

CITY COUNCIL MINUTES

City Council Chambers
Tuesday, April 14, 1970

The meeting was called to order by Mayor Johnston at 7:10 P. M.

Present on roll call 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, Leary, Zatkovich and Mayor Johnston. Absent 0.

The Flag Salute was led by Mr. Dean.

Mayor Johnston presented Mr. Clarence Crotteau of the Public Works Dept. with a \$25.00 award for his suggestion to use an electrical control in the machines to spread salt on snow and icy streets. Mayor Johnston and members of the Council congratulated Mr. Crotteau for his suggestion.

Mayor Johnston asked if there were any omissions or corrections to the minutes of March 31, 1970.

Mr. Oles, City Manager, pointed out that on page 20, fourth paragraph from the top of the page on the first line, the word "for" should be deleted and a comma inserted.

Mr. O'Leary moved that the minutes of March 31st be approved as corrected. Seconded by Mrs. Banfield. Voice vote was taken. Motion carried.

Mayor Johnston prepared a proclamation designating National Library Week as the week from April 12th through April 18th, 1970, which was read by the City Clerk.

PLANNING & APPEALS:

This is the date set for hearing on the annexation of the S.W. corner of So. 4th Street and Seaview Avenue. (petitioned by Walter C. Witte et al)

Mr. Buehler, Director of Planning, explained this is the public hearing on the annexation. The petition has been before the Boundary Review Board and all of the necessary affidavits are in order.

Mr. Cvitanich moved to concur in the recommendation of the Planning Commission and accept the above annexation petition and that an ordinance be drafted approving same. Seconded by Mrs. Banfield, Voice vote was taken. Motion carried.

Mr. Cvitanich said he would like a report from the Planning Dept. explaining why the Council waived the provisions of requiring a comprehensive plan on the last three annexation petitions the Council approved.

COMMUNICATIONS:

David J. William, President of Seattle First National Bank, requesting Council to reconsider Ordinance No. 19069 passed on April 7th, which imposed the Tacoma Business & Occupation Tax on banks and other financial institutions.

Mayor Johnston set over the request to be heard under Citizen's Comments later in the agenda.

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James H. Lively requesting that the ten men that were laid off on December 31st, 1969, be re-instated in their positions in the Housing Improvement Section of the Building Dept.

Mr. Finnigan thought the Housing Improvement group had performed a service to the community and had elevated the neighborhoods in which they worked. He felt the Council should seriously consider Mr. Lively's request and try to re-instate the majority of the men who had been laid off last December.

Mr. Cvitanich explained these positions were eliminated as there was a duplication of the work in the Housing Improvement Section.

Mr. O'Leary explained after studying the CRP program, he thought perhaps a zoning officer should be included in the Public Works Dept. or additional building inspectors for code enforcement. However, he did not feel the housing improvement group is needed at this time. This problem could be taken up when the Council reviews the Workable Program, he added.

Mayor Johnston asked that Mr. Oles, City Manager, check to see when these employees were terminated.

Mr. Jarstad said that he recalled that the Council indicated when money became available, the Council would try to replace the employees who had been laid off.

Mr. Jarstad then moved to refer this communication to the Public Works Committee for its review. Seconded by Mr. Cvitanich. Voice vote was taken. Motion carried.

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Mr. O'Leary moved to suspend the rules to obtain an opinion as to whether or not City Employees may sign recall petitions, and also to discuss statements that were made at a luncheon attributed to the Mayor which were printed in the Tribune. Seconded by Mr. Cvitanich.

Roll call was taken on the motion. Motion carried.

Mr. O'Leary said he asked for an opinion at the last Council meeting in regard to City employees signing recall petitions.

Mr. Hamilton, Chief Assistant City Attorney, explained that the classified employees would risk disciplinary Civil Service action if they signed such a petition as the Charter specifically states, in part, "No person holding a position in the classified service shall take any part in campaigns involving the election of any City official, further than to cast his vote and express privately his opinions". 207

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Members of the Council questioned Mayor Johnston in regard to statements he had made at the Republican Luncheon Club which had been printed in the News Tribune.

Mayor Johnston explained that he had been correctly quoted by the paper and suggested the discussion be continued to the end of the agenda.

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RESOLUTIONS:

Resolution No. 20644 (postponed from the meeting of April 7th)

Authorizing the execution of an agreement to employ Foster & Marshall, Inc. as financial consultants to the City to assist in the marketing of \$1,500,000 worth of sewer revenue bonds for the financing of additions, betterments and improvements to the sewage system of the City.

Mr. Cvitanich moved that the resolution be adopted. Seconded by Mr. O'Leary.

Dr. Herrmann inquired if the City still has a contract with McLean & Company.

Mr. Hamilton, Chief Assistant City Attorney, explained that the legal staff feels that a contract no longer exists between McLean & Company and the City.

Mr. Jarstad wondered why the cost factors are so different between the two companies--Foster & Marshall and McLean & Company.

Mr. Gaisford, Finance Director, explained that this resolution was postponed from the last Council meeting. The following resolution has reference to the McLean & Company bid. He felt it was up to the Council to now determine which firm they wished to award the bid.

Mr. Cvitanich asked that representatives from each firm be allowed to speak. He asked if it were true that the State has cancelled a portion of a contract held with McLean & Company and if the federal government is checking the firm.

Mr. Paul Flint, an associate of McLean & Company, explained the firm had been asked to relinquish its position on one segment of a contract. However, he had come to the meeting to explain any questions in regard to this contract. He said he did not feel that McLean & Company needed any defense.

Mr. Gaisford explained that Foster & Marshall quoted a price of 3/4 of 1% of the \$1.5 million bond issue. The firm of McLean & Company have quoted a figure of 1/4 of 1%. He felt that certain factors of the Foster & Marshall bid will include items that are not included in the McLean & Company bid. For example, Foster & Marshall has included an item relative to printing of the prospectus, however, the City has its own print shop that is able to do such work, he added.

Mr. Dean asked if the services offered by Foster & Marshall were eliminated would the bids be basically the same.

Mr. Gaisford thought that the bid offered by McLean & Company was the cheaper bid.

Mr. Sam Granberg, representing Foster & Marshall of Seattle, explained if these services were eliminated, it would effect the bid in the amount of approximately \$2 to \$3,000.

Dr. Herrmann asked Mr. Gaisford if he thought that the interest rate would be affected if the McLean & Company's bid were accepted, as was implied in the letter of Foster & Marshall, Inc.

Mr. Gaisford said both companies are in the business of preparing bond prospectus. He added, he has not had any dealings with Foster & Marshall, but he has worked with McLean & Company for many years. He also stated that the interest rate is calculated on the City, not on the company doing the work.

Mr. Cvitanich felt that the Council should not put the City in a position whereby problems would be created as the City does have an "A" rating in regard to bond issues.

Mr. O'Leary asked Mr. Oles if he knew of any reason why such a contract if awarded to either firm, would hold up a project during construction.

Mr. Oles explained he had recommended the firm of Foster & Marshall, Inc. last week and he would still make the same recommendation.

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

Ayes 4: Banfield, Cvitanich, Dean and O'Leary.

Nays 5: Finnigan, Herrmann, Jarstad, Zatkovich and Mayor Johnston. Absent 0.

The Resolution was declared LOST by the Chairman.

Resolution No. 20645

Authorizing retaining McLean & Company, Inc. as financial consultants for the proposed issuance of \$1,500,000 sewer utility revenue bond issue.

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

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

Ayes 5: Finnigan, Herrmann, Jarstad, Zatkovich and Mayor Johnston.

Nays 4: Banfield, Cvitanich, Dean and O'Leary. Absent 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20646

Authorizing the release of an easement in the area of 112th St. & Pacific Ave. requested by the Mobil Oil Corporation which is no longer needed by the Light Division.

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

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

Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.

Nays 0. Absent 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20647

Authorizing the City of Tacoma for and on behalf of the Dept. of Public Utilities to participate in the Hydro-Thermal Program with the Bonneville Power Administration.

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

Mr. Erdahl, Director of Utilities, explained this is an effort between all the other companies in the Northwest Power Pool and Tacoma City Light, to join together so they can meet the growing load growth in the area at the lowest possible cost. It is almost impossible because of the size of a thermal unit for one utility to build a unit in its own right. In this particular instance, Eugene, Oregon, is attempting to build a nuclear project and has asked that the public agencies in Washington as well as Oregon join them. The agreement provides that Tacoma will purchase and assign to the Bonneville Power Administration under net-billing a 5% share of the Eugene Project capability through June of 1979. Then for this particular period of three years, the City of Tacoma would pay Eugene approximately \$2 million annually for the power. The \$2 million dollars would be deducted from Tacoma's Bonneville account which at that time would be approximately \$6 to \$7 million dollars and pay Bonneville the balance. The cost of the power would be no different whether Tacoma was a participate in the plant or not. It only means that Eugene would have the credit of the City of Tacoma to support its position for the three-year period.

Mr. Erdahl further stated, in the future if the City of Tacoma should build a plant in a joint venture, the City may look to Eugene and the other utilities to help Tacoma. The Hydro-Thermal Program is very complicated. The federal government has decided they no longer will be a party in building new capacities so it is up to the local public and private utilities to join together to build the new capacity. It will also provide a continued supply of reliable, low-cost electric power for citizens of the area.

Mrs. Banfield didn't feel such an agreement would benefit the City of Tacoma. She thought the resolution should be postponed to obtain more information.

Mr. O'Leary wondered if there could be a presentation made before the Council which would help to enlighten the Council on the matter in a week or two.

Mr. Erdahl felt the department was prepared to discuss this matter at length this evening and answer any questions if the Council wished. He added, the attorneys as well as the financial advisers were in on all of the discussions and he was sure all important matters have been thoroughly studied. He brought out that all the

utilities must find a way to work together to build new capacities or there will be a shortage of power in the future. He continued that within the next ten years, the Utilities Dept. will have to build, buy or cooperate with other utilities to obtain as much new capacity within that period as compared to the total of the last 75 years. The load growth is growing that fast, he added.

After some discussion, Mrs. Banfield moved to postpone Resolution No. 20647. Seconded by Mr. Cvitanich. Roll call was taken, resulting as follows: Ayes 3: Banfield, Cvitanich and O'Leary. Nays 6: Dean, Finnigan, Herrmann, Jarstad, Zatkovich and Mayor Johnston. Absent 0. Motion LOST.

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

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

Resolution No. 20648

Authorizing the execution of an agreement with the Northern Pacific R/W Co. to accept an easement for the realignment of the Union Avenue Viaduct.

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

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

Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.
Nays 0: Absent 0.
The Resolution was declared passed by the Chairman.

Resolution No. 20649

Authorizing the Model Cities Director to proceed with negotiations with the International Training Consultants, Inc. to perform technical assistance in preparing a Comprehensive Model Cities Plan.

Mayor Johnston moved that the resolution be adopted. Seconded by Dr. Herrmann.

Mayor Johnston explained he knew that the entire Council was aware of the letter which was received from HUD last week expressing concern about the planning development of the Model Cities Program. He thought, perhaps to some extent, this was because of the delay in approving a training consultant. He urged that the Council approve the resolution.

Mrs. Banfield said there is a number of items in the International Training Consultants bid which were of great concern to her, especially Item 5 relative to the Relocation Plan, whereby it states persons to be displaced by the various Model Cities and Model Cities related projects that provisions will be made to provide standard housing for these displacees. She also could not understand why another consulting firm should be hired to make further studies since many other studies have been made.

After some discussion, voice vote was taken on the resolution, resulting as follows:

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

Resolution No. 20650

Expressing the intent of the City Council with reference to the future development of the Tacoma Industrial Airport.

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

Mr. Cvitanich explained that the remaining funds from an appropriation of \$500,000 will be spent for land acquisition and construction so the taxiways can be extended if it is the desire of the Council. This will enable the Airport to accommodate and attract additional lessees.

After some discussion, roll call was taken on the resolution, resulting as follows:

Ayes 6: Dean, Finnigan, Herrmann, Jarstad, Zatkovich and Mayor Johnston.

Nays 3: Banfield, Cvitanich and O'Leary.

The Resolution was declared passed by the Chairman.

Resolution No. 20651

Awarding contract to Titus-Will Ford Sales, Inc. on its bid of \$30,246.80 for 12 police cars.

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

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

Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.

Nays 0. Absent 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20652

Awarding contract to Roth Construction on its bid of \$4,275.40 for six L I D Improvements.

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

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

Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.

Nays 0. Absent 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20653

Fixing Monday May 11th at 4 P. M. as the date for hearing for L I D 4937 for paving on So. Warner & Lawrence St. from So. 74th to 76th; Fife from So. 72nd to 74th and other nearby streets.

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

Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.

Nays 0. Absent 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20654

Fixing Tuesday May 12th at 7 P. M. as the date for hearing on the vacation of an alley between Yakima Ave. & I from So. 25th to approximately 290 feet south.

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

Mrs. Banfield felt the Council should look more closely at petitions for vacations as many previous vacations have property that is now on the tax exempt property rolls.

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

Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.

Nays 0. Absent 0.

The Resolution was declared passed by the Chairman.

FIRST READING OF ORDINANCES:

Ordinance No. 19085

Amending Sec. 1.12.590 of the pay & compensation plan to add the classification of Working Foreman Fire Alarm Electrician and Fire Alarm Supervisor.

The ordinance was placed in order of final reading.

Ordinance No. 19086

Amending Sec. 1.12.360 of the pay & compensation plan to add the classification of Senior Customer Service Assistant.

The ordinance was placed in order of final reading.

Ordinance No. 19087

Appropriating the sum of \$10,800.00 or so much thereof as may be necessary from the General Fund for paying salaries, wages and M & O for the purpose of carrying on the annual Clean-Up Campaign.

Mr. Schuster, Director of Public Works, explained that the department has participated for a number of years in the annual clean-up campaign in the City. At this time, the citizens have an opportunity to make arrangements for special pick-ups of debris and trash by the department.

Mr. Van Camp, Business Representative of the Civil Service League, explained he was vitally interested in seeing that the employees who were laid off be put back to work. He asked if regular laborers will be used on the project.

Mr. Schuster explained that ten laborers will be hired for a period of two weeks and the project does not require any Youth Corps or Mainstream personnel.

The ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 19077

Vacating property in the vicinity of West Union Ave., So. 18th & So. 19th Sts. (petition of Edith Olson et al)

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

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

Ordinance No. 19078

Vacating a portion of McBride St. between Ferdinand & Orchard; alley between McBride & No. 39th & between Ferdinand & Orchard Sts. (petition of A. McConihe et al)

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

Ayes 6: Dean, Finnigan, Herrmann, Jarstad, Zatkovich and Mayor Johnston.
 Nays 3: Banfield, Cvitanich and O'Leary. Absent 0.
 The Ordinance was declared passed by the Chairman.

Ordinance No. 19079

Amending Chap. 13.06 of the official code by adding Sec. 13.06.045-12 to include property on the S. W. corner of So. 18th & Union Ave. in an "R-2-T" District. (petition of Persing, Dyckman & Toynbee)

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

Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.
 Nays 0: Absent 0.
 The Ordinance was declared passed by the Chairman.

Ordinance No. 19080

Amending Title 6 of the official code relative to licensing Motels.

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

Ayes 8: Banfield, Cvitanich, Dean, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.
 Nays 0. Absent 1: Finnigan (temporarily).
 The Ordinance was declared passed by the Chairman.

Ordinance No. 19081

Appropriating the sum of \$25,000.00 or so much thereof as may be necessary from the General Fund to the Metropolitan Park District for the sole purpose of increasing salaries and wages to employees of the Park District.

Mr. Cvitanich said these funds shall not be used other than for the sole purpose of increasing salaries and wages of the present employees.

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

Ayes 8: Banfield, Cvitanich, Dean, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.
 Nays 0. Absent 1: Finnigan (temporarily).
 The Ordinance was declared passed by the Chairman.

Ordinance No. 19082 (as amended)

Amending Title 5 of the official code relative to rates and regulations for Garbage and Refuse.

Mr. Schuster, Director of Public Works, said a proposed amendment was included in the ordinance on page 5, paragraph (d), changing the commercial rates relative to each carry increment the same as is being charged for the residential rates. He added, this would prevent the complaint which was voiced last week at the Council meeting relative to businesses paying less money for more service than some residential customers.

Mr. Cvitanich explained that he could not support this ordinance until the Public Works Dept. has made a complete study of alleged irregularities in the charges.

John Bronow Jr., Chief of Utilities Services of the Public Works Dept., explained that the complaint made by Mr. Fairbanks at last week's Council meeting was checked and it was found there was no basis to the complaint, however, this amendment would eliminate any such problem that might come up in the future. Mr. Bronow said a full time inspector is always in the field to assure that customers are paying the proper rates. He also explained that checks are being made daily and approximately five years ago inspectors went out on every truck route to check all of the accounts.

Mr. Cvitanich felt the supervisory personnel of the department should spot check the accounts at least every two or three years to see whether other infractions are occurring.

Mr. O'Leary moved that on page 5, paragraph (d), be changed to the following: "An additional charge of \$1.00 per month per can shall be added for each carry increment. Carry increments shall be as follows: more than 25 feet but not over 75 feet; more than 75 feet but not over 120 feet; more than 120 feet but not over 200 feet." Seconded by Dr. Herrmann. Voice vote was taken. Motion carried.

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

Ayes 8: Banfield, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.

Nays 1: Cvitanich. Absent 0.

The Ordinance was declared passed by the Chairmen.

Mr. Jarstad moved to suspend the rules to reconsider Ordinance No. 19068 relative to the tax imposed on admission charges for recreational sports which was passed last week. Seconded by Dr. Herrmann. Roll call was taken. Motion carried.

Ordinance No. 19068

Amending Title 6 of the official code relative to the rate of tax imposed on admission charges for roller skating and bowling.

Mr. Jarstad explained that the Council members have knowledge that the County Commissioners have no intention of placing a similar tax on bowling lanes within the County. It is his opinion that the ordinance passed last week will obviously place the City bowling lanes in an arduous competitive situation. There is also a possibility that the State Bowling Tournament which could possibly bring in a million dollars in business, will not come to Tacoma.

Mr. Jarstad then moved to delete on page 1, paragraph (f), Section 2 and Section 6.62.040 and insert the following: "There shall be no admission tax for bowling, golf, roller skating, archery or swimming activities where a State and City sales tax is imposed." Seconded by Dr. Herrmann.

Mr. Cvitanich explained he was sure that no one on the Council wished to impose these taxes, but if they are rescinded, he wondered where the additional revenue would come from and what relationship will it have to the overall tax package and the 1970 budget.

Mr. George F. Marsico, attorney representing the bowling lane proprietors, spoke in favor of Mr. Jarstad's amendment. He pointed out that bowling has now become a sport enjoyed by the entire family. He listed the taxes already imposed on the proprietor of bowling lanes and asked that the tax ordinance passed last week be rescinded.

Mr. Dean explained that the tax that was imposed is less than ten cents per week for any bowler and he did not feel it was too severe a tax.

Mr. Oles, City Manager, said he would oppose a motion to rescind these taxes because administratively the City needs the revenue. The only complaints he has received were from the owners of the bowling lanes, not the citizens who participate in the sport.

Mr. O'Leary said he thought perhaps the entire tax package should be rescinded. He noted that this is the first year that the State has allowed a city to reconsider or modify its budget after it has been adopted. He, therefore, asked that an ordinance be drafted to rescind the entire tax package and re-open the 1970 budget which would enable the City to work on a new budget by the end of the second quarter which will be June 30th, 1970.

Mr. Hamilton, Assistant City Attorney, explained that before such an ordinance can be prepared, he would like some direction from the Council. He added if the business taxes are rescinded, the City would lose revenue until a new ration is imposed.

Mr. Jarstad said the Council had placed the bowling proprietors as well as anyone else that would locate a private enterprise inside the City of Tacoma at a disadvantage with those who would locate in the County. He also felt that the proposed income slated to be received by the state and the income from the tax on the banks should be carefully reviewed by the Council.

Mr. Cvitanich thought this same argument could be used relative to the entire service category. He asked that Mr. Gaisford expound on the matter.

Mr. Gaisford, Finance Director, explained there seems to be some misapprehension that the Council has in regard to the State sales tax. Upon the adoption of the 1970 budget, there was a figure placed in the budget of anticipated revenue from the State for either state aid or portions of the State sales tax in the amount of \$1,660,990.00. We have now received information from the State that the City will now be receiving for the year 1970, \$1,631,000.00. Therefore, the City has overstated in the budget \$29,990 and if there hadn't been a particular amount of \$765,000 understated in the budget, there would not have been any additional pay raises which were given to the police, fire, metropolitan park and library. This is the only reason the City was able to do this.

Mr. Jarstad explained he had suggested during the budget discussions that a B & O tax be placed on retailing which would have amounted to approximately \$200,000, but his suggestion was not accepted. He thought this would have been fair and would have answered a number of the problems being discussed at this time.

Mr. McLemman, Tax & License Director, explained if the tax on golf, swimming, amusement machines, etc., is rescinded, approximately \$95 to \$100,000 will be lost to the City.

Mr. Cvitanich thought the Council must face up to its fiscal responsibility and support Ordinance No. 19068 as passed last week by the Council.

Roll call was taken on Mr. Jarstad's motion to delete paragraph (f) Section 2 and Section 6.62.040 from the ordinance and insert the following paragraph: "there shall be no admission tax for bowling, golf, roller skating, archery or swimming activities where a State and City sales tax is imposed". Motion LOST.

Mrs. Banfield moved to reconsider Ordinance No. 19048 relative to Community Tele-Communications, Inc. Seconded by Mr. Cvitanich. Roll call was taken. Motion carried.

Ordinance No. 19048

Granting a nonexclusive franchise for a CATV to Community Tele-Communications, Inc.

Mrs. Banfield explained that after this franchise was granted, she reviewed the situation and found that three franchises in the City would be doing the citizens an injustice.

Mayor Johnston left the meeting at 11:30 P. M.

Deputy Mayor Cvitanich assumed the Chair.

Dr. Herrmann pointed out that all of the companies' representatives who submitted proposals stated they didn't object to the granting of three franchises for the City.

Mr. Jarstad said the purpose of the CATV system is to have the entire City wired so that anyone who wishes to hook onto the system may. He added after much consideration, bids were let to private enterprise. He further explained that the opportunity to have a completely wired city is much greater by having three franchises than it is with two. He felt this would be to the best interests of the people of Tacoma.

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

Ayes 4: Finnigan, Herrmann, Jarstad and O'Leary.

Nays 4: Banfield, Cvitanich, Dean and Zatkovich. Absent 1: Mayor Johnston.

The Ordinance was declared LOST by the Chairman.

Mr. Jarstad announced he would change his vote to the prevailing side so that he can move for reconsideration next week.

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UNFINISHED BUSINESS:

The Directors of Public Works and Public Utilities present the assessment rolls for the following:

L I D 3643 for sanitary sewers in the alley south of No. 48th from Baltimore west approximately 400 feet.

L I D 5454 for water mains in So. 93rd from Yakima to Park Ave.; Thompson Ave. from So. 80th to 84th; Yakima from So. 80th to 96th.

Fixing Monday, May 25th as the date for hearing.

Mr. O'Leary moved that Monday, May 25th at 4 P. M. be set as the date for hearing on the above assessment rolls. Seconded by Mr. Dean. Voice vote was taken. Motion carried.

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Mr. O'Leary said he had been informed that the bonding companies were demanding 100% collateral from the CATV franchise holders because of the draft of the City's ordinance. He wondered if Mr. Oles had looked into the matter.

Mr. Oles, City Manager, explained he had no actual information on this matter, but he would be glad to check into the matter.

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Deputy Mayor Cvitanich explained that the Finance Audit & Investigating Committee had received a letter from the Joint Labor Committee asking that all City employees receive an additional 2-1/2% salary increase and that all individual unions be given an opportunity to negotiate any inequities in wages, hours or conditions. Deputy Mayor Cvitanich explained that Mr. Erdahl, Director of Utilities and Mr. Oles, City

156

195

Manager have met with some of the union representatives. He also mentioned so there would be no misunderstanding, that the committee will concern itself with only the unions that had filed objections with the State mediator. He further added a complaint was filed by Mr. Green representing Local 483. He pointed out that the salary increase of 7-1/2% which was given to union members of Local #483 was approved by the union membership that Mr. Green represents.

There are two small problems involving the Water Dept, but this will be handled administratively in the Dept. of Public Utilities. The City Council has no involvement with Local #483 beyond the point of ratifying the 7-1/2% wage increase, he added. Secondly, the Stationary Engineers, Building Service Employees Laborers' Division and Nurses' Division during the budget hearings were all given a 7-1/2% wage increase.

Mr. Cvitanich explained that letters had been received from the International Union of Operating Engineers, Lilly Piva of the Joint Labor Committee, Motor Coach Employees Division #758 and the Teamsters Union. He added when the Management Team reports on its meetings, his committee will then set up a series of meetings with the unions who have filed with the State mediator and it is hoped by next Tuesday all of these problems will be resolved.

Mr. Oles said his staff would make arrangements for the meetings.

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Mr. O'Leary said he had not received a report in answer to his inquiry relative to space in the building for the Public Information Section.

Mr. Oles, City Manager, explained he was checking on the matter, but as yet had not been able to solve the problem.

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Mr. Cvitanich announced that a study session will be held on Monday, April 27th, at noon with the Civil Service Board in the Conference room.

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Mrs. Banfield thought that Goodwill Industries had paid no taxes from the year of 1922 to 1969. Since a letter from a citizen had been sent to the Prosecuting Attorney objecting to this manner of taxing, Goodwill Industries had been placed on the tax rolls for the year of 1969. This assessment of approximately \$34,467 will not be paid until 1970. However, at the State level, the legislature passed HB No. 5 208 which eliminates all sheltered workshops from paying taxes. She wondered if there was any way the City could collect taxes retroactively from this organization.

Mr. Hamilton, Chief Assistant City Attorney, explained that the City of Tacoma cannot collect property taxes; however, Pierce County officials could do so if they so desired.

Mrs. Banfield asked that a resolution be drafted to be submitted to the Council stating that the Council wishes Pierce County to collect taxes retroactively from the Goodwill Industries.

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REPORTS BY CITY MANAGER:

Mr. Oles reported that a bus stop has now been posted, as requested, at So. 12th and Cedar Streets.

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Mr. Oles brought up that a carpenter in the Public Works Dept. is retiring due

to disability and the position has to be filled and unless there are objections from the Council, this would be done administratively.

Deputy Mayor Cvitanich explained Mr. Oles could send copies of any background information to the Council and then if there are no objections, he would proceed administratively.

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Mr. Oles asked if the City Council minutes could be limited, particularly to the conversation during the meetings. If anyone wishes to listen to any particular meeting, the records are always available.

Mr. O'Leary felt that the conversation in the minutes is quite helpful when reviewing past actions.

Mr. Oles said he would then authorize the City Clerk to still record the high points and leave out, if possible, the detail which does not seem to be absolutely essential to a complete understanding of what the Council is seeking to accomplish. ✓

Mr. Cvitanich thought Mr. Oles could perhaps suggest an outline for the minutes to the Council, and then they could make a decision on the matter.

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Mr. Oles said that Mr. Wendt, Radio Engineer, has submitted a report relative to his attendance at the Western State Conference of the Association of Communication Officers.

Mr. Cvitanich asked that a copy of the report be sent to him in the next agenda.

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Mr. Oles said a careful survey has been made of the cars that are being taken home by City employees. He felt that the cars in the Fire Dept., Police Dept. and the one for Civil Defense are essential and even though approximately \$3,000 is involved in the Public Works Dept., he would regard most of the cars there as also essential. He distributed the report to the Council. 177

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Mr. Oles explained that So. 25th St. has been designated as an arterial street as it will be a part of the Sprague Ave. Freeway.

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Mr. Oles pointed out that the summer employment agreement with Washington State University and the University of Washington will be terminated on June 1st, 1970, and there are no funds to employ these students this summer. ✓

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Mr. Oles said since the Baseball season opens in Tacoma on the 21st of April, which is also the next Council meeting date, he wondered if the agenda might be changed so it would be possible for all Council members to attend the ball game.

Dr. Herrmann suggested that the Council meet at 4 P. M. instead of 7 P.M. on April 21st, and that a shorter agenda be submitted. 178

Mr. Finnigan moved that the Council meeting of April 21st be changed to 4 P.M. with a short agenda for the meeting. Seconded by Mr. Zatkovich. Roll call was taken. Motion LOST.

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192

Mr. Oles explained that recently literature has been distributed and sometimes sold in the City Council Chambers as well as in the County-City Bldg. There is a regulation which was passed in 1968 prohibiting such material being distributed or sold within the building. He noted that the regulation has not been enforced. He added persons who are violating this regulation, be escorted out of the building.

Mr. Cvitanich asked if this regulation would affect the persons who have been circulating the recall petitions on the second and third floors.

Mr. Oles explained this regulation would also apply to recall petitions.

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Mr. Oles explained there has been some discussion relative to precinct boundaries that are in the process of being changed. The ordinance is now being amended in accordance with a long standing procedure under the instructions of the County Auditor, Dick Greco. He added, there will be fourteen new precincts added. The boundaries of 22 precincts will be changed so that a more desirable number of citizens will be in each precinct. There will be one new precinct in the 25th District, ten in the 26th, one in the 28th and two in the 29th District, he added.

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VERBATIM -- requested by Mr. Cvitanich:

Mr. Oles: "Mr. Mayor and Council members, I'm about to make a small speech, even at this hour of the night. And in order to make sure that I am not misquoted I've made some notes here which should guide what I have to say. I'm not suggesting that anybody would deliberately misquote me, but it could be very easily done by a misconception of what I'm about to say.

I want to talk to you a little bit about the retirement provisions which are available to members of our police and fire departments, particularly to those who have completed a full thirty years of service, and hence, have available to them a maximum retirement. Now this as you know runs to about 60% or more of their pay; so that those, and there are several of them in these two departments, who still remain on duty after completing the requirements, have this rather generous measure of retirement pay. If they remain they are actually working for 40% or less of their base pay. It must indeed be a considerable temptation to a number of them to relax and attend to their hobbies and avoid the daily chore of going to the office, since they could still get the 60% of the pay without being under the necessity of working for it at all any more. Now, I'm very happy for these people who have this privilege. I point out also and this is very important, that it is an inviolate privilege and it cannot be terminated nor detractions made from it, but it continues on throughout their natural life.

There is another provision of a 2% additional for each added year in the City service. But unfortunately, this latter provision seems to have been couched by our Legislature in such an equivocal language that I find some doubt as to whether or not it can be made applicable, since it would appear and I'm sure by inadvertence, to be limited to those who performed their service subsequent to the date of the act; which means those who actually performed the service subsequent to this time, which to my mind is utterly ridiculous.

I've had a lot to do with retirement laws in the military and I've never seen one quite as sloppily written as this one. I'm very sure that this effect was not in the intent of the legislature. And on behalf of all of those, of whom there are already several concerned with the matter, I propose to try to see what I can do to correct it.

In this connection, I want to make this remark or two, because I think it is appropriate at this moment. I'm reminded of the very great difference between the retirement provisions under which I, myself retired, and those now available to a small but increasing number of our policemen and firemen. After serving through two World Wars in which I was on active duty, something like seven years, and having

retired about twenty-seven years of what the government is pleased to call satisfactory federal service, I'm now myself credited with something like a hundred and fifty-five dollars retired pay per month; which, however, is reduced by a series of deductions of various kinds down to the point where the monthly retirement pay check which I actually get, if I remember correctly, is approximately \$75 a month. So, you can see, if I had to depend to any extent, and fortunately I don't have to, on this as a method of living, I wouldn't be doing very well.

On the other hand, I'm in the same situation of many thousands of other reserve officers or citizen soldiers as they are called, and I have no complaint. As a matter of fact, all of us and there are some present with us this evening that I know, who served right straight through between the World Wars, and in many cases served in both World Wars, it was done as a duty to our country and not with any thought of personal gain.

Now, on the other hand our policemen and firemen make a career of the protection of our people from the hazards which they're designed to prevent and to cure. And they're almost daily called upon to risk their lives in defense of the lives and the property of our citizens. And I feel therefore that they thoroughly deserve the retired pay basis which is now available to them.

Now, there is in this same situation, something that should be called to everyone's attention and that is, when one has once achieved this qualification for retirement, he's not actually subject to being dismissed or fired or anything of the kind. The only thing that could be done, if his services are regarded as completed, would be to fix the date of his retirement. And that is what is known as involuntary retirement. I should know because I was involuntarily retired. I was in command of a military government unit located here in the City of Tacoma, in the reserves. And I was very anxious to continue it. I liked it and I felt I was pretty good at it. But having arrived at a certain age the government decided that I was no longer needed and so I was involuntarily transferred to the retired reserve.

Specifically, I want to refer tonight to precisely the same procedure with respect to Chief Charles Zittel of our Police Dept. whose tour of duty as Chief was terminated a half an hour ago. It had been my intention that this announcement should have been made a month or more prior to that time and date. This matter has been under discussion between myself and Chief Zittel since the second or third day that I was in this office. Therefore, its seeming abruptness is more apparent than actual. And, even so, this announcement would not have been withheld until this time had the choice been mine, but it was not my choice, it was the choice of Chief Zittel, himself.

Charles Zittel has now had almost one-third of a century as a public servant concerned with public safety in the City of Tacoma. He has had a long and honorable career; and he has been at all times a man who has given conscientious and dedicated service to the people of this city. And they all owe him a debt of gratitude for that service. He is still a relatively young man, at least from the vantage point of one of my age. And with the running start of some \$13 to \$14,000 of retired pay per year, I'm sure he's going to launch into a second career, which should be a rewarding and fruitful one.

I think it is rather well known in Tacoma that I've long been a critic of law enforcement conditions in this city. However, I call again to your particular attention, the fact that this has never included any personal criticism of Chief Zittel's character, his dedication, his devotion to duty or his concern for the city and its citizens. His record in all of those regards is, in my opinion, above reproach.

It is my judgment, nevertheless, that there are areas in the matters of law enforcement, of not only the control but the prevention of crime, and of the conduct of the public safety affairs of the citizens of this city in which I propose to make some changes. As in any change of command, and I cannot but regard myself in the sense of a new commanding officer, changes of high ranking personnel in any military or a quasi military organization, and that is what the Police Dept. is, are the responsibility of the new commander. I want to remind all concerned that under our present City Charter, I'm

completed about twenty-seven years of what the government is pleased to call satisfactory federal service, I'm now myself credited with something like a hundred and fifty-five dollars retired pay per month; which, however, is reduced by a series of deductions of various kinds down to the point where the monthly retirement pay check which I actually get, if I remember correctly, is approximately \$75 a month. So, you can see, if I had to depend to any extent, and fortunately I don't have to, on this as a method of living, I wouldn't be doing very well.

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In fact, the commanding officer in the area under discussion. And it is both my prerogative and my duty to bear the responsibility in those areas, and that I propose to do.

I'm going to touch on another matter that I haven't made any notes about, but I've had it called to my attention today. As a matter of fact, I commented on it briefly at a Kiwanis Club meeting where I spoke at noon today. And that is, that this building is in a sense like the Pentagon; which has been referred to, I think quite justly as a combination of a paper mill and a wind tunnel. At the present time the wind tunnel for some weeks past seems to have been predominant. Rumors fly around this building much like gas from a pricked balloon and are just about as trustworthy. I've heard it rumored that pressure was put on me by certain members of the Council to fire Zittel, or else. Well, in the first place, I happen to be immune to pressure. I didn't ask for this job. I accepted it reluctantly, and any threat to remove me from it would not be a threat, it would be a promise. Moreover, some of my friends on the City Council, who found themselves in the position of being accused of this kind of thing, came to my office some days ago and denied these rumors, vigorously and categorically, and made it clear that they had no opinion on the subject of the personnel of our public safety people. Any suggestion that they were even advising me on the subject was completely without foundation. I believed them and I have acted accordingly, and anything that I'm doing and reporting here tonight is strictly my own responsibility and based on my own judgment and on my own decision, which I'm not prepared to share with anybody.

Now, I'm not unaware of the hate mongering voices of the night, which have long sought to besmirch the character of Charlie Zittel, a long time and dedicated public servant. I haven't heard those voices myself, nor can I of my own knowledge identify them; but I've been informed about them. I'm not impressed other than by a sense of nausea by these merchants of hate and by the venting upon the night air of their irresponsible vituperation.

I realize that spring has come to our land and that there are snarling tom cats abroad in our alleys. And, as we here have freedom, both of the press and even of irresponsible caterwauling, there is not much one can do about it. If, however, there be those, and I don't know that there are but if there are those who think that the retirement of Chief Zittel will result in the lessening of the vigor of law enforcement in this city or in the diminution or abandonment of any investigative activities or programs now underway in the area of law enforcement, those people are drastically and they may even be fatally mistaken.

And that concludes my report."

END OF VERBATIM

Deputy Mayor Cvitanich thanked Mr. Oles for his attitude and approach to this problem and by bringing it before the Council and the public at large.

COMMENTS BY MEMBERS OF THE CITY COUNCIL:

Deputy Mayor Cvitanich asked that Mr. Oles notify the Chamber of Commerce, Central Labor Council, the Park and the Pierce County Commissioners that a meeting will be held at 8 P. M., Friday, at the Sea-Tac Motel relative to the Sea Coast Management bill. The speaker will be Senator Robert Greive. Mr. Beisen, Executive Director of the Association of Washington Cities, has asked that whoever was interested in the matter may attend. ✓ 23

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Deputy Mayor Cvitanich explained that the Park Board did take a position relative to the demonstration slated for Wright Park tomorrow. He knew that Mr. Oles and the necessary City agencies would properly handle the matter. ✓

Mr. Oles explained this has been planned and he did not foresee any problems.

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195

CITIZEN'S COMMENTS:

Mr. David Williams, Vice President of the Seattle First National Bank for the Tacoma area, asked that the City Council reconsider Ordinance No. 19069 which imposed a municipal occupation tax on banks and other financial institutions at the rate of one percent of their gross income. He asked that a meeting be held so they might present testimony to the Council or its Finance Committee. Suggesting the date of April 28th for such a meeting. ✓

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Mr. Art Rand, Vice Chairman of the Joint Labor Committee requested that the Finance Audit and Investigating Committee meet with the union representatives before Friday morning, if at all possible. 187

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The following persons expressed their views on various matters to the Council:

Mr. George Goe, 5645 So. Cedar.

Mr. John Zelenak, 5414 So. J.

Mr. Stanton, 2218 So. 25th, asked that he be allowed to speak at a later date as his subject matter was quite lengthy.

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ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Tacoma Board of Adjustment for March 12th, - Minutes.
- b. Board of Park Commissioners for March 30th, - Minutes.
- c. Civil Service Board for March 2nd, - Minutes.
- d. Trainee Corps Selection & Evaluation Board for March 9th.
- e. Model Cities Program Onthly report #6 for March, 1970.
- f. Traffic activities for the month of February 1970 from Tacoma Police Dept.
- g. Quarterly report to the Washington Traffic Safety Commission & The National Highway Safety Bureau from the Police Dept.
- h. Quarterly Highway Safety Project report-Traffic Control Device Inventory from Public Works Dept.
- i. Personnel and Administration Claim 606-70-9(41) from Tacoma Civil Defense
- j. Relocation Reports from Director of Urban Renewal.
- k. Monthly Financial Statements & Funds Requisition-Model Cities Program.
- l. Report from the Belt Line Division for Frebruary 28, 1970.

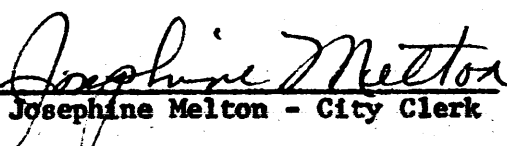
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Mr. Dean moved to adjourn the meeting. Seconded by Mrs. Banfield. The meeting adjourned at 1:00 A.M., April 15th.


Gordon N. Johnston - Mayor

Attest:


Josephine Melton - City Clerk