

104

CITY COUNCIL MINUTES

City Council Chambers, 4:00 P. M.
Tuesday, September 17, 1963

Council met in regular session. Present on roll call 8 Bott, Cvitanich, Finnigan, Haley, Murtland, Price, Steele and Mayor Tollefson. Absent 1: Herrmann

Mrs. Price moved that minutes of the meeting of September 3, 1963 be approved as submitted. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

Mr. Steele presented to Mayor Tollefson the Public Relations award from the American Municipal Association which was given to the City of Tacoma at Houston, Texas on August 13, 1963 for the best single program for population of 75,000 to 200,000 in a city. He added, for the benefit of the audience, this was awarded for the successful Capital Improvement Bond Program which was voted upon by the citizens of Tacoma.

COMMUNICATION:

Communication from the Planning Commission regarding the selection of Consultants for the Civic Auditorium Study. 577

Mayor Tollefson said, the Committee selected by the City Planning Commission to make a study on the auditorium have submitted a recommendation to the City Council, recommending three consulting firms, 1st, 2nd and 3rd choice as consultants for the Civic Auditorium Center.

He added, the first choice of the joint group recommends the hiring of Economic Research of Los Angeles and asked that the Planning Commission be authorized to negotiate for a contract.

Mr. Steele moved that the proper Resolution be drafted authorizing the drawing up of a contract with the Economic Research of Los Angeles and Associates for the Civic Auditorium Center study. Seconded by Mrs. Price. Voice vote taken. Motion carried.

RESOLUTIONS:

Resolution No. 17612:

Authorizing a proposition to be placed on the ballot on March 10th, 1964.⁴²¹ amending Section 9.1 of the Charter of the City of Tacoma, providing the manner of selling, leasing or disposing of real or personal property belonging to the City of Tacoma.

Mrs. Price moved that the Resolution be adopted. Seconded by Mr. Murtland.

Mr. Haley moved to amend the Resolution in Section 9.1, third line down, in the second word, to change the word "resolution" to read "ordinance." Seconded by Mrs. Price.

Mrs. Price asked Mr. McCormick, City Attorney, if this had to be accomplished by a Resolution.

Mr. McCormick replied, that it could be accomplished by either a Resolution or an Ordinance.

Voice vote was taken on the amendment. Motion carried.

Mr. Bott said the City has a limited amount of waterfront property and he was opposed to the sale of the property.

Mr. Rowlands said the voters voted overwhelmingly to make this charter change approximately 3 years ago, but through a technicality in the publication it was declared null and void.

Mayor Tollefson asked if this would effect the possible sale of the Bolt Line to the Port of Tacoma, in the event the City should want to sell.

Mr. McCormick said he did not think this would have any bearing on that property.

Mr. Haley said he thought this was a logical move as this Council has to have faith that any future Council would exercise good judgment, therefore, he was in favor of the Resolution.

Mr. Bott stated he was opposed to the language in the second paragraph where it states, "inasmuch as the City has insufficient funds to improve said real property, the same should be sold immediately." He felt this indicated as though the property would be sold immediately after passage.

Mr. McCormick said, as far as that portion of the Resolution is concerned the language could be changed if the Council wished.

Mr. Bott moved that action be delayed on the Resolution for one week, until Sept. 24, 1963. Seconded by Mr. Haley. Voice vote taken. Motion carried.

Resolution No. 17613:

Fixing Tuesday, Oct. 8, 1963 at 4:00 P. M. as the date for hearing for the vacation of various streets and alleys within the Center St. Urban Renewal Project, R-1.

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

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

Resolution No. 17614:

Fixing Tuesday, Oct. 15th, 1963 at 4.00 P. M. as the date for hearing on the vacation of South Gove St. between Center and So. 28th St. and a portion of So. 28th Street. 57-46

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

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

Resolution No. 17615:

Fixing Monday, Oct. 14th, 1963 as the date for hearing on L I D 5377 for cast iron water mains and fire hydrants in "A" St. from So. 84th St. to So. 96th St. and in Ea. 92nd St. from "A" St. to Ea. "B" St.

Mr. Bott moved that the Resolution be adopted. Seconded by Mr. Finnigan.

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

Resolution No. 17616:

Fixing Monday, October 14, 1963 as the date for hearing on L I D 5378 for cast iron water mains and fire hydrants in Mason Ave. from So. 54th St. to So. 62nd St.; So. 52nd St. from Manitou Way to Verde St. and in Manitou Way from So. 49th to So. 54th St.

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

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

Resolution No. 17617:

Fixing Monday, October 28, 1963 at 4:00 P. M. as the date for hearing on L I D 2356 for grading, curbing and storm drainage on Ainsworth Ave. from So. 61st St. to So. 63rd St. and on So. 61st St. from Wapato Lake Drive to Ainsworth Ave.

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

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

Resolution No. 17618.

Fixing Monday, Oct 28, 1963 as the date for hearing on L I D 4568 for sanitary sewers in Hale St. from Vassault St. to Five Views Rd., Bennett St from No. 33rd St. to No. 39th St. and in the vicinity of So. 19th & Jackson Sts

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

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

Resolution No. 17619.

Fixing, Monday October 28, 1963 as the date for hearing on L I D 4737 for permanent pavement on Pine St. from So. 38th St. to So. 47th St. and on Oakes St. from So. 47th St. to So. 56th St.

Mr. Haley moved that the Resolution be adopted. Seconded by Mr. Cvitanich.

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

Resolution No. 17620.

Awarding contract to Woodworth & Co., Inc. & Tucci & Sons, Inc., joint venture for IMP 3553, Unit "A" on their bid of \$57,458.89 which is determined to be the lowest and best bid.

Mr. Steele moved that the Resolution be adopted. Seconded by Mr. Finnigan.

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

Resolution No. 17621.

Awarding contract to Slead's Septic Systems for L I D 3565 for sanitary sewers, on its bid of \$18,086.48 including sales tax, and its supplemental proposal in the amount of \$3,802.24 including sales tax, which bid is determined to be the lowest and best bid.

Mr. Finnigan moved that the Resolution be adopted. Seconded by Mr. Steele.

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

Mr. Steele moved to suspend the Rules to consider Resolution No. 17622.
Seconded by Mrs. Price. Roll call was taken on the motion to suspend the Rules.
Ayes 6; Nays 2, Cvitanich and Murtland; Absent 1, Herrmann. Motion carried

Mr. Rowlands stated there are only 5 weeks in which to construct the Administration Bldg., so that it will be ready for the opening of the Airport which is scheduled for the latter part of October.

Mr. Seifert, Architect, said it was a very good bid and recommended that it be accepted.

Resolution No. 17622.

Awarding contract to Richard Paige Construction Co. on its bid of \$34,361.60 including alternates and sales tax for the construction of the Terminal Building at the Tacoma Industrial Airport.

Mr. Steele moved that the Resolution be adopted. Seconded by Mr. Haley.

The Resolution was passed by voice vote.
Ayes 7; Nays 1, Cvitanich; Absent 1, Herrmann.

FIRST READING OF ORDINANCES:

Ordinance No. 17448:

Vacating the alley between Highland and Winnifred Street from No. 30th St. to the intersecting alley. (Petitioner - Lila Branch, et al) 202

Mr. Buehler, Director of Planning explained that the alley was unimproved. Mr. Murtland asked if alleys were required in new sub-divisions.

Mr. Buehler said they were not required in sub-divisions except if the topographical conditions were such where an alley was required because of the terrain for access. He said the new F. H. A. Manual recommends that no alleys be placed in new areas with easements in the back of the property for the utilities.

Mr. Murtland said he did not think this was good planning as private cars will have to park constantly on the front street.

Mr. Buehler said that was taken into consideration and with that thought in mind, with the driveway on the side of a home, a car could be parked in the driveway instead of the street.

Mr. Bott asked how the Utilities Dept. felt in regard to installing utilities on unimproved property.

Mr. Buehler replied, that the Utilities Dept. does not agree with that policy, as they want their utilities on a dedicated right-of-way.

Mr. Bott asked what is the practice of the City in enforcing this policy.

Mr. Buehler stated, they are installed in front of the street, however, he did not feel this was a good policy. In the past the Planning Commission has sent numerous letters and also discussed this matter with the Utility Dept., but nothing has ever been resolved.

Mr. Bott asked what could be done to have the developer follow the procedure of the F. H. A. Manual.

Mr. Buchler suggested that a communication be sent to the Planning Commission by the City Council requesting them to explore the placing of utilities in easements at the rear of properties in place of the street right-of-ways.

Mr. Bott suggested that a communication be forwarded to the Planning Commission along those lines and that they report back to the City Council.

Mr. Cvitanich asked Mr. McCormick if the City had the authority to request the Telephone Co. to install their lines in the alleys.

Mr. McCormick replied, the Telephone Co. takes the position that they have the right to the use of the streets. They do not have a franchise with the City, that is the reason for the B & O tax.

Mr. Bott asked that the Telephone Co. be explored on this matter at the same time.

The Ordinance was placed in order of final reading.

Ordinance No. 17449:

Authorizing the City Attorney of the City of Tacoma to acquire the necessary easement for the construction, maintenance and operation of a transmission line located in the vicinity of West 44th and Orchard Streets.

The Ordinance was placed in order of final reading.

Ordinance No. 17450:

Amending the Official Code of the City to include a new title to be known as Title 15 and designated Airports, establishing rules and regulations for the administration of Tacoma's Industrial Airport.

Mr. Rowlands said, the Ordinance should be amended in the First and Second paragraphs to read "eight" instead of "seven". He stated these rules and regulations should be in effect to have legal control over the operation of the Airport.

Mr. Steele moved to amend the title of the Ordinance by changing the word, "seven" to "eight". Seconded by Mrs. Price. Voice vote taken. Motion carried.

The Ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 17430 (postponed from the meeting of Aug. 27, 1963)

390

Amending certain sections of Chapter 5.46 of the Official Code relating to the Housing Code.

Mr. Bott moved to amend the Ordinance in Section 5.46.310, paragraph 3 to delete after the word, use, the words "and shall not open directly into a bathroom." Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

Mr. Steele moved to amend Section 5.46.350, paragraph 7 to read as follows: "Room Separations" No room for the preparation of food shall house a water closet and no room used for the preparation of food shall be used for sleeping purposes except as provided for in efficiency living units." Seconded by Mr. Murtland. Voice vote taken. Motion carried.

Roll call was taken on the Ordinance as amended.

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

Ordinance No. 17440:

Amending Title 8 of the Official Code of the City by adding thereto a new Chapter 8.80, prohibiting discrimination in housing in Tacoma because of race, 399
creed, color or national origin; establishing an Open Housing Review Board. 416

Mr. Murtland stated, as he recalled, at the last meeting, the Chairman stated they would be taking up the specifics of this particular Ordinance, having to do with mechanics and the procedures and other matters that it might implement. He said with that in mind, he had been giving some thought to various sections of the Ordinance and he had two proposed amendments to present.

Mr. Murtland moved to amend Section 8.80.040, subsection c. to read as follows: "In the event such orders are not fully complied with within ten days by the person or owner complained against, then and in that event the Board shall make and file a written record of the proceeding and findings in the matter and issue an order censuring the person complained against. The written record shall be available for public inspection." Seconded by Mrs. Price.

Mr. Murtland said, now that section provides for the procedure and duties of the open housing Review Board, that they shall receive complaints as to what should be done and as to how the complaints shall be handled. The hearing, the carrying out of services by the executive secretary, and that the matter should then be made a written record and filed in the office of the City Attorney for criminal action.

Mr. Murtland said, regardless of what the hearing showed last week as to the discrimination against minorities, it appeared to him that suddenly it is to become a crime that is subject to a jail sentence in the event that the fine is not paid. He felt that it has not been sufficiently shown, to the point that the City Council should take it upon themselves to make it a crime at this time.

Mr. Murtland also moved to amend Section 8.80.070 as follows: "FIRST ANNUAL REPORT TO CITY COUNCIL. Within one year from the effective date of this ordinance, the Review Board shall submit a detailed report of its activities and the disposition of each complaint filed with said Board, giving the names of all complainants and persons against whom complaints have been filed." Seconded by Mrs. Price.

Mayor Tollefson said, for the benefit of the audience the proposed amendments have just come to the attention of the full Council.

Mr. Steele said Mr. Murtland's proposal would do away with due process of law and would take away the alleged violator's right of appeal.

Mr. Haley said the proposed amendments would take the teeth out of the Ordinance and a person could discriminate as long as he wishes, and they wouldn't be alleviating the basic evil involved.

Mr. Finnigan felt the Ordinance, as well as the amendments, were not ready to be passed and and be accepted by the Community and the Council. He felt there was more information to be gained.

Mayor Tollefson asked Mr. Godderis, Assistant City Attorney, the percentage of complaints that could be settled by the Board without criminal proceedings being filed.

Mr. Godderis said that approximately 90% of the complaints could be settled by the Board.

Mr. Bott said, inasmuch as these amendments were just submitted, he would move to delay action on the amendments until Sept. 24, 1963. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

Mr. Steele said he objected to the proposal by Mr. Murtland which eliminates the penalty provision of the proposed Ordinance and substituting a detailed report of the Board's activities. He said the Review Board should have the freedom to operate with some degree of confidence and not be subjected to pressure or it might be hard to find anyone to sit on the Board.

Mrs. Price said under Section 8.80.060, she felt if this was a good Ordinance it should apply to everyone. Mrs. Price moved to delete Section 8.80.30, Paragraph 1., under EXEMPTIONS, then No. 2 to read as 1 and No. 3 to read as No. 2. Seconded by Mr. Murtland.

Mr. Bott moved that this amendment be postponed for one week for further consideration. Seconded by Mr. Finnigan. Voice vote taken. Motion carried.

Mayor Tollefson said that Mr. Muse has stated before that there was not any problem with regard to that portion of the Ordinance.

Mayor Tollefson said the City of Seattle will have their public hearing on October 25, 1963 on their Open Housing Ordinance and he has requested that they send a copy of their proposed Ordinance to the Council.

Mayor Tollefson asked if there was anyone present who wished to be heard and asked that those who have not spoken before be heard at this time.

Mr. Fred Haley, President of the Tacoma School Board submitted an ethnic count of the Tacoma Public Schools and resolutions drawn by the Tacoma School Board.

Mrs. Price asked Mr. Haley how many of the members of the Tacoma School Board live outside of the City limits.

Mr. Haley replied that three of the five members live outside of the City limits.

Mr. Lyster, a resident of Pierce County, President of the Home Builder's Association, asked that the Council defer action pending study of the proposed Ordinance by their Association.

The Council suggested that the group be prepared to make a recommendation at or before next week's Council meeting.

The Reverend Harold Webb, 3601 No. Proctor St., pastor of the Tacoma Bible Presbyterian Church and Vice President of the Western Washington American Council of Christian Churches, read a statement opposing the Ordinance.

Mr. Isam Morgan, 2510 South U; Mrs. Birdie Edwards, 5415 East "G" St. Mrs. Edwards asked what would be done to the person who had discriminated and paid his fine, would the violator then be free to dispose of his property in a discriminatory manner.

Mayor Tollefson answered that is a question that the Council has not had an opportunity to discuss fully. It has been discussed that they would have to pay a fine for each day violated, but it was decided the cost would be prohibitive.

Mrs. Edwards said she was not in favor of the proposed amendments submitted by Mr. Murtland.

Mr. Muse, President of the local NAACP, felt what has transpired tonight is a delaying tactic and the more the delay the more of an issue it becomes. He added, Mrs. Price's suggestion to delete the exemptions, that is a delaying tactic and Mr. Murtland's amendment takes the teeth out of the Ordinance. Mr. Muse stated that discrimination was an immoral act and is punishable. If Mr. Murtland's amendments are accepted, then there is no Ordinance.

Mayor Tollefson said there are those who are very concerned; for instance, in a duplex where the owner resides where they have a common backyard, some common facility, would that be an avenue where there might be an exemption under the law. He said the Pittsburg Ordinance provides that up to five units there is an exemption; thus far in this Ordinance there is not an exemption. In reference to the remark made by Mr. Muse regarding delaying tactics, he stated that Tacoma is moving faster than any City in the northwest in this regard. He said the colored people of Tacoma have deported themselves in such a fashion that they are winning their way, maybe not as fast as they wish, but it is coming. Whether this Ordinance helps will only depend on the attitude of the colored people in recognizing that they have to continue to win their way.

Mr. Tanner, Northwest Area President of NAACP, said he had confidence in the negroes of Tacoma to be first class citizens. He asked the Council to let them be first class citizens. He said he wasn't asking to be treated the same, but he was demanding the rights of equal treatment.

Mayor Tollefson said there are not any segregation laws in Tacoma; the segregation that does exist is the personal feeling of individuals which is being eliminated by the conduct of the negroes.

Mrs. Marie Lindsey, 1114 So. 18th St., spoke in favor of the proposed Ordinance.

Mr. Leo Stagg, Jr., 3570 East K, spoke in favor of the proposed Ordinance.

Ruth Culbert, 1912 No. Monroe, spoke in favor of the proposed Ordinance.

Mr. Victor Lyon, 1705 No. Juniper, representing the Tacoma Board of Realtors protested the proposed Ordinance as he felt it did not give anyone any more rights than they have at present. The only provision this Ordinance has is if a person discriminates he will be fined or put in jail. He said the real estate men were helping integration in Tacoma neighborhoods. He stated they object to taking property rights away to satisfy a minority of a minority.

James Patterson, 821 So. Verde St., Vice President of the Tacoma Branch of the NAACP, disagreed with Mr. Juniper, stating that no real estate man had helped a negro move into a predominately white neighborhood.

Mr. O. Stanley Warp, 3527 Sylvan Drive thought the Council should put this matter to the vote of the people, rather than make a decision on their own. If the Council passes this Ordinance, they will be acting as a condemnation board, as it might force the owner of an apartment house to rent to a negro but this Ordinance can't force the other people to stay.

After some discussion, Mr. Haley moved to postpone the Ordinance for one week, until September 24, 1963. Seconded by Mrs. Price. Voice vote taken. Motion carried.

Ordinance No. 17441:

Vacating portions of the east and west 10 feet of Whitman St. between 401 No. 42nd and No. 45th Sts. (Petitioner, John Wiborg, et al.)

Roll call was taken on the Ordinance resulting as follows:

Ayes 6; Nays 0; Absent 3, Finnigan, Herrmann and Steele.
The Ordinance was declared passed by the Chairman.

Ordinance No. 17442:

Appropriating the sum of \$20,000 or so much thereof as may be necessary from the Transit System Fund for the purpose of redeeming outstanding bus tokens.

Mr. Rowlands said the Finance Dept. has checked and found that the amount of \$2500.00 would be adequate.

Mr. Murtland moved to amend the figure from \$20,000 to \$2500.00. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

Roll call was taken on the amended Ordinance as follows:

Ayes 7; Nays 0; Absent 2, Herrmann and Steele.
The Ordinance was declared passed by the Chairman.

Ordinance No. 17443:

Providing for the improvement of L I D 2345 for the construction of grading and oi-mat on East 67th from "A: to East "B" St. and on East "B" St. from East 80th to East 82nd Street.

Roll call was taken on the Ordinance resulting as follows:

Ayes 7; Nays 0; Absent 2, Herrmann and Steele.
The Ordinance was declared passed by the Chairman.

Ordinance No. 17444:

Providing for the improvement of L I D 2347 for sidewalks in the areas of So. 49th St , Alaska to Asotin; So. 76th St from Thompson Ave. to "L" St.; East 64th St near "I" St. and So. 78th St. near "I" St to Yakima Avenue.

Mayor Tollefson said there were protests filed against the one side of the block since there are sidewalks in the middle of the block. He asked Mr. McCormick, after the Ordinance passes, could the property on the end which is not contiguous to the rest of the L I D, be deleted

Mr. McCormick explained the proper procedure would be to delete the area before the Ordinance is passed.

Mrs. Price moved that the Ordinance be continued for one week, until Sept. 24 , 1963. Seconded by Mr. Murtland. Voice vote taken Motion carried.

Ordinance No. 17445:

Providing for the improvement of L I D 4694 for the construction of permanent pavement on Yakima Ave. between So. 56th St. to So. 72nd St.

Roll call was taken on the Ordinance resulting as follows:

Ayes 6; Nays 0; Absent 3, Bott, Herrmann and Steele.
The Ordinance was declared passed by the Chairman.

Ordinance No. 17446:

Approving and confirming the Assessment Roll for L I D 5366 for water mains in No. 27th St. from Starr St. to No. 11th St.

Roll call was taken on the Ordinance resulting as follows:

Ayes 7; Nays 0; Absent 2, Herrmann and Steele.
The Ordinance was declared passed by the Chairman.

Ordinance No. 17447:

Approving and confirming the Assessment Roll for L I D 6795 for street lights from So. 84th to So. 96th St. between "D" and Park Avenue.

Roll call was taken on the Ordinance resulting as follows:

Ayes 6; Nays 0; Absent 3, Bott, Herrmann and Steele.
The Ordinance was declared passed by the Chairman.

UNFINISHED BUSINESS:

This is the date set for the adoption of the 1964 Preliminary Budget

Mr Rowlands stated, a change should be made in the grand total by adding \$110,000 to \$42,281 713 which makes the total amount of the Preliminary Budget \$42,391 713 00 ³⁹⁶

Mrs. Price moved to accept the 1964 Preliminary Budget in the amount of \$42,391,713 00. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK

State Audit Report - Belt Line Railway - 1962

COMMENTS

Mr Rowlands reminded the City Council of the Noon meeting at the Top of the Ocean of the Annual Safety Council on Thursday, Sept 19, 1963.

Mr. Rowlands asked permission to attend the annual ICMA Meeting which will be held next month in Denver, Colorado.

Mrs. Price moved that Mr. Rowlands be given permission to attend the ICMA Meeting in October at Denver, Colorado. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

Mr. Cvitanich asked Mr. Phillips, Airport Manager, if any additional equipment was needed at the Airport to meet the safety requirements.

Mr. Phillips replied, that they anticipate getting a surplus fire fighting unit and some type of a crash truck.

There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 9:45 P. M.

Attest:

Josephine Matton
City Clerk

Mayor of the City Council