

CITY COUNCIL MINUTES

City Council Chambers
Tuesday, April 29, 1969

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

Present on roll call 9: Banfield, Bott, Cvitanich, Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen. Absent 0.

The Flag Salute was led by Mr. Zatkovich.

Mayor Rasmussen asked if there were any omissions or corrections in the minutes of March 18, 1969.

Mrs. Banfield referred to Page 24, 2nd line down in the first paragraph and asked that the words "convalescent hospital" be changed to "Labor Temple" as that was the building that she was speaking of at that time.

Mayor Rasmussen said, if there were no objections, the correction will be made.

Mrs. Banfield moved that the minutes of March 18, 1969 be approved as corrected. Seconded by Mr. Zatkovich. Voice vote taken. Motion unanimously carried.

HEARINGS & APPEALS:

This is the continued date for hearing on the notice of appeal of the tax assessment on behalf of Cooney Cranes, Inc.

Mr. Hamilton, Acting City Attorney, explained this came before the Council on April 1st and at that time the Council referred the matter to the legal staff for further negotiations. The legal staff recommended that a tentative agreement be arranged consisting of three provisions: (1) that the assessment as it presently exists will be approved and confirmed by the Council. (2) the deduction, which has been allowed by the auditor insofar as Seattle or other cities are concerned, that such a deduction be authorized. (3) that any determinations made along this line be applicable to transactions which are subsequent to the audit period. He noted that Mr. Poll, attorney for Cooney Cranes, Inc., is in agreement with the provisions however, Mr. McLennan, Director of Tax & Licenses, is not in accordance with the provisions.

Mr. McLennan explained his disagreement in connection with the provisions set out is relative to the situation which was subsequently determined at the time the assessment was made. The Department had determined that Cooney Cranes, Inc. did not maintain an office in the City of Seattle. Mr. Poll had stated that as long as Tacoma had allowed a deduction in the tax, the audit could not be changed.

Mr. McLennan noted this is a service classification and if Cooney Cranes just rents facilities to maintain their equipment, he did not feel it constituted a place of business in Seattle or otherwise, and they should pay tax to Tacoma. However, if Cooney Cranes actually maintains, in any City, a bonafide place of business and they are required to be registered and pay taxes to that municipality, then they should not have to pay tax to Tacoma.

Mr. Poll explained that different municipalities tax on different basis. He noted that operations performed in Seattle, the assessment is charged under the retail sale classification. The billings are sent from the Tacoma office, he added.

Dr. Herrmann asked Mr. McLennan if this assessment were classified as a retail sale instead of under a service classification, what would the assessment be and does Cooney Cranes obtain a lesser tax liability by being taxed under retail sale in Seattle than it would pay under a service classification.

Mr. McLennan explained that the City of Tacoma has had a service classification of 1/4 of 1%. He further explained, the service classification is a 'catch-all' classification and each year ^{when} the Legislature meets they reclassify certain registered persons. The Tax & License Dept. has to send notices to these firms explaining that Tacoma is not on the State Legislature reclassification and they must continue to report on the service classification.

Mr. Murtland suggested that a meeting be held to come up with a compromise feature as there certainly would be a difference between the amount of business that Cooney does between 1/4 of 1% and 1/10th of 1% as he felt this was very important. A compromise might be worked out that the tax would be chargeable at 1/4 of 1% against their gross or whatever they actually pay.

Mr. Murtland thought that Mr. Poll advocated cancelling out all the Seattle activities at 1/10th of 1%. In other words, Cooney Cranes would not wish to pay any tax in the City of Tacoma if the City of Seattle taxes them at 1/10th of 1%. He suggested, as a compromise that Cooney Cranes pay the difference between the 1/10th of 1% and 1/4 of 1% to Tacoma, allowing a credit for the actual tax that they pay.

Mrs. Banfield felt, if this company operates in many cities, and pays taxes at each municipality, the end result would be that Tacoma would not receive any tax at all if deductions are allowed for each city.

Mr. Poll explained they agreed that the activities that are conducted within the City of Tacoma that the City does have the right to tax those activities. He said some of their cranes do not come into Tacoma and the only connection they have with Tacoma is that when the work is completed the Tacoma office is notified and the bill is sent from the Tacoma office for payment, consequently the remittance is then mailed to the Tacoma office.

Mayor Rasmussen asked Mr. McLennan if Mr. Murtland's suggestion would be acceptable.

Mr. McLennan explained, he thought perhaps the tax credit given Cooney Cranes for the Seattle operation should have not been given. He noted multiple taxation applies only when the same taxing authority is taxing the same transaction twice. He felt they have tried to reach an equitable and reasonable basis to arrive at this tax liability. He also felt Cooney Cranes was only entitled to a tax deduction from the measure of gross receipts reportable to the City of Tacoma or activities solely within the corporate limits of the City of Seattle, and no other deduction should be allowed.

Mayor Rasmussen said he would appoint a committee to work on this problem and suggested that the Council delay action until they submit their findings. He asked Dr. Herrmann and Mr. Murtland to serve on the committee with Mr. McLennan.

Mr. Finnigan moved to continue this hearing for three weeks, until May 20th, 1969. Seconded by Mr. Johnson. Voice vote taken. Motion unanimously carried.

COMMUNICATIONS:

Mr. Everett E. Martin, residing at 7520 24th St., West spoke to the Council regarding his objections to the TV Cable installations on City owned poles in University Place. He also showed slides of the affected area.

Mr. Martin read a letter he had sent to the Director of Utilities dated July 3, 1968 objecting to the TV cable installations and Mr. Erdahl had contacted the Cable TV Co., but as far as he knew, Mr. Erdahl had not received an answer. He further stated, the confusion of overhead wires is a constant aggravation to the property owners because the cables obstruct the view of Puget Sound as well as the Olympia mountains. He noted that the property was in the County but the cables had been connected to City poles, and furthermore, the property owners had not been consulted. He hoped if any franchises are granted by the City the cable would be placed underground.

Mr. Murtland stated the older members of the Council many times had expressed concern of overhead wiring. He added, many meetings have been held relative to this problem but the cost factor with other factors compounded the problem and he assured Mr. Martin it had been discussed.

Mayor Rasmussen thanked Mr. Martin for bringing this problem to the Council's attention.

Mr. Charles Nee, manager of KINT Cable TV, explained the cables are put underground when other lines are underground, but when poles are already placed in an area they use the overhead wiring. He also advised the Council they have working agreements with City Light as well as with Pacific NW Bell Co.

A communication from Weyerhaeuser Co. was received requesting to withdraw its application for rezoning of the South side of So. 40th St. between So. Lawrence and Alder Streets.

Mr. Buehler, Director of Planning, explained that the Weyerhaeuser Co. also had a vacation request but the fee had been refunded even though approximately \$50 had been used. However, due to the amount of expenses incurred in the processing of this application, the staff is recommending that no refund be made. The letter from Mr. Knipher of Weyerhaeuser is also asking that they be allowed to withdraw the application.

Dr. Herrmann moved to accept the communication from the Weyerhaeuser Co. to withdraw its application for the rezone. Seconded by Mr. Cvitanich. Voice vote was taken. Motion unanimously carried.

A communication from the Public Utility Board was received, recommending to the City Council the approval of Ford, Bacon & Davis, consultants, to perform a management and operations survey and audit of the books and records of the Department of Public Utilities.

Mrs. Banfield thought a meeting should be arranged to discuss this matter.

Mr. Cvitanich said the audit committee is going to meet this week, however, he felt it would be premature to take any action on this matter until the Council determines the scope of the audit which will be conducted for the General Government.

Mr. Murtland felt the Public Utilities Dept. should be treated in the same manner as General Government and if accountants are employed, it should be for the entire City. He did not think it should be divided into two separate sections.

Mayor Rasmussen felt this should be held up until the audit committee has held its meeting. He asked Mr. Hamilton what the Charter provided.

Mr. Hamilton, Acting City Attorney, explained the Charter, under Section 4.15 states in part, relative to the Utility Board; "at intervals not exceeding ten years the Council shall, at the expense of the utilities involved, cause a general management survey to be made of all utilities under the jurisdiction of the board by competent management consulting or industrial engineering firm, the report and recommendations of which shall be made public; provided, that the first such survey shall be made within three years of the effective date of this charter."

Mr. Benedetti, Assistant Director of Utilities, explained this matter was

discussed at the joint meeting of the Council and the Utility Board. The bond covenant was discussed and particularly the requirement of a management survey of the administrative practices and general operation of the departments to be made every five years. The possibility was suggested that, perhaps, all of these requirements could be included in one survey.

He noted that as a result of that meeting it was determined to explore the possibility from the standpoint of not having any overlapping functions, therefore, the survey could be accomplished at one time avoiding the overlapping. The Council had concurred with the consolidation of the bond covenant requirements of the management survey of five years with the second requirement of the management and operation survey every ten years. They did explore the possibility of also including the requirement of a running audit or fiscal audit.

Mr. Benedetti further added, they had previously received from Ford, Bacon and Davis a proposal for only a management survey and they had asked them at that time to review the Charter requirements to see whether the audit requirements could also be included as part of this survey. The proposal submitted indicates that there is work that would be required in the fiscal, financial audit area in order for them to come up with the Charter requirements for the management survey for the Utilities, consequently, there would be a saving in time and money, which would avoid overlapping if the two could be combined.

Dr. Herrmann moved that action be held up for two weeks, until May 13th, on the proposal for the hiring of Ford, Bacon and Davis, an audit firm for the Utilities. Seconded by Mr. Murtland. Voice vote taken. Motion unanimously carried. 3 49

A communication to A. J. Benedetti, Superintendent Water Division, from Robert E. Leaver, Planning Engineer, Division of Environmental Facilities, State of Washington, Dept. of Health, was read, thanking the Department and Mr. John Roller for their help in sponsoring the recent cross-connection control in water supplies seminar.

Mr. Benedetti explained the letter from Mr. Leaver was a result of a seminar that was held in connection with cross-connection control in water supplies. The Tacoma Water Dept. participated in drafting the health regulations presented at the seminar. The meeting was for the purpose of orienting the people in the State to the dangers involved to the possible contamination of water systems from industrial plants, hospitals, etc. and the methods that are available to cope with the problem. As a result of this, each city will be required to have a cross-connection control program which will include surveillance of the premises of industrial plants, hospitals and installations that are most susceptible to problems of back-flow of their water. This is a start of a program which is in the interest of protecting public health.

Placed on file.

Mr. Cvitanich requested that the letter written by Mr. Earl Mamlock, Chairman of the Open Housing Review Board be read and then attached to the minutes on file in the City Clerk's office.

Mr. Cvitanich called attention to one sentence in the letter which stated, "I must remind him that this was an ordinance the NAACP promoted, helped to write, vehemently supported for passage through the City Council, even with an emergency clause, and now, one year later, denounces." Mr. Cvitanich stated if criticism is justified he would accept it, but if the Council or the Open-Housing Review Board is to be used for free advertising, everyone has lost sight of what was the original intent of the ordinance.

A communication was read from Mr. M. A. Tweit, Chairman of the Tacoma Daffodil Committee thanking the City administration for its cooperation in all the arrangements for the Daffodil Festival.

Placed on file.

A communication was read from Mr. R. L. DeLong, NW Regional Director-Public Affairs, St. Regis Paper Co., thanking the City and particularly the Police Dept. for a job well done during the Daffodil Parade for 1969.

Placed on file.

RESOLUTIONS:

Resolution No. 20155 (postponed from the meeting of April 15, 1969)

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 \$60,000.00.

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

Mayor Rasmussen said a letter was submitted to the Council from Foster Campbell Associates stating they had not been given an opportunity to bid on the property.

Mr. Wright, Urban Renewal Director, said he had no knowledge of the letter only until a few minutes ago and had not discussed it with anyone.

Mayor Rasmussen said they had indicated in the letter it was their intention to submit a competitive bid.

Mr. Zatkovich felt this property should be resubmitted for bid so that all parties who wish can bid.

Mr. Murtland asked if Mr. Campbell had been notified of the date of this particular bid.

Mr. Wright explained that Mr. Campbell had taken out a bid packet and knew of the opening date.

Mr. Ronald Thompson, attorney representing Seifert, Forbes & Berry, et al, who had bid on the property, said if the property were resubmitted for bid it would be unfair to the firm that met the requirements of the City.

Mr. Murtland explained the question last week was the space the developers had planned to use for surface parking and the Council felt there might be other alternatives to this problem other than to use up the open-space for that purpose.

Mr. Thompson explained, the bid concerns property on Tacoma Ave. as well as on Fawcett St. He noted that the bid did not contemplate surface parking, as in all probability there will be three levels of parking. He further explained that the proposed development will be an office complex of at least six stories on Tacoma Ave., depending upon the results of a feasibility study. It would include a restaurant and retail shops on the ground floor. The parking for the Tacoma Ave. building will be on the Fawcett Street level.

Mr. Zatkovich also objected to a parking lot on Fawcett Ave.

Mr. Thompson explained, the parking requirements are set forth in the Urban Renewal plan which they have tried to meet for this development.

Mr. Cvitanich explained that normally a feasibility study is made before a plan is submitted for a development. He did not think this was a concrete plan and it was speculative in nature.

Mr. Thompson stated, their company wanted to know if their bid had been accepted before any study would be made as a feasibility study is quite expensive. He said this procedure is all spelled out under the urban renewal plan which allows them (150) days to complete their proposed plans.

Mr. Cvitanich felt the Council should not be in a hurry to sell this piece of property, as he recalled three different types of proposals having been submitted at three different times within the last six years on this property.

Mr. Finnigan was concerned that the City would be selling raw land with no proposal that was not binding.

Mr. Wright explained they have indicated they would construct a building at least six stories high with proper parking facilities. However, if it is found it is financially impossible for a bidder to start construction, it is possible to

return the bid deposit within the period of time provided in the agreement of sale. In this particular contract they would have up to (150) days after the approval by the Council. Within this period the feasibility survey will have been submitted with a preliminary plan for transfer of title.

Mr. Murtland felt the Council had an outline of what the plans are even without the feasibility study.

Mr. Bott thought a more definite proposal should be submitted, perhaps, within sixty days.

Mayor Rasmussen said, if the Council were to hold this resolution open for a company to firm its proposal, the Council would be asking for criticism as it would be dealing with a speculative bid which is prohibited in the Urban Renewal Law.

Mr. Hamilton, Acting City Attorney, explained if this resolution is postponed, the general rule in reference to bids is, that material obtained after the bid has once been opened cannot be considered by the body. He said the Council now has a certain minimum bid before it, and if other data is submitted it would not be permitted to be used. The Council does have a guarantee of a minimum bid at the present time, he added.

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

Ayes 5: Bott, Finnigan, Herrmann, Johnson and Murtland.

Nays 4: Banfield, Cvitanich, Zatkovich and Mayor Rasmussen. Absent 0.

The Resolution was declared passed by the Chairman.

Mr. Cvitanich was excused from the meeting at 7:00 P. M.

Resolution No. 20165

Authorizing the execution of an agreement between the City of Tacoma and the Washington State Nurses' Association for salaries, wages and fringe benefits effective Jan. 1, 1969 through Dec. 31, 1969.

Dr. Herrmann moved that the resolution be adopted. Seconded by Mrs. Banfield.

Mr. Rowlands, City Manager, explained this agreement designates the Washington State Nurses' Association as the official bargaining agent for registered and public health nurses in the City service.

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

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

Nays 0: Absent 1: Cvitanich.

The Resolution was declared passed by the Chairman.

Resolution No. 20166

Fixing Monday, May 26, 1969 at 4 P. M. as the date for hearing on L I D 4887 for paving on So. Clement from So. 68th to So. 70th Street.

Mr. Finnigan moved that the resolution be adopted. Seconded by Mrs. Banfield.

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

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

Nays 0: Absent 1: Cvitanich.

The Resolution was declared passed by the Chairman.

Resolution No. 20167

Fixing Monday, May 26, 1969 at 4 P. M. as the date for hearing for L I D 5486 for water mains and fire hydrants in East 44th St. from McKinley Ave. to the Water Division's Pipeline No. 4 R/W and in East "J" from East 43rd to East 44th Street.

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

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

Nays 0: Absent 1: Cvitanich.

The Resolution was declared passed by the Chairman.

Resolution No. 20168

Fixing Tuesday, June 24, 1969 as a rescheduled date for hearing for vacation of the streets and alleys between So. 39th and So. 42nd and between Pine and Fife Streets. (Petition by U. S. Post Office)

Mr. Finnigan moved that the resolution be adopted. Seconded by Mrs. Banfield.

Mayor Rasmussen explained he had recently met with Post Office officials in Tacoma. At that meeting he had inquired if there had been any change in the parking proposed for the new post office at 38th and Pine Sts. They had indicated that no changes were made and they were considering (18) stalls for the patrons of the post office.

Mayor Rasmussen said he felt there were not enough parking stalls for the employees, consequently he had asked the City's Planning Dept. to check the matter and prepare a letter for the Mayor to send to the Postmaster General requesting reconsideration of the amount of parking spaces. Mayor Rasmussen asked that the Council approve this letter before it is sent to the Postmaster General.

The City Clerk read the letter for the Council's information.

Mr. Johnson asked Mr. Buehler to explain what is required for a situation such as this.

Mr. Buehler, Director of Planning, explained the parking stalls are based on employees plus the square footage of the office section as well as the customer service area. It is felt by the Planning Department that (18) stalls will be sufficient.

Mrs. Banfield stated she had suggested that a flat roof be constructed on the building so that any open-space will not have to be taken over as a parking area at a future date.

Mayor Rasmussen felt the Council should request a review at this time, as the Post Office has indicated they will employ more persons than originally planned. Since there are no objections, he would forward the letter to the Postmaster General, he added.

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

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

Nays 0: Absent 1: Cvitanich.

The Resolution was declared passed by the Chairman.

Resolution No. 20169

Reappointing H. W. Birkeland to the Building Code Board of Appeals for a term of five years commencing on the 5th day of Feb. 1969 and ending on the 4th day of Feb. 1974.

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

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

Nays 0: Absent 1: Cvitanich.

The Resolution was declared passed by the Chairman.

Mayor Rasmussen explained he was of the opinion that Mr. Birkeland's work would not be in conflict with this appointment.

After some discussion, Mr. Bott moved to suspend the rules in order to postpone action on Resolution No. 20169 so that conflict of interest may be thoroughly checked. Seconded by Mrs. Banfield. Voice vote was taken. Motion unanimously carried.

Mr. Bott moved to reconsider the vote by which Resolution No. 20169 was adopted. Seconded by Mrs. Banfield. Voice vote was taken. Motion unanimously carried.

Mr. Bott then moved to postpone action on Resolution No. 20169 for one week, until May 6th, 1969. Seconded by Dr. Herrmann. Voice vote was taken. Motion unanimously carried.

The Resolution was postponed until May 6th, 1969.

Resolution No. 20170

Nominating Mr. Arthur Chester Richardson to fill the unexpired term of Mr. John Epps on the Human Relations Commission which term expires on Sept. 30, 1969.

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

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

Nays 0: Absent 1: Cvitanich.

The Resolution was declared passed by the Chairman.

Resolution No. 20171

Authorizing the transfer of property at 6th Ave. and Mildred St. from the Light Division to the Public Works Dept. for street R/W purposes.

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

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

Nays 0: Absent 1: Cvitanich.

The Resolution was declared passed by the Chairman.

Resolution No. 20172

Authorizing the sale of scrap metal to General Metals of Tacoma, Inc., Pacific Iron & Metal Co., Joseph Simon & Sons, Inc. and Sternoff Metals Corp.

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

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

Nays 0: Absent 1: Cvitanich.

The Resolution was declared passed by the Chairman.

Resolution No. 20173

Authorizing the sale of a 12-foot wide access road which runs through property from the M. B. Hunt County Rd. to the Tacoma-Cushman transmission line R/W one-half mile S. W. of Gig Harbor by the Light Division to Mr. Frederick Stroh for the sum of \$250.00.

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

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

Nays 0: Absent 1: Cvitanich.

The Resolution was declared passed by the Chairman.

Resolution No. 20174

Authorizing the Light Division to acquire additional property at the Highland Substation at 6th Ave. & Mildred Sts. from Leon J. Kleiner at the fair market value of \$3200.00.

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

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

Nays 0: Absent 1: Cvitanich.

The Resolution was declared passed by the Chairman.

Resolution No. 20175

Authorizing the proper officers to execute a sublease agreement for an additional 500 feet of land at Mayfield recreation area.

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

Mr. Benedetti, Assistant Director of Utilities, explained this was one of four parcels of property on the Mayfield Reservoir that has been set aside for recreational facilities. It has been leased to Mr. Markham in connection with his development of a recreational area and also the development of some houses on a large parcel of property on the hill for their utilization of the area in conjunction with the general public. There is a provision in the lease which provides that at the option of the Utility Board, 500 feet could be used by Mr. Markham depending upon the success of his recreational development and the need for more property to meet the recreational needs. Therefore, this lease would allow him to sublease some facilities and will also allow him to lease another 500 feet for the additional development of the public recreational area.

Mayor Rasmussen announced that on Friday, May 16th, 1969 at 11:00 A. M. there is a scheduled dedication.

Mr. Benedetti explained the dedication is for the Mossyrock Dam on Friday, May 16th at 11:00 A. M. at Mossyrock. During the entire weekend there will be guided tours of all the Cowlitz facilities, and an opportunity for the general public to visit Mossyrock and Mayfield Dams as well as the Fish Hatchery.

Mayor Rasmussen urged everyone to tour the Cowlitz facilities if at all possible.

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

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

Nays 0: Absent 1: Cvitanich.

The Resolution was declared passed by the Chairman.

Resolution No. 20176

Authorizing the execution of a Contractual agreement with the United Homes Corp. for property between So. 12th & 15th Sts. extended and between Mildred & Oxford St. extended.

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

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

Nays 0: Absent 1: Cvitanich.

The Resolution was declared passed by the Chairman.

Resolution No. 20177

Expressing intent of the City Council to participate as necessary in temporary on-site moves within the New Tacoma Urban Renewal Project R-14.

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

Mr. Wright, Urban Renewal Director, explained the agreements which the City has with the New Tacoma Parking Corp. are incumbent upon the City to provide free and clear properties, so they may build the garages for municipal ownership. There are some tenants who are in various stages of being relocated and it is necessary at this time to approve some temporary moves to clear the way for construction of the garages.

Mr. Wright further explained that under the Urban Renewal plan, the cost of a temporary on-site move may be eligible as a project expenditure. The Department has asked for the approval by the City Council before it can proceed to call for bids to allow the Transfer Companies to move the firms to on-site locations. Mr. Wright felt that the estimated moving costs would be approximately \$40 to \$50,000. He added the cost of the moves would be paid from the Urban Renewal Department's property management funds, then when the businesses are permanently settled, they will qualify for federal relocation grants.

Mr. Zatkovich asked how long this temporary move would last.

Mr. Wright explained the temporary move for Cooksie & Shields, a restaurant, would be until such time the new parking structure is completed; Dean Witter and Company's new building will in all probability be ready for occupancy in a year.

Mayor Rasmussen said he had requested from the Urban Renewal Dept. a signed copy of the 9-day notice to vacate that was sent to Dean Witter Co.

Mr. Wright explained a sample copy was sent to the Mayor's office. He had not understood that the Mayor wished a signed copy, but he would look into the matter.

Mayor Rasmussen asked what site would be available for Dean Witter & Co. to occupy.

Mr. Wright explained that the company is looking over several temporary locations and that a building on Broadway in the 1100 block is one possibility.

Mayor Rasmussen did not feel that such moves were feasible and was not in favor of this resolution.

Dr. Herrmann explained he had been contacted by Mr. Floyd Jones, Manager of

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Dean Witter Co. and they are strongly interested in downtown development and would cooperate by making the temporary move.

Mr. Bott explained, this resolution does not approve any specific item nor bind the Council to any specific figure. It states that it is the intention of the Council to determine at a later date whether or not temporary on-site moves are necessary.

After further discussion, Mr. Wright explained that the New Tacoma Parking Corporation expects to start construction on the southerly garage no later than Aug. 10th. If there are any delays, the opening of bids probably will be shifted from May to July. If alternate construction proposals are submitted, they would eliminate the need for an interim move by Dean Witter Co.

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

Ayes 6: Bott, Finnigan, Herrmann, Johnson, Murtland and Zatkovich.

Nays 2: Banfield and Mayor Rasmussen. Absent 1: Cvitanich.

The Resolution was declared passed by the Chairman.

Resolution No. 20178

Accepting certain offers from Robert S. Nichols, et al. for property in the Urban Renewal Project Wash. R-14 for the purchase price of \$222,279.00.

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

Mr. Zatkovich felt the valuation of this building was too high.

Mr. Murtland asked about the appraisal of the building.

Mr. Wright, Urban Renewal Director, explained the building had caught fire after the appraisal was made.

Mr. Paul M. Boyle, attorney representing the three trustees of the Warburton Building, explained the fire had occurred before the appraisal was made. He noted that the floor above the Broadway level was useable and had been used by the Drug store for storage, however, floors above that had not been used.

Mayor Rasmussen asked Mr. Hamilton, Acting City Attorney, how much of a building has to be destroyed by fire to be condemned.

Mr. Hamilton explained he was not sure, but thought it was at least 50%.

Mr. Wright explained that an appraiser takes into consideration the building, the land and the location which becomes a vital part of an appraisal.

Several Council members asked for more information on the assessment and appraisal figures to determine if the building should be purchased for \$222,279.00.

Mrs. Banfield moved to postpone the resolution for three weeks, until May 20th, 1969 to gather further information. Seconded by Mr. Zatkovich. Voice vote taken. Motion unanimously carried.

The Resolution was postponed until May 20th, 1969.

FIRST READING OF ORDINANCES:

Ordinance No. 18812

Appropriating the sum of \$48,710.00 or so much thereof as may be necessary from the General Fund for the purpose of hiring ten additional police officers for the Police Dept.

Mr. Bott felt a request for ten policemen should be put in the budget for next year as the City does not have the funds at the present time.

Mr. Rowlands, City Manager, explained any appropriation for the additional policemen would have to come from the General Fund. If this money is used now, there will

be less for other purposes. He also noted, it would be at least four to five months before any additional men could be placed on the force due to the call for examinations and training.

Mr. Rowlands explained the increases in personnel for the Police Dept. that were made in the past three years. He noted that based on national averages the manpower is comparable to the other cities of the same size.

Mrs. Banfield asked if at the present time the force is up to strength.

Charles Zittel, Chief of Police, explained the force is down two patrolmen as one patrolman retired and one was dismissed during his probation period.

Mr. Zatkovich explained that the number one concern in the entire State is law enforcement and he felt these additional policemen should be employed so that the citizens of Tacoma would be adequately protected.

Mayor Rasmussen explained he had studied this problem and felt the first call of City government should be to provide an adequate police force, strong fire protection and health programs. He also felt that a surplus of \$500,000 will result from the coming of State and Federal assistance.

Mr. Bott felt a larger number than ~~the~~ ¹⁰ men would have to be hired to actually deter crime.

Chief Zittel explained, that crime is not reduced merely by police personnel as there are eleven factors that control crime, which he presented to the Council in January, and only one was the strength of the Police Dept.

Mr. Murtland asked if it were possible to place a proposition on the ballot to provide funds for additional policemen's salaries.

Mr. Hamilton, Acting City Attorney, explained this could be placed under the excess levy category which could be used for maintenance, operation and salaries. If such a proposition is placed on the ballot and passed, the monies would be available next year.

Mr. Murtland felt that the Council should consider this approach to the problem.

Mr. Finnigan felt the answer to reducing crime is to correct problems in the judicial system so that the processing of criminal cases may be expedited in the Court.

The ordinance was placed in order of final reading.

Ordinance No. 18813

Appropriating the sum of \$9800.00 or so much thereof as may be necessary from the General Fund for the purpose of paying the share of the City of Tacoma in certain work study programs.

Mrs. Banfield thought that an individual ordinance should be submitted for each category.

Mr. Rowlands, City Manager, explained this ordinance takes care of the Work Study Program contracts with the University of Washington and Washington State University. This particular program requires the City to contribute 25% for the University of Washington and 40% for Washington State University for the salaries, and the Federal Government provides the balance of the funds.

Mr. Rowlands further pointed out that the students must meet certain eligibility criterias and the Universities certify the students to the City. They are all needy students who need the summer employment in order to begin or continue their university work.

Mrs. Banfield felt the salary discrepancy should be checked as two youths could be working side by side and paid different salaries because of the program they happen to be employed under.

Mr. Rowlands stated this has been discussed many times but no solution has been

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found as each one is funded under different programs. He noted the supervisors do try their best to alleviate the problems in the program.

Mayor Rasmussen explained that Vice President Agnew has requested that Mayors of Cities appoint a Youth Council to work with the National Alliance of Businessmen to provide summer jobs for all children who wish to work. He said it was his intention to appoint the present Trainee Board with Mr. Hankerson as the Chairman to work with Mr. Reno Odlin and his committee.

The ordinance was placed in order of final reading.

Ordinance No. 18814

Appropriating the sum of \$15,000.00 or so much thereof as may be necessary from the General Fund for paying salaries, wages and costs of M & O for certain temporary employees to be hired during the summer months.

Mr. Rowlands explained this particular ordinance will provide an additional (25) positions for temporary summer employees in various categories. It will help the young people in both high school and college who are anxious to help themselves to obtain their educations.

The ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 18803 (postponed from the meeting of April 22, 1969.)

Creating a new fund known as Fund No. 147-Buston Way Open Space Acquisition Revolving Fundland authorizing the transfer of \$41,000.00 or so much thereof as may be necessary from the General Fund to the newly created fund.

Mr. Hamilton, Acting City Attorney, explained the additional information requested from the State Attorney General, had been received and the opinion held that if the State wishes to spend its money for option agreements it could do so. As far as the General Fund monies are concerned, the City may do the same thing.

He added, none of the opinions nor additional research solved the problem when the City is participating with other agencies such as the State and Federal Governments. It is still the opinion of the Legal Dept. regarding the acquisition of this open-space that such agencies would not participate in an option but would pay their share only if the property is acquired and the City obtains sufficient title to it.

Mayor Rasmussen inquired as to how much is left in the fund.

Mr. Gaisford, Director of Finance, explained the accounts receivable amount to approximately \$38,000. This ordinance will allow the City to receive reimbursement for the amount that has already been spent, he added.

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

Ayes 6: Bott, Finnigan, Herrmann, Johnson, Murtland and Mayor Rasmussen.

Nays 2: Banfield and Zatkovich. Absent 1: Cvitanich.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18804

Appropriating the additional sum of \$2,362.00 or so much thereof as may be necessary from the General Fund for the purchase of 6-Harley-Davidson motorcycles without trade-in.

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

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

Ordinance No. 18810

Approving the annexation of both sides of So. 96th between Hosmer and FIA #5 (Freeway). (petition of William D. Brown, etal)

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

Ayes 7: Bott, Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.
Nays 1: Banfield. Absent 1: Cvitanich.
The Ordinance was declared passed by the Chairman.

Ordinance No. 18811

Amending Title 12 of the Official Code relative to charges and rates for sewage disposal outside City limits.

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

Ayes 8: Banfield, Bott, Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.
Nays 0: Absent 1: Cvitanich.
The Ordinance was declared passed by the Chairman.

Mr. Murtland moved to reconsider the vote on Ordinance No. 18800, the request submitted by Mr. J. F. Crocker for reclassification of the SW corner of No. 45th and Pearl Streets from an "R-2" to an "R-2-T" District, which was voted down at the last Council meeting. Seconded by Mr. Johnson. Roll call was taken, resulting as follows: Ayes 6: Banfield, Bott, Finnigan, Herrmann, Johnson and Murtland. Nays 2: Zatkovich and Mayor Rasmussen. Absent 1: Cvitanich. Motion carried.

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 Street in an "R-2-T" District. (petition of J. F. Crocker)

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

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

UNFINISHED BUSINESS:

The Director of Public Utilities presents the assessment roll for L I D 5465 for water mains in So. 56th from Mullen to Ferdinand; Ferdinand from So. 56th to 58th.

Mr. Finnigan moved that Monday, June 9th, 1969 be set as the date for hearing on the above assessment roll. Seconded by Mrs. Banfield. Voice vote taken. Motion unanimously carried.

Mrs. Benfield thought that Mr. Rowlands, City Manager, had verified the fears of many citizens in regard to the Model Cities program on a radio program when he had stated, "what's good for the City is good for the County."

Mr. Rowlands, City Manager, explained the planned projects to improve the Hilltop conditions would be beneficial to more than the target area and that any organizations in the County wishing to help may do so. The target area is definite and the program of the Citizen's Advisory Group is confined to that single area, he added.

Mrs. Benfield also mentioned that the Model Cities Planning Budget had been sent to HUD last Friday.

Mayor Rasmussen inquired if the application had been sent in without his signature.

Mr. Rowlands stated, the application had been sent under the authority of Resolution No. 20158, passed at the last Council meeting. The read the resolution which directed the Model Cities Director to forward the budget and work program to HUD.

Mayor Rasmussen announced he would try to reach Secretary Romney of the U. S. Dept. of Housing and Urban Development, and state his position on the budget, as he felt that the proposed planning budget for Model Cities is invalid because his signature was not on the document.

Mayor Rasmussen announced that the Association of Washington Cities Convention for 1969 will be held in Seattle on July 16, 17 and 18th at the Washington Plaza Hotel. He asked that the Council members who wish to attend let his office know so reservations can be made.

Mayor Rasmussen also called the Council's attention to a telegram which invited him to attend the World Congress in Vienna, leaving June 18th and returning July 9th. The conference is relative to the study of financing of cities.

A communication from John H. Anderson, General Chairman of Tacoma's Centennial Committee, was read outlining the plans for the Centennial Week and celebration.

Mr. Bud Bond, Public Information Director, explained that the Tacoma Bus Caravan is scheduled to leave Tacoma during the week of May 19th. The drivers and materials are ready to go and twenty-two cities are to be visited on the way back to Tacoma.

Mayor Rasmussen thought the Council should give the citizens of Tacoma some assurance that they do not agree with the 50% assessment on property that is being discussed at the Legislative level.

Mr. Hamilton, Acting City Attorney, said the Council had passed the tax levy ordinance for 1969 and if there were any changes it would be adopted by ordinance as of the first of next year.

Mayor Rasmussen explained, that extra millage for school purposes is based on the dollar amount that is needed, but not on the regular millage.

Mr. Gaisford, Director of Finance, explained, if the original budget act of 1923 is studied, he did not believe there has been any change in regard to the particular methods of preparing a budget. A budget is prepared on the basis of all dollars received through revenues other than taxation. The final amount of monies to be used to balance a budget are to be placed in dollar amounts as the levy to be raised by taxation, which would not exceed the fifteen mill limitation or the Seventeenth Amendment to the Constitution which was adopted in 1944, so this would be on a dollar

basis. This is specified in the Seventeenth Amendment that the maximum millage, if levied by a City shall be 14 mills for general purposes and 2 mills for Firemen's pension. The City does levy on a dollar basis, he added.

Mayor Rasmussen stated he could not agree with this statement as the 1967 Legislature passed a 'freeze' law specifying to a dollar amount. He felt the City could reduce the 14 mills to 7 mills and use the same dollar amount.

COMMENTS BY MEMBERS OF THE COUNCIL:

Mrs. Banfield requested that Mayor Rasmussen obtain an official statement from Governor Evans as to why Mr. Cowles of the State Dept. of Discrimination is being sent to Tacoma. She wondered if it could be for a political purpose.

Mayor Rasmussen felt that the State Board of Discrimination has been lax in not sending anyone to the City of Tacoma or, perhaps, it is political as the Board does not usually work in such a manner.

Mayor Rasmussen stated he had been informed that the Park Board members have been considering filling in the Lagoon at Titlow Park, therefore he had arranged a conference with Dr. Donaldson, Dean of Fisheries at the University of Washington, consequently a trip will be held Thursday, May 1st at 2 P. M. to look over the Lagoon. He thought, perhaps, a fish farm could be started at this site.

CITIZENS COMMENTS:

Mr. George B. Galinkin, 3410 So. Gunnison St., announced that the Light Keepers, a group from the University of Oregon will be brought to Tacoma on May 10th and 11th for an event which will honor the memory of Dr. Nettie J. Asbury, who had been a music teacher and civic leader in this City for many years. This group will perform in the "Flowering Covenant" at the Kilworth Chapel at the University of Puget Sound at 8 P. M. on May 10th and at Mt. Tacoma High School at 3 P. M., May 11th. He invited the citizens of Tacoma to attend this cultural event.

Mr. George W. Coe, SA, 5645 Cedar St., complained about the water standing on Cedar, Junett and Pine Sts. in the South end in the vicinity of 56th and 58th Streets. Mayor Rasmussen stated this matter will be checked again.

Mrs. Betty Jane Hiegel, 8009 So. Yakima Ave., spoke about "Safe Streets and Crime Law" which she felt gave the Federal Government control over the City's police force.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Park Board Commissioners minutes of April 14, 1969.
- b. Human Relations Commission minutes of March 20, 1969.
- c. Tacoma Human Relations Commission-Dept. Historical Background.
- d. Personnel Dept., Fleet Accident Report for 1968.
- e. Annual Message Industrial Safety from Personnel Dept.
- f. Traffic Activities for the month of March 1969-Tacoma Police Dept.
- g. City Clerk advising the filing of protests for L ID 4882 has expired.

h. Report from the Light and Water Division for March 31, 1969.

Placed on file.

Mayor Rasmussen reminded Dr. Herrmann and Mr. Murtland to consult with the City Attorney concerning the Cooney Cranes Inc. appeal as they were on the committee he had appointed.

Mr. Bott moved that the meeting be adjourned. Seconded by Dr. Herrmann. The meeting was adjourned at 11:30 P. M.

A. L. Rasmussen
A. L. RASMUSSEN, MAYOR

ATTEST: *Josephine Melton*
JOSEPHINE MELTON, CITY CLERK