

CITY COUNCIL MINUTES

City Council Chambers
Tuesday, April 15, 1969

The meeting was called to order by Mayor Rasmussen at 4 P. M.

Present on roll call 8: Banfield, Bott, Cvitanich, Finnigan, Johnson, Murtland, Zatkovich and Mayor Rasmussen. Absent 1: Dr. Herrmann.

The Flag Salute was led by Jim Bellamy, who was Acting Mayor, during Student Government Day.

Mayor Rasmussen explained that today was Student Government Day for 1969. The students who were taking over the offices of Mayor, Deputy Mayor and Councilmen introduced themselves and the respective offices they were representing.

Mayor Rasmussen asked if there were any omissions or corrections to the minutes of the meeting of March 4, 1969.

Mr. Cvitanich moved that the minutes of March 4, 1969 be approved as submitted. Seconded by Mrs. Banfield. Voice vote taken. Motion unanimously adopted.

HEARINGS & APPEALS:

This is the date set for hearing for the annexation of both sides of So. 96th Street between Hosmer and #5 (Freeway), submitted by William D. Brown, et al.

Mr. Buehler, Director of Planning, explained the location of the property to be annexed and noted that all the necessary procedural steps have been followed as set forth in the Laws of the State of Washington. He mentioned that a water L I D, No. 5478 is being proposed for a portion of this area which has a 5.6% remonstrance. A sewer L I D has been proposed with 100% participation by the property owners.

Mr. Cvitanich felt that Mr. Brown had agreed to bear the cost of the water and sewer improvements and asked for this to be checked. He noted that many of the property owners in the area do not feel they should have to absorb any of the cost of the proposed L I Ds.

Mr. Zatkovich explained he was on the L I D Committee that had reviewed the water L I D and he also felt the developer should absorb the costs for the improvement.

After some discussion, Mr. Cvitanich asked that a memo be submitted to the Council members next week when the ordinance for L I D 5478 will be on the agenda so this can be called to the Council's attention.

Mr. Benedetti, Assistant Director of Utilities, explained he was aware of the 5.6% remonstrance on L I D 5478 which indicated, however, that the majority of the property owners were in agreement with the L I D. He pointed out that the property owner who is objecting to the project could be deleted from the L I D if they so desire. This line would still be serviceable to allow the development.

Mr. Johnson explained if the line could be dead-ended as Mr. Benedetti has suggested it would alleviate this particular problem. He asked that a report be submitted to the Council for next Tuesday's agenda relative to whether other property owners wish this line or whether it has been extended for the convenience of the Utility Dept.

Mr. Benedetti stated, this report will be submitted.

Mr. Cvitanich also asked that the Dept. of Public Works submit a report on any L I Ds that are proposed for this area so the Council may thoroughly peruse the matter.

Mr. Brown, petitioner, explained when he contacted the Public Utilities Dept. he was in favor of bringing water to the property where he is now building a nursing home, however, the department had persuaded him that it would be much better if service could be extended under an L I D.

After some discussion, Mr. Johnson moved to concur in the recommendation of the Planning Commission to the annexation of both sides of So. 96th St. between Hosmer and Freeway #5, petitioned by Wm. D. Brown, et al, and that an ordinance be drafted approving same. Seconded by Mr. Murtland. Voice vote taken. Motion was unanimously carried.

COMMUNICATIONS:

A communication was read from Mr. John L. Epps dated April 7th, 1969 regarding his resignation from the Human Relations Commission.

Mr. Cvitanich explained there was another communication by Mr. Epps asking to address the Council regarding other matters and he asked that Mr. Epps speak under Citizens' Comments, as the Open Housing Review Board will be present at the end of the Council meeting to hear Mr. Epps.

After some discussion, Mayor Rasmussen explained that Mr. Epps could speak to the Council relative to his resignation at this time.

Mr. Epps explained he had resigned from the Commission last week because he felt that the Commission was not being given proper support by the Mayor and some members of the City Council. He noted it was an honor for him to be one of the original members of the Commission but felt it was not possible for him to serve as long as this was the prevailing attitude. He read accomplishments of the Commission for the Council's information.

Mayor Rasmussen said the Council will accept Mr. Epps' resignation with regret as he knew that Mr. Epps had worked diligently and faithfully for the good of the citizens in Tacoma.

A communication from Mr. William R. Vance of Alhambra, Calif. was read requesting reimbursement of travel expenses for his oral interview for the position of Model Cities Director.

Mr. Zatkovich moved to table the communication. Seconded by Mr. Murtland. Roll call was taken on the motion, resulting as follows: Ayes 2: Cvitanich and Zatkovich. Nays 6: Banfield, Bott, Finnigan, Johnson, Murtland and Mayor Rasmussen. Absent 1: Herrmann. Motion Lost.

Mr. Johnson felt this request for remuneration of \$200 is justified as Mr. Vance was an excellent candidate for the position of Model Cities Director. He did not feel this request should be tabled, postponed or filed.

Mrs. Banfield quoted from the Feb. 27, 1969 minutes of the Executive Board of the Model Cities Program regarding the expenses of the out of town applicants which noted that the Board had agreed to ask the applicants to pay their own expenses. She felt the Council should not even consider paying such an expense.

Mr. Rowlands, City Manager, explained the exact amount would be \$167.04 for these expenses. He reminded the Council that Model Cities funds will be available to reimburse the City for this amount.

Mayor Rasmussen explained that a resolution for paying the expenses of two candidates had been removed from the agenda at the Council meeting on Feb. 25, 1969.

Mr. Johnson explained that at the meeting of Feb. 25th, Mr. Zatkovich had stated he had information which reflected upon one of the candidates for the Model Cities Director at that time. After the information was given to the Council, he had requested the resolution be removed from the agenda. Mr. Johnson stated he had no intention of not putting it back on if it were ever needed. He was, therefore, in favor of fulfilling the obligation of paying Mr. Vance's expenses.

Mr. Cvitanich moved to continue the discussion of this matter for one week, until April 22, 1969. Seconded by Mr. Zatkovich. Roll call was taken, resulting as follows: Ayes 2: Johnson and Murtland. Nays 6: Banfield, Bott, Cvitanich, Finnigan, Zatkovich and Mayor Rasmussen. Absent 1: Herrmann. Motion Lost.

Mayor Rasmussen stated, if there were no objections, Mr. Vance's letter will be placed on file.

Mr. Bott and Mr. Johnson objected.

Mayor Rasmussen stated the objections were received and asked the pleasure of the Council.

Mr. Finnigan moved to reimburse Mr. Vance for the actual expense of his trip to Tacoma to be interviewed for Model Cities Director. Seconded by Mr. Johnson. Roll call was taken, resulting as follows: Ayes 2: Finnigan and Johnson. Nays 6: Banfield, Bott, Cvitanich, Murtland, Zatkovich and Mayor Rasmussen. Absent 1: Herrmann. Motion Lost.

Mayor Rasmussen stated the motion to pay the expenses has failed, if there is no objection the letter will be placed on file.

Placed on file.

Mayor Rasmussen asked that Mr. Hamilton explain whether the City has a legal right to pay an expense such as this after it has been incurred.

Mr. Hamilton, Acting City Attorney, explained that the Compensation Plan of the City of Tacoma authorizes the expenditures by the City of the travel expenses for persons coming for interviews.

Mr. Erdahl, Director of Public Utilities, submitted a letter advising the City Council that it will be necessary to allocate additional funds to complete the construction costs of the new Belt Line Office-Shop complex.

Mr. Benedetti, Assistant Director of Utilities, explained this request had been written at the direction of the Public Utility Board for the Council's information. He added, there is a need for early completion of this complex in order to coordinate the construction with the Port improvements and the planned removal of the Lincoln Avenue viaduct. The award for this construction was made on the low bid of approximately \$191,300 to Freigang Construction Co.

Mr. Benedetti explained that the Belt Line Division has budgeted a total of \$208,000 to cover the costs of this facility construction. The total of the construction bid together with the other items of expense which will be required to complete this construction amount to \$226,006, including separate purchase of an overhead crane, and the engineering fees. He added, the subject contract was awarded by the Utility Board with the intention of subsequently recommending to the Council the appropriation of the additional funds at a time when it will be possible to more accurately assess the actual additional money requirements.

RESOLUTIONS:

Resolution No. 20145 (postponed from the meeting of April 8, 1969)

Limiting fringe benefits of temporary employees hired under Section 1.12.155 of the official code for certain Major Projects to only those set forth in the resolution creating and establishing said positions.

Mr. Bott moved that the resolution be adopted. Seconded by Mr. Murtland. Voice vote was taken on the resolution, resulting as follows:

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Ayes 8: Banfield, Bott, Cvitanich, Finnigan, Johnson, Murtland, Zatkovich and Mayor Rasmussen.

Nays 0: Absent 1: Herrmann.

The Resolution was declared passed by the Chairman.

Resolution No. 20146

Fixing Monday, May 12th at 4 P. M. as the date for hearing for L I D 5418 for water mains in Marine View Drive from the north line of Government Lot 2; in Willow Way from Marine View Drive to Upland Terrace and in Upland Terrace between the north and south boundaries of Cha-Alco.

Mrs. Banfield moved that the resolution be adopted. Seconded by Mr. Cvitanich. Voice vote was taken on the resolution, resulting as follows:

Ayes 8: Banfield, Bott, Cvitanich, Finnigan, Johnson, Murtland, Zatkovich and Mayor Rasmussen.

Nays 0: Absent 1: Herrmann.

The Resolution was declared passed by the Chairman.

Resolution No. 20147

Fixing Monday, May 12th at 4 P. M. as the date for hearing for L I D 5483 for water mains in McBride St. from Ferdinand to Orchard Street.

Mrs. Banfield moved that the resolution be adopted. Seconded by Mr. Cvitanich. Voice vote was taken on the resolution, resulting as follows:

Ayes 8: Banfield, Bott, Cvitanich, Finnigan, Johnson, Murtland, Zatkovich and Mayor Rasmussen.

Nays 0: Absent 1: Herrmann.

The Resolution was declared passed by the Chairman.

Resolution No. 20148

Fixing Monday, May 12th at 4 P. M. as the date for hearing for L I D 5484 for water mains in Baltimore from No. 21st to No. 23rd; No. 23rd from Baltimore to Bennett Street.

Mrs. Banfield moved that the resolution be adopted. Seconded by Mr. Cvitanich. Voice vote was taken on the resolution, resulting as follows:

Ayes 8: Banfield, Bott, Cvitanich, Finnigan, Johnson, Murtland, Zatkovich and Mayor Rasmussen.

Nays 0: Absent 1: Herrmann.

The Resolution was declared passed by the Chairman.

Resolution No. 20149

Fixing Monday, May 12th at 4 P. M. as the date for hearing for L I D 4888 for paving on So. 61st from Park Ave. to So. D Street.

Mrs. Banfield moved that the resolution be adopted. Seconded by Mr. Cvitanich. Voice vote was taken on the resolution, resulting as follows:

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Ayes 8: Banfield, Bott, Cvitanich, Finnigan, Johnson, Murtland, Zatkovich and Mayor Rasmussen.

Nays 0: Absent 1: Herrmann.

The Resolution was declared passed by the Chairman.

Resolution No. 20150

Fixing Monday, May 12th at 4 P. M. as the date for hearing for L I D 4886 for paving on East 51st from I to K Street.

Mrs. Banfield moved that the resolution be adopted. Seconded by Mr. Cvitanich. Voice vote was taken on the resolution, resulting as follows:

Ayes 8: Banfield, Bott, Cvitanich, Finnigan, Johnson, Murtland, Zatkovich and Mayor Rasmussen.

Nays 0: Absent 1: Herrmann.

The Resolution was declared passed by the Chairman.

Resolution No. 20151

Fixing Tuesday, May 13th at 4 P. M. as the date for hearing for the vacation of the west side of A St. between So. 12th & So. 13th Streets. (petition of National Bank of Washington)

Mrs. Banfield moved that the resolution be adopted. Seconded by Mr. Cvitanich. Voice vote was taken on the resolution, resulting as follows:

Ayes 8: Banfield, Bott, Cvitanich, Finnigan, Johnson, Murtland, Zatkovich and Mayor Rasmussen.

Nays 0: Absent 1: Herrmann.

The Resolution was declared passed by the Chairman.

Resolution No. 20152

Awarding contract to Electric Construction Company on its bid of \$5,053 for L I D 6872, 6890 and 6896.

Mr. Cvitanich moved that the resolution be adopted. Seconded by Mrs. Banfield. Voice vote was taken on the resolution, resulting as follows:

Ayes 8: Banfield, Bott, Cvitanich, Finnigan, Johnson, Murtland, Zatkovich and Mayor Rasmussen.

Nays 0: Absent 1: Herrmann.

The Resolution was declared passed by the Chairman.

Resolution No. 20153

Awarding contract to Cascade Asphalt Paving Co. on its bid of \$8,374.75 for W. O. No. 91512.

Mr. Finnigan moved that the resolution be adopted. Seconded by Mr. Murtland. Voice vote was taken on the resolution resulting as follows:

Ayes 8: Banfield, Bott, Cvitanich, Finnigan, Johnson, Murtland, Zatkovich and Mayor Rasmussen.

Nays 0: Absent 1: Herrmann.

The Resolution was declared passed by the Chairman.

Resolution No. 20154

Authorizing the proper officers of the City to transfer the sum of \$375 from the M & O Account to the Capital Outlay Account in the Neighborhood Youth Corps Dept. for the purchase of one 1952 passenger GMC bus.

Mr. Murtland moved that the resolution be adopted. Seconded by Mr. Johnson. Mr. Cvitanich wondered if the Public Works bus which hauls persons on welfare that do work for the department could also be utilized by the Neighborhood Youth Corps.

Mr. Smethers, Neighborhood Youth Corps Director, explained the bus that Mr. Cvitanich mentioned is also used to transport NYC enrollees to Spanaway Park. He noted the bus that is mentioned in the resolution will replace one that they had acquired which has now become inoperable.

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

Ayes 7: Banfield, Bott, Finnigan, Johnson, Murtland, Zatkovich and Mayor Rasmussen.

Nays 1: Cvitanich. Absent 1: Herrmann.

The Resolution was declared passed by the Chairman.

Resolution No. 20155

Accepting a sealed bid for the purchase of property in the Fawcett St. Urban Renewal Project Wash. R-3 from Seifert, Forbes & Berry for the lump sum of \$60,000.

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

Mr. Zatkovich mentioned that the bid submitted by a partnership not yet incorporated to be known as 919 Building Inc. was the only bid received. He added, a second bidder had intended to bid but had not submitted a bid due to a misunderstanding. He thought there was some doubt in respect to this one bid and wondered if the second bidder should not be allowed to submit his bid.

Mayor Rasmussen felt this bid was a speculative proposition at the present time, and that is prohibited by the Urban Renewal Law.

Mr. Wright, Urban Renewal Director, explained that \$60,000 has been bid for Parcel 12. He pointed out that the developers intend to couple Parcels 6a and 6b to Parcel 12 for an overall development complex which would combine the floor area ratios for all parcels. An office building will then be erected facing Tacoma Ave. and will be connected to separate parking facilities facing Fawcett Ave. which would be a bridge or plaza spanning Court E. He also noted that a market analysis has been asked for by the bidder from Larry Smith & Co. of San Francisco.

Mr. Wright continued, that they were recommending approval of the sale with the understanding that the time limit for final conveyance of title and receipt of full payment will be adhered to and provided in the agreement of sale which would be approximately (150) days after the City Council's approval.

Mr. Bott felt a specific plan should be offered for the development.

Mr. Finnigan asked who owned the other parcels, 6a and 6b.

Mr. Wright explained, these parcels had been purchased by Seifert, Forbes and Berry, architects, at two different sales. These architects will join with a firm of lawyers to develop this larger complex and they would expand the original plan if this resolution is approved.

Mr. Finnigan mentioned that the explanatory notes indicated that the building would be from six to sixteen stories depending upon the result of the feasibility study. He stated, he did not feel the sale should be approved as a specific plan has not been submitted relative to the height of the building which is not consistent with the regulations as set forth in the Urban Renewal Law.

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Mr. Johnson moved to postpone the resolution for two weeks, until April 29, 1969. Voice vote was taken. Motion unanimously carried.

The Resolution was postponed until April 29, 1969.

FIRST READING OF ORDINANCES:

Ordinance No. 18800

Amending Chapter 13.06 of the official code by adding a new section 13.06.045-10 to include property on the S. W. corner of No. 45th & Pearl St. in an "R-2-T" District. (petition of J. F. Crocker)

Mayor Rasmussen explained, during the hearing on the rezoning of this property there had been a number of conditions suggested that should be agreed upon before an ordinance is passed by the City Council, as the property owners in the area objected to this rezone.

Mr. Finnigan suggested that a report be submitted by the Planning Department for the Council's clarification regarding these conditions at the final reading of the ordinance next week.

Mr. Rowlands, City Manager, stated a report would be submitted.

The Ordinance was placed in order of final reading.

Ordinance No. 18801

Amending Chapter 13.06 of the official code by adding a new section 13.06.120-57 to include property on the south side of 29th St. N. E. from approximately 225 feet east of 62nd Ave. N. E. to the King County line in a "C-1" District. (petition of Puget Sound National Bank)

The Ordinance was placed in order of final reading.

Ordinance No. 18802

Vacating the area of So. 18th between So. I & J, also alley between So. I & J Streets. (petition of St. Joseph's Hospital)

The Ordinance was placed in order of final reading.

Ordinance No. 18803

Creating a new fund known as Fund No. 147, Ruston Way Open Space Acquisition Revolving Fund and authorizing the transfer of \$41,000 or so much thereof as may be necessary from the General Fund to the newly created fund.

Mr. Rowlands, City Manager, explained these funds would be for the Ruston Way Open Space Acquisition Revolving Fund. The grant for Ruston Way is made up of 50% Federal, 25% State and 25% local funds.

Mr. Rowlands further explained these funds have already been approved through a special grant last year, and this is merely the financial mechanics so that it can be properly administered.

Mr. Cvitanich asked if the information that he has requested relative to taking options on the land in this area is completed.

Mr. Hamilton, Acting City Attorney, explained that Mr. Cvitanich's suggestion has been reviewed at some length and the department finds certain risks involved. If the Council attempts to authorize the optioning of property and should not be

able to raise sufficient funds, the City would have to bear the entire loss incurred if the option is not exercised. The Federal Government then would not participate, short of the acquisition of the property. Normally an option is exercised where there is a condition affecting the property. In this instance, the Council has reference to optioning property on the supposition that additional money would be forthcoming from other sources. He added, in his judgment there is some question of the legality of the City's paying money for an option when there is a likelihood there maybe no exercising of the option.

Mayor Rasmussen wondered since there are public spirited citizens who would sell at a certain price, a mutual agreement could be worked out contingent upon receiving Inter-agency funds.

Mr. Hamilton said this would vary from a true option. He felt, perhaps, an earnest-money agreement might be possible, but he could not conceive of too many property owners agreeing to this type of a proposition.

Mayor Rasmussen stated, there are many foundations in the City of Tacoma that might take an option or purchase property outright.

Mr. Murtland noted that much of the Oregon coast area has been donated as memorials to the public, such as rest stops and vista points.

Mr. Cvitanich asked that the earnest-money approach be explored by the Council.

Mr. Rowlands explained that the memorial approach is being used with one or two Ruston Way property owners. The main concern is making the money go as far as possible.

Mayor Rasmussen also suggested exploration of 100-year leases at reasonable terms.

The Ordinance was placed in order of final reading.

Ordinance No. 18804

Appropriating the additional sum of \$2,362 or so much thereof as may be necessary from the General Fund for the purchase of 6-Harley-Davidson motorcycles without trade-in.

Mr. Finnigan could not understand why this appropriation was requested as motorcycles are available for trade-in.

Mr. Rowlands, City Manager, explained that in the 1969 budget the Police Dept. had budgeted for \$12,638 (with trade in) to cover the purchase of 6-new motorcycles. It has been found that a more attractive bid is available when all of the old motorcycles are put up for sale at one time. It is expected when these trade-ins are sold the sum will exceed \$4,000. Since this bid is \$15,000 (without trade in) \$2,362 is needed to make up the difference from what was budgeted.

Mrs. Banfield requested that the Council be given specifications every time a bid is received. She added, she checked the bid specifications and found that the bidder was to show the bid both ways, with and without trade-in. She could not understand why the award is granted to Harley-Davidson when the Drager bid of Seattle is a lower bid with trade-in.

Mr. Finnigan said if the department did not intend to include the trade-in value why was it included on the bid sheet.

Mr. Gaisford, Director of Finance, explained the specifications also stated the City had the privilege of rejecting the portion of the bid concerning trade-ins. He also pointed out that selling motorcycles by bid rather than turning them in as trade-ins, it was found to produce more revenue.

Mr. Finnigan asked Mr. Hamilton what the Council can do at this point.

Mr. Hamilton, Acting City Attorney, explained the obligation of the Council is to accept the best responsible bid so far as the City's interest is concerned. However the Council can accept whichever bid they wish or reject all of them and re-advertise.

Mr. Bott moved that action on the ordinance be postponed for one week, until April 22, 1969 to obtain more information on the matter. Seconded by Mrs. Banfield.

Roll call was taken, resulting as follows: Ayes 5: Banfield, Bott, Johnson, Murtland and Mayor Rasmussen. Nays 3: Cvitanich, Finnigan and Zatkovich. Absent 1: Herrmann. Motion carried.

The Ordinance was postponed until April 22, 1969.

Mr. Bott left the meeting at 9:10 P. M.

Mayor Rasmussen asked that the record show that Mr. Bott has not been excused from the meeting.

Ordinance No. 18805

Amending Chapter 1.30 of the official code relative to the Employees Retirement System.

Mrs. Esther Campbell, Retirement System Manager, explained that the Retirement Board had requested an actuarial investigation of the Retirement System with the thought in mind that they wished to increase the benefits. The proposed amendment will change the retirement plan to a complete guaranteed formula relative to service retirement, whereby a person at age (60) with thirty years of service may retire at one-half salary. The disability portion of the plan is also being amended to a full guaranteed formula averaging out to age (65) with a maximum of (1/3) salary.

Mrs. Campbell further explained, the other improvements to the plan are an 8% increase of the annuity and pension for the existing pensioners' benefits. The other benefit is that the cost-of-living benefit is being increased from 1% to 1 1/2%.

Mayor Rasmussen asked Mrs. Campbell to explain what was a fully guaranteed pension plan.

Mrs. Campbell said, a fully guaranteed pension plan is that an employee will be able to compute his own pension. It is guaranteeing an employee one-half salary at age (60) with thirty-years of service. However, the pension is adjusted if a person does not have thirty years of service, and if a person is not age (60).

Mayor Rasmussen explained, the percentage that the City is paying into the City pension fund as well as to the Social Security Dept. amounts to approximately 11%.

Mayor Rasmussen explained that an amendment to the ordinance which is being submitted to the Council this evening would enable an employee who is retained beyond the mandatory retirement age of (65) to continue participating in the retirement system.

Mr. Guenther, Assistant City Attorney, explained that the Actuary had been told what the amendment was designed to accomplish and it was his off-the-cuff opinion that it would not be detrimental to the retirement system.

Mayor Rasmussen stated he was ^{not} aware if a person is retained on the job after the age of (65) they could not continue paying into the retirement system or receive any retirement. He noted when a person is extended in the State and Federal retirement systems he continues paying into the system.

Mr. Finnigan felt there has been a growing trend, particularly in private industry to have mandatory retirement at age (65), and plans are made to replace the person months before the retirement date. This also gives promotional opportunities for faithful employees, he added.

Mr. Green, the Pension Board members, explained that the Board with the exception of Mayor Rasmussen opposed the amendment to the system. The Board felt that such a change could lead to 'political preference'. It has always believed that it was to the best interest of the City for employees to retire at age (65). If an injustice has been done, he was sure the Board would look into the matter, but to upset an entire retirement system, they felt would not be proper.

Mrs. Kagarice, past President of the Civil Service League, explained that she

felt this amendment could spark a return to the old Spoils System. It does not include in the amendment that the Council would have the final say, but leaves such a decision up to the appointing authority.

Mr. Green explained that this proposal was the first time a change to the system had been initiated at the City Council level, rather than coming from the Administrative Board.

Mr. Finnigan felt to give a person an option whether they wish to stay after (65) or not is defeating the entire purpose of any retirement system. Any retirement system is developed to take care of a person when they reach the retirement age.

Mayor Rasmussen felt that the entire Retirement Board as well as the Council would depend on the actuary's forthcoming statement in writing.

The Ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 18780 (postponed from the meeting of April 8, 1969)

Amending Sec. 1.24.980 & 986 of the Civil Service and Personnel Rules to add Model Cities Projects.

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

- Ayes 3: Finnigan, Johnson and Murtland.
- Nays 4: Banfield, Cvitanich, Zatkovich and Mayor Rasmussen. Absent 2: Bott and Herrmann.

There were insufficient votes to formally reject the ordinance--Chapter 6.14 of the City Charter.

Ordinance No. 18786

Amending Title 11 of the Official Code of the City of Tacoma to eliminate Commerce St. from So. 9th to So. 17th as a designated one-way street.

Mr. Johnson moved to postpone the ordinance for two weeks, until April 29, 1969. Seconded by Mr. Murtland. Roll call was taken on the motion resulting as follows: Ayes 3: Finnigan, Johnson and Murtland. Nays 4: Banfield, Cvitanich, Zatkovich and Mayor Rasmussen. Absent 2: Bott and Herrmann. Motion Lost.

Mayor Rasmussen read a number of letters from merchants asking that Commerce St. be returned to a two-way operation. He felt that the Council should do everything to assist the merchants who have requested that Commerce St. be returned to a two-way street.

Mr. Rowland, City Manager, explained that this was a very important change in the traffic pattern of the City and he hoped that the Council would allow Mr. Kossi, Traffic Engineer, to speak on the matter.

Mr. Kossi, Traffic Engineer, explained that the one-street system in the City is a vital link in the chain of streets that work in conjunction with each other to form a route. Commerce St. under the one-way system has reduced vehicular and pedestrian conflicts particularly during the peak traffic hours. The one-way street reduces congestion, eliminates turning restrictions throughout downtown and eliminates the reversible lanes on 11th Street.

Mr. Kossi further pointed out that in the future the new parking garages will generate additional congestion and the one-way street would be an advantage. The Tacoma Spur is designed to tie into a one-way system for best operation and the closure of Broadway as part of the Broadway Mall development will cause a redistribution of traffic to Market, Commerce and Pacific Ave. Mr. Kossi urged that no

change be made in the one-way operation of Commerce Street because of these factors.

Mr. Schuster, Director of Public Works, explained that the study made indicated that both as an individual street and as a component of the one-way system, the facility best serves the City as a one-way street.

Mayor Rasmussen felt it is necessary to make a determination at this time to enable businesses to operate downtown. The parking garage developers have stated that the two projected garages could be adapted with only minor changes to a two-way system on Commerce St.

Mr. Johnson felt any change in the downtown traffic system would be premature and costly. He thought the solution for the businesses that claim they have suffered financially would be to build the parking garages as soon as possible which would attract shoppers to the downtown area.

Mr. Zatkovich felt that by opening up Commerce St. to a two-way traffic system would relieve the traffic problem on Pacific Ave. as well as on Broadway.

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

Ayes 6: Banfield, Cvitanich, Finnigan, Murtland, Zatkovich and Mayor Rasmussen.
Nays 1: Johnson. Absent 2: Bott and Herrmann.
The Ordinance was declared passed by the Chairman.

Ordinance No. 18787

Vacating the area in the vicinity of East 71st & McKinley Ave. (Petition of Chicago, Milwaukee, St. Paul & Pacific R. R.)

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

Ayes 7: Banfield, Cvitanich, Finnigan, Johnson, Murtland, Zatkovich and Mayor Rasmussen.
Nays 0: Absent 2: Bott and Herrmann.
The Ordinance was declared passed by the Chairman.

Ordinance No. 18788

Amending Chapter 13.06 of the official code by adding a new section 13.06.120-56 to include property on the N. E. corner of Yakima & So. 46th St. in a "C-1" District. (petition of Jean C. Ellington)

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

Ayes 5: Banfield, Finnigan, Johnson, Zatkovich and Mayor Rasmussen.
Nays 2: Cvitanich and Murtland. Absent 2: Bott and Herrmann.
The Ordinance was declared passed by the Chairman.

Ordinance No. 18789

Amending Chapter 13.06 of the official code by adding a new section 13.06.067-9 to include property on the N. W. corner of East 46th St. and Portland Ave. in an "R-4-L-PRD" District. (petition of Weyerhaeuser Co.)

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

Ayes 5: Finnigan, Johnson, Murtland, Zatkovich and Mayor Rasmussen.
Nays 2: Banfield and Cvitanich. Absent 2: Bott and Herrmann.
The Ordinance was declared passed by the Chairman.

Ordinance No. 18790

Authorizing the condemnation of certain lands on Ruston Way for the establishment of open space and beautification.

Mr. Hamilton, Acting City Attorney, explained this ordinance gives authority to institute action if it becomes necessary to acquire these four parcels of land.

Mr. Robert Ellener, 3303 Gay Road, asked who would be the titleholder if the property were condemned.

Mayor Rasmussen explained it would be the City of Tacoma.

Mr. Ellener felt the Park District should be the department who has control of the property because the grant was for beautification.

Mayor Rasmussen said, the administration of the property could be turned over to the Metropolitan Park District, but the titleholder would still be the City of Tacoma.

Mr. Ellener felt this was the first step in a plan to eliminate private ownership of property in the City of Tacoma.

Mr. Hamilton explained, most of this land is replatted tide lands and is northerly of Ruston Way so residences are not involved.

Mr. Cvitanich explained that previous Council minutes will show that the Council will not condemn anyone's property that has a pre-existing industry on the land.

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

Ayes 5: Cvitanich, Finnigan, Johnson, Murtland and Mayor Rasmussen.

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

The Ordinance was declared passed by the Chairman.

Ordinance No. 18791

Appropriating the sum of \$5,000 or so much thereof as may be necessary from the General Fund for the purpose of paying salaries and wages & M & O costs of one additional Clerk Typist II in the office of the City Clerk.

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

Ayes 7: Banfield, Cvitanich, Finnigan, Johnson, Murtland, Zatkovich and Mayor Rasmussen.

Nays 0: Absent 2: Bott and Herrmann.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18792

Appropriating the sum of \$25,000 or so much thereof as may be necessary from the General Fund to the Nondepartmental Fund for the purpose of paying the City's share of sidewalk design, supervision and construction costs adjacent to the proposed parking garages in the New Tacoma Urban Renewal Project, Wash. R-14 and for supervision of construction for the Public Open Spaces.

Mr. Murtland moved that the ordinance be postponed for one week, until April 22, 1969. Seconded by Mr. Finnigan. Roll call was taken on the motion, resulting as follows: Ayes 4: Finnigan, Johnson, Murtland and Zatkovich. Nays 3: Banfield, Cvitanich and Mayor Rasmussen. Absent 2: Bott and Herrmann. Motion carried.

The Ordinance was postponed until April 22, 1969.

Ordinance No. 18793

Appropriating the sum of \$1,000 or so much thereof as may be necessary from the General Fund for the purpose of paying salaries and wages of a Photographer I in the Public Information and General Services Dept.

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

Ayes 6: Banfield, Cvitanich, Johnson, Murtland, Zatkovich and Mayor Rasmussen.
Nays 1: Finnigan. Absent 2: Bott and Herrmann.
The Ordinance was declared passed by the Chairman.

Ordinance No. 18794

Amending Chapter 5.20 of the official code by adding thereto a new Section 5.20.105 relative to Commercial Container Rates.

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

Ayes 7: Banfield, Cvitanich, Finnigan, Johnson, Murtland, Zatkovich and Mayor Rasmussen.
Nays 0: Absent 2: Bott and Herrmann.
The Ordinance was declared passed by the Chairman.

Ordinance No. 18795

Appropriating the sum of \$76,031. or so much thereof as may be necessary from the Garbage & Refuse Utility Fund for the purpose of paying additional costs in connection with the operation of the sanitary land fill.

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

Ayes 7: Banfield, Cvitanich, Finnigan, Johnson, Murtland, Zatkovich and Mayor Rasmussen.
Nays 0: Absent 2: Bott and Herrmann.
The Ordinance was declared passed by the Chairman.

Ordinance No. 18796

Amending Title 8 of the official code by adding thereto eight new sections to be known as Chapter 8.33.

Mr. Murtland felt, perhaps, Section 8.33.040--Presumptions, on page 3 of the ordinance, should be deleted as the Supreme Court case did not include such a section in its recent decision.

Mr. Hamilton, Acting City Attorney, explained he did not feel that the inclusion or exclusion of this section would add a great deal to the ordinance as these matters are usually self-evident.

Mr. Murtland also felt a portion of Sec. 8.33.010, paragraph 3, should be excluded. He thought reasonableness should prevail and wondered if the ordinance might be too extreme.

Mr. Murtland moved that Section 8.33.040--Presumptions, on page 3, be deleted from the ordinance. Seconded by Mr. Finnigan. Voice vote taken. Motion unanimously carried.

Mr. Cvitanich moved that the Sections be renumbered, starting with 8.33.040 through 8.33.070. Seconded by Mr. Murtland. Voice vote taken. Motion unanimously carried.

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

Ayes 7: Banfield, Cvitanich, Finnigan, Johnson, Murtland, Zatkovich and Mayor Rasmussen.

Nays 0: Absent 2: Bott and Herrmann.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18797

Amending Sec. 8.12.010 of the official code relating to disorderly persons.

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

Ayes 7: Banfield, Cvitanich, Finnigan, Johnson, Murtland, Zatkovich and Mayor Rasmussen.

Nays 0: Absent 2: Bott and Herrmann.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18798

Amending Sec. 8.32.010 of the official code relative to Obscene Material definition.

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

Ayes 7: Banfield, Cvitanich, Finnigan, Johnson, Murtland, Zatkovich and Mayor Rasmussen.

Nays 0: Absent 2: Bott and Herrmann.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18799

Amending Sec. 8.32.040 of the official code relative to Obscene Publications Prohibited.

Mr. Hamilton, Acting City Attorney, explained a substitute ordinance has been submitted as the Supreme Court has ruled that a person may view obscene material in his own private home if he wishes. Therefore, the language under Section 8.32.040, second line, has been changed to read 'or employee of said firm or corporation, to knowingly import, print, publish, draw, design, record, utter, prepare, sell, lend, give away, distribute, or knowingly possess in any public place, business, or commercial establishment, except the individual's own private abode'.

Mr. Murtland moved to approve the substitute ordinance. Seconded by Mr. Cvitanich. Voice vote taken. Motion unanimously carried.

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

Ayes 7: Banfield, Cvitanich, Finnigan, Johnson, Murtland, Zatkovich and Mayor Rasmussen.

Nays 0: Absent 2: Bott and Herrmann.

The Ordinance was declared passed by the Chairman.

UNFINISHED BUSINESS:

Mrs. Banfield mentioned that she had asked for a list of the tax exempt buildings particularly in the Urban Renewal area from the year 1962, sometime ago.

Mr. Rowlands, City Manager, explained that this would have to be obtained from the County Assessor.

Mayor Rasmussen also asked that the report show how much of the property in the Port District is taxable and how much is under lease.

Mr. Rowlands stated a report would be submitted.

Mr. Zatkovich inquired as to the status of HB 468 relative to the Police Chiefs receiving one-half salary upon retirement.

Mr. Cvitanich explained that HB 468 is tied up in committee. However, the provision about the half salary has been incorporated in the Omnibus Pension Bill #74, and is being debated in the Senate at the present time.

Mr. Zatkovich felt this was not proper to attach this one-half salary provision to another Bill.

Mr. Murtland mentioned the conversation at the April 8th meeting where the Mayor was questioning Chief Zittel about crime, and what Mr. Rowlands, City Manager, had said in a speech he had given that mentioned a report from the Secretary of State, Lloyd Kramer. The Mayor's statements had been brought about by a clipping in the newspaper. Mr. Murtland added, he wished to inform the citizens that Mayor Rasmussen had not had the clipping before him at the April 8th meeting and he felt, the Mayor had misquoted the paper.

Mr. Murtland quoted from Secretary Kramer's report, "the ability to distinguish behavior that is illegal from that which is merely non-conforming." Mr. Murtland asked Mayor Rasmussen to state that he had misquoted Mr. Rowlands because of not having the paper before him.

Mayor Rasmussen explained that Mr. Murtland would find that Mr. Rod Cardwell's story was reasonably accurate. He felt it was very important to the people of Tacoma and he was glad that the Chief had made a positive statement even in spite of Mr. Rowland's speech before the Rotary Club. The Mayor thought his memory was quite accurate.

Mayor Rasmussen asked that Mr. Cardwell accept the Mayor's apologies for Mr. Murtland doubting his ability.

Mr. Murtland stated he had not doubted what Mr. Cardwell said, but as far as the quote is concerned which is, "it is essential to racial justice that the people develop a spirit of understanding to distinguish between a crime and an act of non-conformance," and from the verbatim report of April 8th Council minutes, the Mayor said, "It was mentioned that if certain people committed a crime, it was a crime, and if certain other people committed a crime, it was called non-conformance." So he felt these statements are quite far apart.

Mr. Zatkovich referred back to the communication from Mr. Vance requesting reimbursement of \$200 for travel expenses for his oral interview for the position of Model Cities Director. He added, if the Council were to approve the expenses of the California applicant for the Model Cities Director, he felt the applicant from Texas should also be paid even though he has not requested such funds.

Mrs. Banfield requested a report on the HesCo Co. and why they had priority on certain property in the City.

Mr. Rowlands stated the report would be forthcoming.

COMMENTS BY MEMBERS OF THE COUNCIL:

Mr. Cvitanich stated, in his research he found that in the City of Los Angeles a Grand Jury investigation was called because of planning problems in that City. As a result a committee was formed to actively study the planning situation. Mr. Cvitanich explained he submitted this report to the Legal Dept. so some Charter amendments can be prepared as well as zoning amendments for the perusal of the Council members. He also asked that the Planning staff peruse the report.

CITIZENS COMMENTS:

Mr. George W. Goe, Sr., 5045 So. Cedar, requested that the citizen's comments be placed at the first part of the agenda. He also felt that the Council was not following the State Law in many of its procedures.

Mr. John C. Frai, 1423 So. 23rd, called the Council's attention to the fact that Radio Station KAYE is a non-union station, therefore, he felt this station should not be allowed to broadcast from the City Council Chambers.

Mayor Rasmussen stated a letter has been received from Mr. Don M. Draka, 4525 No. 26th. Mr. Drake spoke in regard to constructing a boat ramp along Ruston Way with City employee help which would be similar to the Pt. Defiance area. He noted, Ordinance No. 18790 on this agenda pertains to the Ruston Way Open Space program and asked that his idea be considered by the Council.

Mr. Cvitanich felt this was an excellent idea and hoped the matter might be thoroughly studied.

Mayor Rasmussen requested that Mr. Rowlands, City Manager, have one of the Engineers from the Public Works Dept. submit an estimate as to the cost of such an installation.

Mr. John L. Epps, President of the N. A. A. C. P., 2333 South L St., read a communication signed by the President of the N. A. A. C. P., in a further attempt to clarify and enlarge on its earlier announcement of the withdrawal of its participation on the Open Housing Review Board. A number of grievances were sighted in the letter and in its summary Mr. Epps stated that the Review Board has failed to see that justice is done even within the limited provisions of the ordinance.

Mayor Rasmussen asked Mr. Hamilton, Acting City Attorney, if the City's ordinance is stronger than the Federal law.

Mr. Hamilton explained there are two different statutes included in this problem, one being the Civil Rights Act of 1866 and the Federal Housing Statute of 1966 which has broader exemptions than does the City's ordinance.

Mr. Cvitanich moved to suspend the Rules to allow Mr. Earl Mamlock, Chairman of the Open Housing Review Board, to speak. Seconded by Mrs. Banfield. Voice vote taken. Motion carried.

Mr. Mamlock expressed his concern that the N. A. A. C. P. was withdrawing from the Open Housing Review Board as this organization had helped to instigate and write the open-housing ordinance.

Mr. Mamlock read a summation from the Acting City Attorney, who had attended most of the meetings and had submitted his opinion in writing. The last paragraph of that communication stated it was the feeling of the majority of the Board that

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the Board has fulfilled an important function in the life of the community and by in large has accomplished its objectives.

Mr. Cvitanich requested that a copy of the communication read by Mr. Mamlock be sent to the Dept. of Housing & Urban Development, Washington State Board against Discrimination; Mr. Leonard Carter, Regional Director, West Coast Regional Office N. A. A. C. P. and Mr. Charles V. Johnson, Northwest Area President of N. A. A. C. P., as well as Mr. Epps. Mr. Cvitanich also noted that he had requested that Mr. Hamilton review the files of the Open Housing Review Board.

Mayor Rasmussen stated, it was regrettable that the N. A. A. C. P. had decided to withdraw its representation from the Open Housing Review Board.

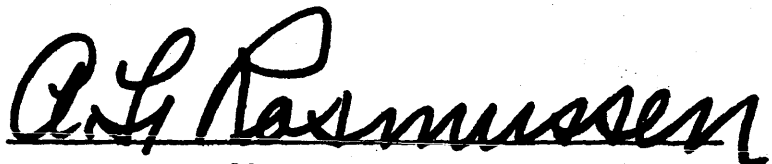
Mr. Cvitanich hoped that the Open Housing Review Board may continue in the same manner they started as it is a Board of dedicated people who are concerned over existing problems.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Minutes of the City Council Study Session of April 7, 1969.
- b. Minutes of the Special meeting of the Board of Park Commissioners of April 7, 1969.
- c. Minutes of the Board of Adjustment for March 13, 1969.
- d. Minutes of the meeting of March 10, 1969 of the Trainee Corps Selection and Evaluation Board and the Agends of April 7th, 1969.
- e. Report of the Municipal Court and Traffic Violations during the month of March 1968 and 1969.
- f. Report from the Citizens Information and Service Bureau for March 1969.
- g. Proceedings of the 33rd Annual Summer Institute of Government-1968 from the Bureau of Governmental Research & Services.

Placed on file.

Mr. Finnigan moved that the meeting be adjourned. Seconded by Mr. Cvitanich. The meeting adjourned at 11:30 P. M.


E. L. RASMUSSEN, MAYOR

ATTEST. 
JOSEPHINE MELTON, CITY CLERK