they were going to permit them to stay.

Mr. Maffin: Or whether they were going to permit the owner to stay, whether they saw fit, under their general considerations of the objectives of the plan to modify the plan controls; there are numerous ways in which the Council can act in this matter.

Mr. Rowlands: Mr. Mayor. As to further clarification, Bob, on that point, as the situation now stands, is there a reason to believe that the buildings that you mentioned will, in fact, comply and conform with the requirements and standards as evidenced by the investigations and research to date.

Mr. Maffin: Yes, Sir.

Mr. Rowlands: I just wanted to make that clear.

Mr. Porter: I am reasonably sure that if we came to that point, they would probably comply no matter what they did with their buildings, because I don't believe the Council is going to find any place to dig up \$163,000 to take that property at that date.

Mayor Hanson: Well if they take the Lucerne Building, if the property owner hadn't indicated the intention to really put it into first class shape, I would be inclined to agree with those who say it should be taken out, but he has indicated that intention and take a look at that Lucerne Building and then even the talk of compelling the demolition of a building that is being remodeled to the extent that that building is, is certainly beyond the realm of reason, I would think.

Mrs. Olson: One more question. He will have to acquire additional property, will he not, in order to comply under the present project plans, because he has to have so much open space in ratio to the floor space of the building.

Mr. Maffin: that's correct.

Mr. Porter: Also he has to remain financially sound and physically able and willing, which is, I hope, going to happen but after all there's no such thing as security and guarantee of everything forever.

Mayor Hanson: Well, now we have before us the motion to refer to the Planning Commission. Was it your desire, Mr. Murtland, to leave.

Mr. Murtland leaving at this time.

Mr. Easterday: Roll call;

Mayor Hanson: Precede with the roll call.

Easterday; "Aye"; Olson, "Aye"; Porter, "Aye"; Price, "No"; Steele, "No"; Bott, "No"; Cvitanich, "Aye"; Hanson, "No".

City Council Minutes - Page 42 - September 19, 1961

Mayor Hanson: The motion fails for want of a majority, being four to four.

We have before us then, the Resolution. Proceed

with the Roll Call.

Mr. Easterday: Mr. Mayor, I would like to move a postponement of this thing for another four weeks, anyhow.

Mayor Hanson: Is there a second? Motion fails for want of a second. o

Mayor Hanson: Mr. Rowlands, did you have

Mr. Rowlands: I think, Mr. Easterday, raised a question, we would like to get one point cleared up. Further, it was mentioned by Mr. Maffin, reading from page 10 of this report is this, "Properties proposed for acquisition may be exempted from acquisition if the property owners agree to re-develop their properties in accordance with the controls, restrictions and standards established by this Urban Renewal Plan for the Project Area. In connection with it is the Emerson Apartments.

Mr. Easterday: That is what I am interested in partially and the Legal Building that Mr. Lyon represents some clients on.

Mr. Rowlands: I presume that before-if action is taken tonight, I think the Council realizes this, to get the time table, it will probably take another four to six weeks before the Federal Agency - Urban Renewal Agency will actually make a grant offer. Is that about roughly what can be expected?

Mr. Maffin: Somewhere between 30 and 90 days.

Mr. Rowlands: Somewhere between 30 and 90 days before the Grant offer is made. Now, at that time, it should be pointed out very clearly that the City Council has to accept or reject the grant offer, so again the control rests very definitely in the hands of the City Council. It is conceivable that during the period further consideration would be given by the Emerson Apartment people, the trustees or the owners, to try to comply. I don't know what is involved as far as the plan is concerned or what they would have to do to make the building acceptable, as Mr. Easterday is pointing out. Would that be in the offing? It's entirely up to the organization, I presume if they (unintelligible) ----comply.

Mr. Porter: Mr. Rowlands or Mr. Mayor, may I point out also it is entirely possible that any property owner in the area might choose to comply and replace and remodel his building to comply. As the Emerson Apartments.

Mayor Hanson: Thank you Mr. Porter. Mr. Maffin, would you answer that question.

Mr. Maffin: Yes. As with all of these buildings, if that is the one from an official point of view, that is I mean just looking at the structure, from that factor only, looks feasible for rehabilitation, we have talked with the property owners of that property to single out their feelings about investment of additional money in the structure. There is one factor that all of these people are involved with when it comes to determining the economic feasibility of buying and selling for redevelopment of the area and that is the value to be received for their property. We would help ascertain that in the second acquisition appraisal following.

Mr. Easterday: Mr. Mayor, I'd like to ask if he, when you talked that over with the trust officer who talked to the owners, what did you demand that he, that they do with the Emerson Apartments. To what extent were they

City Council Minutes - Page 43 - September 19, 1961

asked to invest more money other than the wiring.

Mr. Maffin: I don't have the specific findings.

Mr. Easterday: I couldn't vote on it, I can't vote for your Resolution until I know.

Mayor Hanson: Well actually you can't make any assurance with any specific nature until we've taken action establishing the Plan.

Mr. Easterday: He talked with him already.

Mayor Hanson: All he can do is predict what might be in the Plan.

Mr. Maffin: That's right. Do you happen to recall the address of the house.

Mr. Steele: 902 Fawcett.

Mr. Maffin: 902 Fawcett. I'm trying to look through the reports of the various inspection personnel to find out precisely what was involved. I have the information here, Mr. Easterday. This appeared, Mr. Easterday, in the Investigations' Report which was part of the public hearing. The findings of the various inspection personnel were listed with reference to each particular building.

Mr. Porter: What page is that? I haven't found it yet.

Mr. Maffin: I'm trying to find it. I don't have the page. From the Health Department's point of view, violations of the housing code area as follows:

Mr. Porter: What page is that?

Mr. Maffin: That is on - well it is not numbered. It's C-1-3 pages almost in the middle of the book. 902 and 903 Fawcett - the Emerson Apartments. The deficiencies of the Building Division's point of view: The interior wall finish throughout is wood lath and plaster; one hour fire resistant construction required throughout. Now what the indications are of this in terms of remedying the deficiencies would have to be discussed with Mr. Gillis. Two, corridor walls are not 1 hour fire resistant construction. Three, Doors into corridors are panel - solid core doors required. Four, Doors to exterior stairs on alley side are panel doors - Class "E" or "F" doors required. Five, Exterior stairway is wood construction - incombustible, construction required. Six, Exterior stairway on Fawcett side is a metal fire escape and does not meet the requirements of an exit, this also results in a dead end corridor existing on each floor which is not permitted. Seven, No mechanical ventilation in bathrooms. Eight, Unprotected openings into vertical shafts - not permitted. Nine, Inadequate elevator doors - driving machinery not of traction type as required for passenger elevator. Ten, Submerged inlets in plumbing fixtures - not permitted. Eleven, Off street parking facilities required as per zoning ordinance. This structure is well maintained and in good repair. However, interior walls throughout do not have required fire protection and the corridors and exits are inadequate. This structure could meet code requirements if the interior were completely remodeled.

Now as to Fire: A three story brick frame occupancy; four story height on the Fawcett Street front. Built in 1910. Interior doors to rear stairs, leading from each hallway, are not one hour fire resistive. Doors on all apartment units directly in the center stairwell enclosure are not made one hour fire resistive.

City Council Minutes - Page 44 - September 19, 1961

Doors on all apartment units directly in the center stairwell enclosure are not made one hour fire resistive. Holes in the plaster of the ceilings in the laundry room and hallway near Room #6 need patching. All windows installed in the vertical shafts in the building are to have a minimum of one hour fire resistiveness. Approved fire doors not installed in the elevator shaft. The building lacks the standard wet standpipe system as required by the Building Code requirements. This occupancy is generally in good condition, with the exception of the features listed above. Correction of these items would place the occupancy in conformance with present safety requirements.

The Health Department's review: Theirs is rather extensive. This is a brick four-story apartment house. I'll skip that portion. A sample survey of the units are made. Violations of the Housing Code are as follows: Unit A (three rooms) No Housing Code violations. Unit 1A (two rooms) No Housing code violations. Unit 6, 32, 34, 39, 40, 43 and 48 - No Housing Code violations.

Electrical: 902 Fawcett: The main building wiring is in conduit which complies with the present Electrical Code. However, the building does not have the required number of outlets or utility circuits to comply. In other words there are violations under the electrical, fire and building code, but no violations under the Housing Code.

Mr. Easterday: I daresay that every apartment house in this whole area is of, I would say, of the older apartments (unintelligible) - to get a worse report on.

Mayor Hanson: Mr. Rowlands.

Mr. Rowlands: Mr. Easterday, that was the point in bringing this up - the fact that they possibly could comply because there is a lot - it's perhaps, the deficiencies are perhaps not as substantial as in other buildings in the area.

Mr. Easterday: I move the previous question.

Mayor Hanson: Any further discussion? If not proceed with the roll call.

Olson: No.

Porter: No.

Price: Aye.

Steele: Aye

Bott: Mr. Mayor, I would like to qualify my vote. I have a little remark here that I would like to read at this time. Realizing that there are many respected people who sincerely oppose Urban Renewal, for very valid reasons of their basic philosophy and being further aware that there are many others of equally high principals and ideals who espouse this program, it makes it very difficult to make a simple "yes" or "no" vote which it does. I being a firm advocate of private enterprise and private development where possible, and with the understanding that the property owners will have prior rights to purchase and conform to the plan as has been stated here and further feeling that Urban Renewal under the control of elected officials is not a socialistic octopus that will engulf a nation, and feeling that this is a majority of opinion as expressed to me by the many citizens who have contacted

City Council Minutes - Page 45 - September 19, 1961

me in the past two weeks. with this in mind, I cast my vote in favor of this; and I will oppose the inclusion of the Emerson Apartments, however, when the time comes.

Cvitanich: No

Easterday: No

Mayor Hanson: Aye - Let's see what is that.

Many voices: 4 to 4

Mr. Steele: Mr. Mayor

Mayor Hanson: Mr. Steele.

Mr. Steele: Mr. Mayor, I would like at this time to change my "Aye" vote to "No" and having voted on the prevailing side by which this Resolution failed. I will move at the next regular meeting that the vote by which this Resolution No. 16751 failed, be reconsidered.

Mayor Hanson: So, the Resolution fails.

End of verbatim.

Mr. Murtland returning at this time.

FINAL READING OF ORDINANCES:

Ordinance No. 16886:

Vacating the west 5 feet of Sheridan Avenue from north right-of-way line of Center St. to a point 139 feet north of said right-of-way line. (petition of Lester Magoon) Read by title and passed.

53:62
53:116
54:15

Roll call was taken on the Ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16887:

Vacating a triangular section of right-of-way on the S. W. corner of East 11th and Alexander Ave. (petition of Leif A. Pederson) Read by title and passed.

53:168
53:151
54:15

Roll call was taken on the Ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was then declared passed by the Chairman.

City Council Minutes - Page 46 - September 19, 1961

Ordinance No. 16888:

Amending Sections 11.24.180 and 11.28.120, 220 and 230 of the Official Code of the City in reference to Parking Meter Deposits. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16889:

Approving and confirming the assessment roll for L I D 4673 for alley paving in the vicinity of Puget Sound Ave. and No. 21st St. and 6th Ave. and Ainsworth. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16890:

Approving and confirming the assessment roll for L I D 6775 for street lights on wooden poles in the area between So. 36th and So. 40th from Hosmer to Sheridan; also in the vicinity of East 32nd and D Streets. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was then declared passed by the Chairman.

UNFINISHED BUSINESS:

- a. This is the date set for the adoption of the 1962 Preliminary Budget.

Mr. Rowlands explained that before the adoption of the 1962 Preliminary Budget there is one addition to the Revenue portion of the Budget which was predicated on an increase of assessed valuation of property tax. The amount is \$7,372.00 which added to the present figure to be adopted in the proposed preliminary budget is \$53,170.713.00. 54,130

Mr. Easterday asked if the Council adopts the preliminary budget this evening, can they either add to or subtract from the Budget.

Mr. Rowlands advised that the Council can only add to the figure if additional revenues are obtained.

Mr. Easterday said he could not vote for the adoption unless it carry with it the amount for the City's light bill. He asked if the adoption of the

City Council Minutes - Page 47 - September 19, 1961

budget be postponed for one week.

Mr. Rowlands said this is the date set for the adoption of the Preliminary Budget. If the Council so desires in the deliberations, between now and the adoption of the final budget, they can include the payment of the \$45,000 or whatever amount it involved, in that event, he added, something else will have to give.

Mayor Hanson said as he understands it, it is the Manager's responsibility to present a preliminary budget and an outside figure. From there on, the Council determines how it is to be spent, specifically and in that determination the Council can provide that amount if they so desire.

Mr. Porter asked, if Mr. Rowlands would provide the Council with copies of these changed figures.

Mr. Rowlands said he would send out an addendum to the Council.

Mr. Cvitanich asked if Mr. Rowlands could have someone check on the cost of rentals at the Yacht Club as opposed to what is being charged at Point Defiance Park.

Mr. Rowlands said he would be happy to transmit this request to the Metropolitan Park Board as they have jurisdiction over that matter.

Mr. Steele moved that the 1962 Preliminary Budget in the amount of \$53,170,713.00 be adopted. Seconded by Mrs. Price. Voice vote taken. Motion carried.

Mrs. Olson said she would like to request that a memo be prepared showing how many feet of floor space the City occupies in the County-City Bldg. and at what rate the charge is figured.

b. The Director of Public Works presents the assessment for L I D 6784 for modern street lights at intersections on existing wooden poles in the vicinity of No. 17th and Skyline Drive.

Mr. Porter moved that Monday, October 23, 1961 at 4:00 P. M. be fixed as the date for hearing on the assessment roll for L I D 6784. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

COMMENTS:

Mr. Easterday asked that Bob Hamilton, Assistant City Attorney, prepare a written opinion on whether or not it would be within the province of the Council to grant, in the matter of the Petrich Downtown Improvement between Commerce and Pacific, the construction of a 10 foot marquee over the street.

Mr. Hamilton said he would prepare such an opinion for Mr. Easterday.

Mayor Hanson said an item of business which is necessary is, that he designate a proxy to affix his signature on the Sewer Revenue Bonds of 1961. It is necessary that this designation be read in open Council meeting. He asked that the Clerk read in full the prepared document designating Lyle Lemley, City Treasurer, to act as his proxy for the \$4,000,000 Sewer

City Council Minutes - Page 48 - September 19, 1961

Revenue Bond of 1961.

Read in full and placed on file.

Mr. Collins, a Certified Public Accountant, said he understands that the City has sent out letters to the CPA's inviting them to submit proposals for an audit, and asked if his name was on that list, as he had not received an invitation.

Mayor Hanson explained that this name was on the list submitted by the Association; however, the invitation proposals were sent only to those firms inside the City limits as was determined by Council vote.

Mr. Collins said he has working space across the street.

Mr. Murtland asked Mr. Collins if he was paying the Business and Occupation tax in Tacoma.

Mr. Collins said, he was not.

Mr. Murtland asked Mr. Collins if he did business in town and received payments in town.

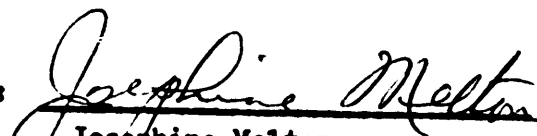
Mr. Collins said he had clients in town, but he did not receive payments in Tacoma.

Mr. Murtland said, in that event, Mr. Collins was not actually in business in Tacoma.

There being no further business to come before the Council, upon motion duly seconded and passed the meeting adjourned at 11:10 P. M.


Mayor of the City Council

Attest:


Josephine Melton