

CITY COUNCIL MINUTES

Public Utilities Building Auditorium
Tuesday, November 18, 1969

The Flag Salute was led by Mrs. Banfield.

Mayor Rasmussen announced that the newly elected Council members will be sworn in by the City Clerk at this time. The oath of office was administered to the newly elected Council members, Mr. Cvitanich, Mr. Dean, Mr. Jarstad and Mr. O'Leary.

Mr. Jim Nichols, radio commentator, gave the invocation.

Present on roll call 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Rasmussen.

Mr. Zatkovich moved to suspend the rules to take up a matter that is not on the agenda. Seconded by Mr. O'Leary. Voice vote was taken. Motion carried.

Mr. Zatkovich then moved to nominate George Cvitanich as Deputy Mayor. Seconded by Mr. O'Leary.

Mayor Rasmussen asked if there were any further nominations for this position. Since there were no further nominations, Mayor Rasmussen asked the City Clerk to call a roll on Mr. Zatkovich's motion.

Roll call was taken on Mr. Zatkovich's motion to nominate George Cvitanich as the Deputy Mayor, resulting as follows: Ayes 8: Banfield, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Rasmussen. Nays 1: Cvitanich, abstaining. Absent 0. Motion carried.

Mr. Cvitanich thanked all members of the Council for this honor.

Mayor Rasmussen explained since the rules are suspended a resolution should be considered relative to appointing an Acting City Manager. He asked that Res. No. 20468 be read.

Resolution No. 20468

Appointing Marshall McCormick as Acting City Manager effective Nov. 18, 1969, and to continue until further action of this Council.

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

Mr. Finnigan asked if Mr. McCormick has been consulted in regard to this position.

Mr. McCormick explained he was consulted about the position. He said he would assume this particular position on a definite condition, that is, it would not fall on his shoulders alone but that he would have the help of all the Department Directors and staff.

Mr. McCormick added, he would appoint Mr. Hamilton as Acting City Attorney, as he is well qualified and able to carry on the duties of the Legal Dept.

Mr. Finnigan asked Mr. McCormick if he would be changing any Department Directors upon acceptance of this position.

Mr. McCormick explained he had had no requests except from those persons who have already submitted their resignations. As the Council knows, Mr. Rowlands' resignation has been accepted and Mr. Hodges' resignation has been filed to be effective Dec. 5, 1969. However, there has been some question as to the operation of the Airport, he added.

Mr. Cvitanich explained he did not believe there was any department in City Government that provides the measure of stability as the Legal Dept. He urged the Council to vote unanimously for this resolution.

Mayor Rasmussen stated that at the present time under the City Charter, there must be a City Manager and he felt that Mr. McCormick's knowledge of the entire City operation certainly qualify him to act in the capacity of Acting City Manager.

Mr. McCormick thanked the Council for the honor but he again asked that he have the cooperation of every member of the Council and every Dept. Director.

Roll call was taken on Res. No. 20468, resulting as follows:

- 9 Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Rasmussen.
- 0 Absent 0.

Resolution was declared passed by the Chairman.

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Mr. Zatkovich explained, since the Council rules are suspended, he would move that the Council have no objection if the City Manager accepted the resignation of Mr. Hodges, effective Nov. 21, 1969. Seconded by Mrs. Banfield.

Mr. Finnigan wondered if the Council is already going to direct the Acting City Manager what to do, even though the Manager has the authority under the Charter to remove certain appointive positions in the general City government.

Mayor Rasmussen felt what Mr. Zatkovich has in mind is that the Council would have no objection if Mr. Hodges' resignation is accepted Nov. 21, instead of Dec. 5.

Dr. Herrmann felt it was proper to accept Mr. Hodges' resignation as of Dec. 5, as requested.

Voice vote was taken on the motion to accept Mr. Hodges' resignation as of Nov. 21, 1969. Motion carried.

Mayor Rasmussen announced that the regular agenda would now be resumed.

Mayor Rasmussen asked if there were any omissions or corrections in the minutes of November 5, 1969. Mr. Cvitanich moved that the minutes be approved as submitted. Seconded by Mrs. Banfield. Voice vote taken. Motion unanimously carried.

HEARINGS & APPEALS:

This is the date set for hearing for the vacation of the east 60 feet of Union Ave. between No. 37th & No. 38th Streets, submitted by Orville Shenefelt.

Mr. Buehler explained that this request is to vacate a portion of Union Ave. to utilize the proposed vacation for additional yard space. He added, there is a long steep driveway to the applicant's residence which is located within the vacation area, and the topography is such that a city street cannot be constructed down the steep slope. The Union Ave. right-of-way in this vicinity is presently 130 feet wide and with this 70 foot vacation, there will be 60 feet of right-of-way remaining for Union Ave.

Mr. Buehler added, the Planning Commission has recommended approval of the vacation with approval of recommended conditions as follows: that deed restrictions be submitted and approved by the Legal Dept. stating that no dwellings be built on the area to be vacated. Also that the north 104 feet of the vacation be deleted, as it was in the steep slope area, not usable, and it would be retained in the ownership of the City. The water meter connections already serving the dwellings within the proposed vacated area would be relocated at no cost to the City.

Mr. Buehler noted there was an objection from the adjacent property owners as they felt perhaps a dwelling was to be built on the vacated land. The petitioner, Mr. Shenefelt, has stated that his only desire was to improve his driveway. The adjacent property owners were satisfied as long as the deed restrictions were placed on the property as noted above.

After further discussion, Mr. Finnigan moved to concur in the recommendation of the Planning Commission to approve the above vacation with the added conditions, and that an

Finance be drafted approving same. Seconded by Mr. Jarstad. Voice vote was taken. Motion was unanimously passed.

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This is the date set for hearing for the vacation of So. 75th to So. 76th Sts. between Yakima and I Streets, submitted by Benny Anderson.

Mr. Buehler explained that some time ago the Board of Adjustment had approved a variance for Mr. Anderson to build a house on this property, however, they had suggested he request a vacation of the alley from So. 75th to So. 76th Streets between Yakima and I Streets. The only recommended condition of approval set by the Planning Commission is that a sewer easement be retained over the entire alley and no buildings or permanent structures be constructed over the sewer easement.

Mr. O'Leary moved to concur in the recommendation of the Planning Commission to approve the above vacation and that an ordinance be drafted approving same. Seconded by Mr. Cvitanich. Voice vote was taken. Motion unanimously passed.

COMMUNICATIONS:

A communication was read from the Very Reverend Thomas J. Pitsch, Pres. of the Human Relations Commission, expressing the Commission's appreciation of the pioneer work of their first Director, Rev. Lynn Hodges. Motion placed on file.

The City Clerk read a second communication from the Very Reverend Thomas J. Pitsch asking the Council to appoint a qualified non-white as Director of the Human Relations Commission.

Mayor Rasmussen explained that the proposed 1970 Budget is out of balance even without any salary raises for the City employees. He asked the Finance Director what it would cost to include salary increases in the budget.

Mr. Gaisford explained the survey which has been made for general government, including the transit system, shows that it would cost the City approx. \$926,000.

Mayor Rasmussen further stated that this would make the budget approx. \$3,000,000 out of balance, consequently that could mean that some of the departments which have been created within the last few years may have to be cut back, and their functions transferred to other agencies.

Mr. Finnigan asked the Acting City Attorney if the Council can eliminate a position such as this by motion or ordinance.

Mr. Hamilton stated if the Council wishes to eliminate either a position or a commission created by ordinance, it would have to be done by amending or repealing the ordinance.

Mr. Zatkovich felt the City could benefit by eliminating this position as well as the commission as he felt there were a number of overlapping agencies within the City. There is also an agency within the Police Dept. relative to human relations.

Mr. O'Leary asked if it would be possible to combine the Human Relations Commission with the Open Housing Review Board.

Mr. Hamilton explained that any change in the structure of an organization or commission which has been created by ordinance, has to be accomplished with legal authority, such as amending the ordinance or repealing same. Even though a position is created, there is nothing that compels the Council to appropriate money in the budget for the position.

Mayor Rasmussen explained this matter will be discussed further by the Council.

Mr. Jarstad explained that the new Council members have been invited to a Human Relations Commission meeting and he would like to have the privilege of meeting with the commission before any decision is reached by the Council.

Mayor Rasmussen explained that the commission is still functioning, however, he did not feel that a Director was needed.

The communication was placed on file.

A communication was read from Frank W. Phillips, Airport manager, explaining that he would not be responsible for the safety of operations at the Tacoma Industrial Airport unless given full authority for all operations.

Placed on file.

A communication was read from George J. Congdon, asking to address the Council relative to narcotics and literature which is being displayed and sold in the 38th St. district.

Mr. Cvitanich moved to suspend the rules to allow Mr. Congdon to speak. Seconded by Mr. O'Leary. Voice vote was taken. Motion carried.

Mr. Congdon, 7018 So. Warner, explained he was appalled that books and pamphlets regarding the growing of marijuana were permitted to be sold within the City limits. He mentioned that a business at 3737 So. Yakima, near the Pack & Que, had sold such a pamphlet to his son. He felt that such literature is surely contributing to the delinquency of minors and therefore he had reported these sales to the Police Dept. They have explained that many arrests had been made in the area of 38th St. He wondered why the Council does not have some control over a type of business that is to be conducted when a license is issued.

Mayor Rasmussen asked what action has been taken on this matter.

Mr. Zittel, Police Chief, explained that Monday morning this incident had been called to his attention and he had discussed it with the City Attorney. Action against the establishment is contemplated under the ordinance of the City, he added.

Mr. Hamilton, explained this had been discussed and they had intended to take action on the matter but what the disclosure over the air of the address may have done to the case, he did not know. They were checking into it, he added.

Mr. Finnigan explained that the Council can take action but if there is a Court procedure involved, the Council can do no more.

Placed on file.

A communication was read from George F. Russell, Pres. of the Mann-Russell Electronics, Inc., applying for the position of Tacoma's City Manager.

Placed on file.

A communication was read from William S. Buel, Chairman of the Architectural Barriers Committee of the Indoor Sports Club, Inc., which issued an invitation to the Mayor and Council to follow their members in a wheelchair caravan downtown and experience some of the difficulties in negotiating high curbs, inadequate entrances, etc. which is experienced by the physically handicapped and senior citizens in conducting their affairs throughout the City. They also hoped that on Tues. Nov. 25th at 1:30 P.M. the caravan could meet at the parking lot at the County-City Bldg.

A number of Councilmen stated they would participate in the caravan.

Placed on file.

A communication was read from Allan D. French, Vice Pres. of the Political Science Forum, Tacoma Community College, extending an invitation to the Council members to attend a meeting where the Honorable Charles Evers, Mayor of Fayette, Miss., will speak. This meeting will held Friday, Nov. 21st at 1:00 P.M. in Bldg. 15, Room 8 on the southwest corner of the TCC campus.

Mayor Rasmussen explained that Mayor Evers is to be here as well as Mayor-elect Wes Ulman of Seattle who is to speak at the Top of the Ocean.

Placed on file.

RESOLUTIONS:Resolution No. 20454

Fixing Tuesday, Dec. 2nd at 4 P.M. as the date for hearing on the preliminary plat of Westgate's Wedgewood Park, between Shirley & Pearl Sts. & between No. 37th & North 40th extended.

Mrs. Banfield 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 Rasmussen.

Nays 0: Absent 0.

The Resolution was declared adopted by the Chairman.

Resolution No. 20455

Fixing Tuesday, Dec. 16th at 4 P.M. as the date for hearing on the preliminary Plat of Parkview Terrace on both sides of McBride between Orchard & Ferdinand Sts.

Mrs. Banfield 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 Rasmussen.

Nays 0: Absent 0.

The Resolution was declared adopted by the Chairman.

Resolution No. 20456

Fixing Tuesday, Dec. 2nd at 4 P.M. as the date for hearing for the rezoning of the east side of Hosmer St. approx. 630 feet north of So. 90th from an "R-2" to an "R-2-T" District. (petition of Fred Roberson).

Mrs. Banfield 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 Rasmussen.

Nays 0: Absent 0.

The Resolution was declared adopted by the Chairman.

Resolution No. 20457

Fixing Tuesday, Dec. 16th at 4 P.M. as the date for hearing for the vacation of Ferdinand St. between McBride & No. 38th Street. (petition of Ungers & Hauptman)

Mrs. Banfield 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 Rasmussen.

Nays 0: Absent 0.

The Resolution was declared adopted by the Chairman.

Resolution No. 20458

Fixing Tuesday, Dec. 16th at 4 P.M. as the date for hearing for the vacation of McBride St. between Ferdinand & Orchard & the alley between McBride & No. 39th & between Ferdinand & Orchard St. (petition of A. McConihe, etal)

Mrs. Banfield 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 Rasmussen.
- Nays 0: Absent 0.

The Resolution was declared adopted by the Chairman.

Resolution No. 20459

Fixing Monday, Dec. 8th at 4 P.M. as the date for hearing for L I D 5497 for water mains in the area bounded by Pacific Ave; East 80th; East D and East 86th Street.

Mrs. Banfield 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 Rasmussen.
- Nays 0. Absent 0.

The Resolution was declared adopted by the Chairman.

Resolution No. 20460

Fixing Monday, Dec. 22nd at 4 P.M. as the date for hearing for L I D 6922 for street lights on Agnes Road from Dash Point Water Works Road and other nearby Roads.

Mrs. Banfield 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 Rasmussen.
- Nays 0: Absent 0.

The Resolution was declared adopted by the Chairman.

Resolution No. 20461

Fixing Tuesday, Dec. 2nd at 4 P.M. as the date for a meeting with the initiating parties for the annexation of both sides of Crystal Springs Road between So. 19th & So 23rd street West extended.

Mrs. Banfield 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 Rasmussen.
- Nays 0: Absent 0.

The Resolution was declared adopted by the Chairman.

Resolution No. 20462

Awarding contract to American Rubber Company on its bid of \$26,305.26 for the supply of Fire Hose.

Mr. Cvitanich moved that the resolution be adopted. Seconded by Mrs. Banfield. Mayor Rasmussen asked why Item 5 was deleted from the bid proposal.

James Reiser, Fire Chief, explained what they had expected to purchase was a flexicord hose with a large size suction hose which could be used at the hydrant and for drafting. However, the price was so high that the staff decided the soft suction large hose would be adequate as its price is approx. half the cost of the flexicord hose.

Mayor Rasmussen asked if the cost for the supply of fire hose comes from the regular Fire Dept. budget.

Chief Reiser explained the cost for the new fire equipment will be absorbed by the millage funds which were voted upon by the citizens in early 1969. The hose will be attached to the new apparatus which is expected in March, 1970.

Chief Reiser further explained that the millage enables the department to purchase two new pumpers with diesel engines and automatic transmissions; in addition to this they were replacing two, one-hundred foot aerial ladder trucks. Two elevated platforms are being purchased now also. Tacoma has never had this type of equipment. They are eighty feet high and have the ability to sprinkle water on a fire more rapidly, since this will eliminate carrying the fire hose up a long ladder to a fire.

Mrs. Banfield asked Mr. Gaisford if the City normally takes advantage of the discount when it is offered in a bid.

Mr. Gaisford, explained they do take advantage of any discount offered, however under the conditions relative to the purchase of this hose, the discount of 2% will probably not be available as tests have to be completed which take considerable time.

Chief Reiser explained when an award is made and the hose is delivered, the Dept. then sends a length of the hose to a recognized laboratory to be tested in order to determine if the hose conforms with the specifications. The Dept. tries to have this arranged so the discount can be used, but sometimes the laboratory tests take too long for the testing.

Chief Reiser further explained, last year when the test results were received it was discovered that the hose did not meet the specifications. The hose was sent back and the company had to supply the City with new hose. It was felt this testing was an excellent procedure because they have found at times that the specifications were not being met.

Mr. Dean said he could not find the length of time that the discount would be in effect in the American Rubber Company's bid.

Chief Reiser said he did not have the specifications with him, but whatever it is, the department will abide by the bid.

Mr. Jarstad thought the bid proposal should include the right to test the hose before a discount is disregarded.

Chief Reiser felt this could be possible.

Mrs. Banfield thought some type of a guarantee should be spelled out.

Chief Reiser explained that the specifications are written so the hose should last ten years and the American Insurance Assn. also requires that the hose be changed every ten years.

Mrs. Banfield said she felt that a guarantee should be made by any company so the City would not have to test the hose.

Mayor Rasmussen felt that a company that is at all reputable, should guarantee that their hose meets the specifications of the City. He could see no reason for having a length of hose tested after being purchased, and perhaps losing the discount offered.

Chief Reiser explained a year ago this did happen but it is a precaution the Dept. takes to be sure it meets the specifications. He could see the only other way would be to accept the hose as delivered and require that it meet the specifications.

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He also explained that the companies do test the hose but not as thoroughly as the laboratories.

Mr. O'Leary felt the hose should be paid for before any test is made to take advantage of the discount and then, if necessary, the test can be made later, and if the hose is defective it should be replaced without cost.

Mr. Dean thought a statement could be placed in the specifications that a certain discount will still be used within a number of days after the testing, which will be a reasonable time after the receipt of the hose.

Chief Reiser said that could be done.

Mr. Cvitanich suggested that the staff from the Legal, Purchasing and Fire departments discuss the matter and submit an opinion in terms of protecting the City's investment.

Mrs. Banfield said she had asked for copies of the specifications to be submitted to the Council on bids, a number of times, and she would at this time request again that copies of the specifications be submitted to the Council.

Mr. Cvitanich moved to postpone the resolution for one week, until Nov. 25, 1969. Seconded by Mr. Zatkovich. Voice vote taken. Motion unanimously carried.

The Resolution was postponed until Nov. 25, 1969.

Resolution No. 20463

Rejecting all bids on W. O. No. 74034 since they exceed the Engineer's estimate.

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

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

Nays 0: Absent 0.

The Resolution was declared adopted by the Chairman.

Resolution No. 20464

Authorizing the release of easement rights by the City to John C. & Beulah A. Woodard and the Fidelity Finance Co., in connection with the construction of State Route No. 16, Malley Valley Viaduct to Sprague Avenue.

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

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

Nays 0: Absent 0.

The Resolution was declared adopted by the Chairman.

Resolution No. 20465

Authorizing the release of a portion of an easment in So. 74th St. east of Sheridan Avenue.

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

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

Nays 0: Absent 0.

The Resolution was declared adopted by the Chairman.

Resolution No. 20466

Designating elective officials consisting of the Mayor and two Councilmen of the City as representatives to the Puget Sound Governmental Conference.

Mr. Cvitanich moved to adopt the resolution. Mrs. Banfield seconded.

Mayor Rasmussen explained there is some question as to whether the City and the County should continue to belong to the Puget Sound Governmental Conference. The budget of the conference has been increased and there is a question whether any benefits are being received from their operation. It has been suggested that the County of Pierce and the Cities of Pierce County join together to form a conference of their own. 345

Voice vote was taken, resulting as follows:

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

Nays 0: Absent 0.

The Resolution was declared adopted by the Chairman.

Resolution No. 20467

Accepting and approving the annexation petition submitted by Walter C. Witte et al for the property located on the S.W. corner of So. 19th St. and Seaview Avenue.

Mr. Finnigan moved to adopt the resolution. Seconded by Mr. Cvitanich.

Mr. Buehler explained this resolution is setting forth the conditions upon which the Council approved the 10% annexation petition of the property petitioned by Walter C. Witte, et al at the public meeting held Nov. 12, 1969.

Voice vote was taken, resulting as follows:

Ayes 7: Banfield, Dean, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Rasmussen.

Nays 0: Absent 2: Cvitanich and Finnigan (temporarily).

The Resolution was declared passed by the Chairman.

Mr. Cvitanich moved to reconsider Res. No. 20441 which was adopted by the Council at the meeting of Nov. 12. Seconded by Mr. O'Leary. Voice vote taken. Motion carried.

Resolution No. 20441

Authorizing the execution of an extension of a lease agreement to Air West Inc. from Oct. 28 to Dec. 31, 1969.

Mr. Cvitanich moved to adopt the resolution, Seconded by Mr. O'Leary.

Mr. Cvitanich explained he felt the action taken by the Council at last week's meeting was premature. He thought the paramount concern is the level of service which has diminished to almost nothing.

Mr. O'Leary said his concern was that Air West, Inc. had not proposed a new lease to the City of Tacoma. He didn't see why it was up to the City to inaugurate a lease. He thought other airlines could bid on the lease.

Mr. Finnigan explained that any airline is allowed to diminish their service based upon agreements with F.A.A. The fact that Air West has changed their scheduling and diminished the type of service is mainly because of the lack of Business from Tacoma.

Mr. Cvitanich felt as long as the City does have the Airport, it must try to promote further business at the Airport.

Mayor Rasmussen explained he would request that the City Council reevaluate the entire situation at the Airport. He felt a new lease should be enacted rather than extending a lease for only \$62.50 a month.

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

Ayes 2: Finnigan and Herrmann.

Nays 7: Baufield, Cvitanich, Dean, Jarstad, O'Leary, Zatkovich and Mayor Rasmussen.

Absent 0.

The Resolution was declared LOST by the Chairman.

FIRST READING OF ORDINANCES:

Ordinance No. 18969

Designating the unnamed street east of vacated So. Steele from So. 19th approx. 600 feet southeasterly to be named Trafton Street and the unnamed right-of-way for the realignment of State St. through the southerly portion of Block 13 of Hayden's Addn. to be named State Street.

The Ordinance was placed in order of final reading.

Ordinance No. 18970

Amending Section 1.30.570 of the official code relative to service Retirement.

Mr. Fred VanCamp, Civil Service League Business representative explained that the Civil Service League had sponsored a rule change making the mandatory retirement age as 65 years. The League is against this ordinance as they believe that the age of 65 should be mandatory for retirement. He asked that the amendments covered in this ordinance be submitted to the Retirement Board for their opinion.

Randy Greene, a member of the Board of Trustees of the Retirement System, explained for the clarification of the new members of the Council, the Board is composed of three members of the staff, namely the Mayor, Director of Finance and the City Treasurer. The other three members are elected by the City employees to represent them on the Board. The seventh Board member is a public member.

Mr. Greene added, this is an administrative board and is no longer under the City of Tacoma. Heretofore, all ordinances that pertain to the Retirement System have been initiated by the Board and either concurred in, modified, or vetoed by the Council. The law which governs the Retirement system also pertains to the first class cities of Washington which include Spokane, Seattle and Tacoma. None of these cities has seen fit to adopt an ordinance for participation in the fund beyond the age of 65 years. He did believe that if the Council feels there is some remedial legislation required, then it should be submitted to the Retirement Board for its findings and then brought to the Council. At the present time if this ordinance was permitted to be passed without the Retirement Board's perusal, it would be setting a policy that might someday be detrimental to the City Employees' Retirement Fund which is now in the neighborhood of \$25,000,000, and takes care of 1500 City employees.

Mr. Greene explained that the consulting actuaries of the Retirement system stated they felt such an ordinance would not jeopardize the retirement system, but the main thing the ordinance does is to eliminate the due process which has been initiated and asked for by the State Legislature.

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Mr. Greene asked that the ordinance be postponed until the Council can meet with the Retirement Board on this matter.

After further discussion, Dr. Herrmann moved that action be delayed on this ordinance for six weeks. Seconded by Mr. Finnigan. Roll call was taken on the motion, resulting as follows: Ayes 5: Banfield, Cvitanich, Dean, O'Leary and Mayor Rasmussen. Nays 4: Finnigan, Herrmann, Jarstad and Zatkovich. Motion Lost.

The Ordinance was placed in order of final reading.

Mayor Rasmussen appointed Mr. Cvitanich and Mr. O'Leary to meet with the Retirement Board before next week.

Ordinance No. 18971

Amending Sec. 1.30.340 and subsection E of Sec. 1.30.665 and Sec. 530 of the official code relative to contributions and normal rates to the Pension Fund.

Mr. Gaisford explained this ordinance was submitted to the Council by the Retirement Board which recommends that retirement contributions be based on the basic salary of the employees and not on the actual monies received on the last check that is issued when a person retires. This also relieves the City of its 7% contribution on the last check, he added.

The Ordinance was placed in order of final reading.

Ordinance No. 18972

Condemning property at So. Steele between So. 39th & So. 42nd to provide for construction and reconstruction of sidewalks.

The Ordinance was placed in order of final reading.

Ordinance No. 18973

Amending Title 13 of the official code by amending Sec. 13.06.375 relative to Special Property Uses.

Mayor Rasmussen mentioned the communication submitted by Mr. Chapin, Asst. City Attorney, stated that no such amendment, supplement or change to the zoning code shall be made until after a public notice and public hearing by the Planning Commission, followed by a public hearing by the City Council. He wondered if a hearing could be held by the Council only.

Mr. Hamilton explained that the public hearing must be held by the Planning Commission followed by a public hearing by the Council. He noted, if the Council wishes to obviate the necessity of taking some of these textual matters to the Planning Commission, that also might be done by amending this particular section of the zoning ordinance, however, until that change is made, they felt it was incumbent that this ordinance should come before the Planning Commission for a hearing.

Mr. Hamilton further explained that on page 3 of the ordinance, the staff was not certain of the Council's desire as to distance limitations, therefore this has been left blank.

Mrs. Banfield thought the number of property owners to be notified relative to special use permits has not been adequate and suggested the footage around the property involved should be increased.

Mr. O'Leary moved that on page 3, paragraph 2, the words, "2,640 feet" be inserted into the two blank spaces. Seconded by Mr. Cvitanich.

Mr. Finnigan asked if it were the intent of the sponsor of this ordinance to prevent anyone from parking a mobile home, or trailer on a person's property, with the exception of the other areas listed in the ordinance.

Mrs. Banfield explained she thought that an avenue of an appeal should be made at the Council level in the event a person wishes to appeal the Planning Commission's findings for a special use or conditional use permit.

Mr. O'Leary felt the distance should be measured in a straight line.

Mr. Hamilton suggested that the words, "within a radius of", be inserted before the 2,640 figure in the motion.

Mayor Rasmussen said, if there were no objections from the Council the word "radius" would be included as part of the amendment.

Mayor Rasmussen also asked what was the average number of notices sent out in such an area.

Dr. Herrmann felt that 2,640 feet was certainly an unrealistic distance because in the zoning ordinances it required notices be sent out only within 300 feet of the property involved.

Mr. Cvitanich thought what prompted this particular change was the Narcotics Center representatives asking for a special use permit to use the Northern Pacific Hospital. The property owners in the vicinity have no appeal if a special use permit is granted by the Planning Commission.

Dr. Herrmann explained this does not apply only to one location, it covers many locations within the City.

Mr. O'Leary felt footage of a broader scope should be enacted.

Mayor Rasmussen explained he was in favor of the proposed amendment that the property owners may appeal to the Council which would then make the final determination. However, he felt the notification of property owners within a certain limitation does not make that much difference since it is normally put in the paper for the public's information.

Mr. Cvitanich thought the zoning ordinances could be amended where a special use permit has been denied or approved by the Planning Commission, a person could come to the Council for its determination on an appeal.

Mayor Rasmussen asked Mr. Hamilton what the present regulations are for notification of property owners.

Mr. Hamilton said he believed in regard to a rezoning change, the notification is established at a 400 foot radius, and under a special use permit, a 300 foot radius.

Mr. Cvitanich thought the ordinance should be studied by the legal staff and they could recommend that the 2,640 feet be changed to conform with the present zoning laws. However, he still felt that the one additional step, in terms of the special use permit, that persons can appeal to the Council if they so desire.

Dr. Herrmann moved to amend Mr. O'Leary's motion on page 3, paragraph 2, that the words, "a radius of 400 feet" be inserted in the two blank spaces. Seconded by Mr. Cvitanich. Voice vote taken. Motion unanimously carried.

Mayor Rasmussen asked that an ordinance be submitted to the Council relative to Section 13.06.470 of the zoning code which would eliminate the following sentence, "no such amendment, supplement or change shall be made until after public notice and hearing by the Planning Commission followed by public hearing by the Council."

Mr. Hamilton felt that such a change in the zoning code would still have to be referred to the Planning Commission under law.

The Ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 18962

Condemning property between So. Cedar & So. Alder lying generally between So 10th & 7th St. for the establishing of sidewalks & slope fills and related purposes.

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

Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Rasmussen.
Nays 0: Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18963

Appropriating the sum of \$15,000 or so much thereof as may be necessary from the General Fund for the purpose of paying a portion of the cost of a full and complete audit of the operations of the City of Tacoma for the calendar year 1969.

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

Ayes 7: Banfield, Cvitanich, Dean, Jarstad, O'Leary, Zatkovich and Mayor Rasmussen.
Nays 2: Finnigan and Herrmann. Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18964

Amending the Administration and Pay and Compensation Plan by removing all appointive positions from the plan.

Mr. Cvitanich did not feel the press was correctly informed when they expressed fear of political patronage and asserted that key men in municipal government would have to stand on the carpet each year before the Council to negotiate their salaries. The press had also stated this would become somewhat of a political 'road gang' as in oldtime county government. He added that taxpayers are reaching the saturation point in regard to salaries of top men in Tacoma, as the salaries between top officials in the City and the lower levels is greater than in comparable cities.

Mr. Cvitanich explained, when he proposed this ordinance, it was not his intention to reduce any salaries. He added, that the across the board pay increases granted by the Council during the past few years has made this great spread in salaries possible.

Mr. Zatkovich said he was in favor to remove only the City Manager, the Utilities Director and the sixteen department heads from the plan. He was not in agreement to remove all of the appointive positions from the plan.

Mr. Cvitanich compared top salaries of Seattle, Spokane and Tacoma. He felt that the City of Tacoma's top salaries are usually above any of these other cities because of the percentage increase in their salaries during the past years.

Dr. Herrmann explained this ordinance would remove all appointive positions from the plan. He thought if all of these positions are removed from the pay and compensation plan they must be placed in another plan. He certainly thought the security of a person would be disturbed and their morale shaken.

Mr. Finnigan said there was absolutely no need for this ordinance as the Council has always had the opportunity and the duty of checking each phase of City employment, whether it be in the supervisory capacity or in the top executive offices. He further explained that it is difficult to hire highly competent administrators without paying higher salaries. He was afraid that this ordinance, if passed, would do more harm than good.

Mayor Rasmussen asked that the comparative wage and salary reports from the Personnel office as well as from the Assn. of Washington cities be distributed to the next Council.

Mr. Bixel, Personnel Director, stated he would forward the Wage and Salary survey which was made up by his department to the Councilmen, however, he added, did not have extra copies of the Association of Washington Cities' report.

After further discussion, Mr. Jarstad said he shared Mr. Cvitanich's concern he felt the amendment should be held over so that it might be revised in terms of budget decisions. He also felt that the Council's responsibility is not only to taxpayers, but also to the employees of the City.

Mr. Jarstad, therefore moved to postpone Ordinance No. 18964 for one week, until Nov. 25th, 1969. Lost for the want of a second.

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

- Yeas 6: Banfield, Cvitanich, Dean, O'Leary, Zatkovich and Mayor Rasmussen.
- Nays 3: Finnigan, Herrmann and Jarstad. Absent 0.

Ordinance was declared passed by the Chairman.

Ordinance No. 18965

Providing for the improvement of L.I.D. 6911 for street lights along 27th Street N. E. from 53rd Avenue N.E. to 59th Avenue N. E. and other nearby streets.

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

- Yeas 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Rasmussen.
- Nays 0: Absent 0.

Ordinance was declared passed by the Chairman.

Ordinance No. 18966

Providing for the improvement of L.I.D. 6914 for street lights along Ea. 65th Street from "I" to "M" Street.

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

- Yeas 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Rasmussen.
- Nays 0: Absent 0.

Ordinance was declared passed by the Chairman.

Ordinance No. 18967

Approving and confirming the Assessment Roll for L.I.D. 6872 for street lights in the area between South Proctor and South Union from 6th Ave. to So. 12th St.

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

- Yeas 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Rasmussen.
- Nays 0: Absent 0.

Ordinance was declared passed by the Chairman.

Ordinance No. 18968

Approving and confirming the assessment roll for L.I.D. 3681 for sanitary sewers in Hosmer Street from So. 94th to So. 96th Street.

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

Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Rasmussen.
Nays 0: Absent 0.

The Ordinance was declared passed by the Chairman.

UNFINISHED BUSINESS:

Mr. Cvitanich explained that the Council budget hearings will start Wednesday evening at 7 P.M. November 19th in the City Council Chambers. Since the electorate was very concerned over the Police and Fire Departments it would be proper to advise the department directors involved when hearings on their particular budgets are to be heard. Mr. Cvitanich further added the Fire Department's budget will be heard Thursday evening on Nov. 21st & 24th; the Health Dept. on Nov. 25th; Transit on Nov. 26th and the Public Works on Nov. 28th.

Mayor Rasmussen explained the Council will review the budgets without consideration of any wage increases at this time. The Labor Committee of the Council will meet with the various organizations and then bring the results to the Council at a later date.

Mr. Cvitanich felt the departments he mentioned must be set up on a priority scale and then the other departments of course will be discussed at a later time.

Mr. Jarstad felt that the priority list as suggested by Mr. Cvitanich was definitely acceptable.

Mayor Rasmussen asked that the Chief of Police and Mr. Gaisford, Director of Finance be present at these meetings.

Mayor Rasmussen appointed Mr. Zatkovich, Mr. Cvitanich and Mr. Finnigan to serve on the wage committee to act as a Council liaison. He asked Mr. Bixel what schedule is to be followed with the meetings with the labor groups.

Mr. Bixel, Director of Personnel, explained that the schedule of the Joint Trades Council, was submitted to the City Council some time ago. He also explained there was to be a meeting with the City Council at this time prior to any more meetings with any of the organizations. He asked for further direction from the Council on this matter.

Mayor Rasmussen felt the Council should meet and look over the budget first, then give direction to Mr. Bixel when he meets with the Joint Labor Committee representatives.

Mr. Bixel explained his staff had made direct proposals to the two chief administrators of the City. He added his department does not indicate any proposal to the employee organizations without it having been discussed with the City Council.

After some discussion, Mayor Rasmussen stated that the Council would meet Wednesday evening at 6:30 P.M., Nov. 19th, 1969 with Mr. Bixel, Mr. Erdahl and Mr. McCormick and then at 7:00 P.M. would start on the budget review.

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Mayor Rasmussen advised that the committee he has appointed to review the Council rules have a number of suggestions for the Council to review.

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Mayor Rasmussen asked that the City Clerk officially advise the Mayor elect that he may sit in with the Council on the budget discussions as well as the regular meeting.

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Mayor Rasmussen stated that a copy of a letter received by Mrs. Banfield indicated that a draft of a Problem Analysis Statement relative to Model Cities had been prepared and submitted. This letter had been sent to a person in the County and he also asked that the person bring his comments to a joint meeting of a Coordinating Council members Task Force, Planners and the Model Cities staff on Monday, Nov. 10th at 2 P.M. at the Model Cities office. Mayor Rasmussen noted the City Council had not been informed of the meeting and had not received a copy of the Problem Analysis Statement. He thought, perhaps, this was indicative of some action that the Council should feel they must take after they have had the opportunity to fully study the report.

Mrs. Banfield urged the Council to study the Problem Analysis submission No. II, carefully.

Mayor Rasmussen felt there were too many false statements in this copy and report such as this should be approved by the City Council.

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Mayor Rasmussen also mentioned that a letter had been sent out by the Urban Renewal Dept. relative to an earnest money payment on some Urban Renewal land which agreement had not been consummated; this letter had indicated that the request for a refund must be made to the City Council.

Mayor Rasmussen also mentioned that a letter dated Nov. 7th, 1969 addressed to H. Pedersen stated that the Urban Renewal Dept. had anticipated a return of a deposit relative to Parcel 10 in the Fawcett Urban Renewal Project. He felt this would be a gross speculation as this property has been held at least three years.

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Mayor Rasmussen stated it is felt that the Council should take appropriate action to retrieve the air-rights for the City which were sold during the negotiations relative to the New Tacoma Downtown garages. 317

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Mayor Rasmussen explained the Council should also review the contract with the Air relative to the Tacoma Industrial Airport. He asked that Mr. Hamilton, Acting City Attorney, obtain copies of the contract and leases at the Airport for the Council members as well as copies of the garage contracts.

Mr. Hamilton stated he would take care of the matter.

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Mrs. Banfield requested that an ordinance designating Tacoma Cable TV as the franchise holder for CATV in Tacoma be placed on the agenda for next week.

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Mr. Cvitanich requested that a resolution be drafted changing the time of the Council meeting from 4:00 P.M. to 7:00 P.M. on Tuesday evenings.

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Mayor Rasmussen appointed Dr. Herrmann, Mr. Finnigan and Mr. Jarstad to the L.I.D. Committee for the next three months, December, January and February.

COMMENTS BY MEMBERS OF THE CITY COUNCIL:

Mr. O'Leary requested that a resolution be drafted approving the contract of the Trans-Alaska Pipeline in order that oil and oil products may be brought from the North Slope in Alaska to Port of Valdez for eventual transshipment to this and other areas. This resolution, if approved, can be sent to the Washington Congressmen so they might help push this line through. Then the economy of the entire Puget Sound Basin would benefit.

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Mr. Dean asked that additional information be sent to the new Council members relative to the CATV franchises. He would also like information on the franchises and consumers rates on the following communities, Seattle, King County, Bellingham, Bremerton, Pierce County, Portland, Spokane and Everett.

Mr. Zatkovich explained that the Council had agreed to postpone any action on the ordinances relative to Cable TV until January 1970 and he felt this had been a fair decision.

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Mr. Hamilton, Acting City Attorney, explained that the Cable TV ordinances with the Puget Sound Cable TV and Nation-Wide Cable TV are the firms mentioned in the ordinances that were postponed. He also said that the ordinance which dealt with Tacoma Cable TV was lost by the vote of the Council.

Mr. Jarstad explained he understood that financial statements were to be submitted to the Council relative to the Cable TV firms and asked that personal financial statements be included as he felt more detailed information should be made available to the Council.

Mayor Rasmussen explained he had asked Mr. Erdahl, Director of Utilities, and Mr. Benedetti for a report relative to the Cable TV becoming a public utility. They will also have that information for the Council on that matter.

Mayor Rasmussen asked that the new Council be given the survey sheets that had been submitted relative to Cable TV.

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CITIZEN'S COMMENTS:

Mrs. Ellen Whitlock residing at 1112 So. Sheridan expressed her views on various subjects to the City Council.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Minutes of the Tacoma Board of Adjustments for Oct. 9, 1969.
- b. Minutes of the Tacoma City Planning Commission for Nov. 3, 1969.
- c. Minutes of the Model Cities Executive Board meetings for Oct. 16 and 30, 1969.
- d. Personnel Report for the month of Sept. 1969.
- e. Agenda for the Selection & Evaluation Board meeting for Nov. 10, 1969.
- f. Traffic Violations and Court Cases during the month of Oct. 1968 and 1969.
- g. Report from the Light, Water & Belt Line Division for the month of Sept. 1969.

Placed on file.

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Dr. Herrmann moved to adjourn the meeting. Seconded by Mr. Cvitanich. The meeting was adjourned at 9:30 P.M.

Josephine Meeter
Josephine Meeter

A. L. Rasmussen
Mayor A. L. Rasmussen