

CITY COUNCIL MINUTES

City Council Chambers, 4.00 P. M.
Wednesday, May 31, 1967

Council met in regular session. Present on roll call 8: Bott, Cvitanich, Finnigan, Herrmann, Johnson, Murtland, Price and Mayor Tollefson. Absent 1: Haley. Mr. Haley arriving at 4:10 P. M.

Mrs. Price moved that the minutes of the meeting of May 16th, 1967 be approved as submitted. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

Presentation of Suggestion awards to Mr. Robert H. Park and Phil P. Sessions.

Mr. John Sankovich, Assistant City Manager, explained that Mr. Parks has won a \$250.00 award for his suggestion to repair stabilizer links on buses rather than replacing them, which will save the City a considerable amount of money, and also Mr. Sessions has won an award of \$25.00 for his suggestion relative to installing two twelve volt motorcycle batteries and a small battery charger in motorcycles in an emergency.

Mr. Parks and Mr. Sessions were presented with their awards by Mayor Tollefson.

The participants were congratulated by Mayor Tollefson, Mr. Sankovich, Ass't. City Manager and members of the City Council.

HEARINGS & APPEALS:

a. This is the date set for hearing on the petition for the vacation of So. 27th & Union Ave., submitted by the Public Works Dept.

No one appearing and no protests being made, Dr. Herrmann moved to concur in the recommendation of the Planning Commission to approve the vacation and that an ordinance be drafted approving same. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

b. This is the date set for hearing for the rezoning of the north side of So. 12th St. between Mullen & Cheyenne St. extended from an "R-2" to an "R-3" District, submitted by William L. Bailey.

No one appearing and no protests being made, Mrs. Price moved to concur in the recommendation of the Planning Commission to approve the rezone and that an ordinance be drafted approving same. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

PETITIONS:

Petition submitted by Investment Exchange Corp. requesting rezoning of the N. E. corner of 62nd Ave. N. E. and 29th St. N. E. from an "R-2" to an "R-4-L" District.

Referred to the Planning Commission.

RESOLUTIONS:

Resolution No. 19198

Fixing Tuesday June 13, 1967 at 4:00 P. M. as the date for hearing for the rezoning of property on the S. W. corner of So. 15th & Union Ave. from an "R-2" to an "R-4-LT" District. (petition of Walter D. Widmeyer)

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

The Resolution was passed unanimously by voice vote.
Ayes 9; Nays 0; Absent 0.

Resolution No. 19199

Fixing Tuesday June 20, 1967 at 4:00 P. M. as the date for hearing for the rezoning of property on the east side of Hosmer between So. 90th & So. 92nd Streets from an "R-2" to an "R-3-PRD" District. (petition of Oscar T. Hokold)

Mr. Haley moved that the resolution be adopted. Seconded by Mrs. Price.

The Resolution was passed unanimously by voice vote.
Ayes 9; Nays 0; Absent 0.

Resolution No. 19200

Fixing Tuesday June 27, 1967 at 4:00 P. M. as the date for hearing for the rezoning of property on the north side of So. 12th between Shirley & Villard Streets from an "R-2" to an "R-4-L-PRD" District. (petition of Jackson W. Bailey & Assoc.)

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

The Resolution was passed unanimously by voice vote.
Ayes 9; Nays 0; Absent 0.

Resolution No. 19201

Fixing Tuesday June 27, 1967 at 4:00 P. M. as the date for hearing for the vacation of property between So. 10th and So. 12th Sts. from Villard to Shirley Streets. (petition of Jackson W. Bailey)

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

The Resolution was passed unanimously by voice vote.
Ayes 9; Nays 0; Absent 0.

Resolution No. 19202

Fixing Monday June 26, 1967 at 4:00 P. M. as the date for hearing on L I D 4813 for paving on Ferdinand from No. 33rd to No. 35th Street.

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

The Resolution was passed unanimously by voice vote.
Ayes 9; Nays 0; Absent 0

Resolution No. 19203

Fixing Monday June 26, 1967 at 4:00 P. M. as the date for hearing on L I D 5435 for water mains in East 61st & 62nd Sts. from East L to East N and East 63rd from East L to Portland Avenue.

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

The Resolution was passed unanimously by voice vote.
Ayes 9; Nays 0; Absent 0.

Resolution No. 19204

Fixing Monday June 26, 1967 at 4:00 P. M. as the date for hearing on L I D 5441 for water mains on Tacoma Avenue from So. 92nd to So. 94th Street.

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

The Resolution was passed unanimously by voice vote.
Ayes 9; Nays 0; Absent 0.

Resolution No. 19205

Fixing Monday June 26, 1967 at 4:00 P. M. as the date for hearing on L I D 6867 for street lighting on Pine St. from 6th Ave. to No. 13th and other nearby streets.

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

The Resolution was passed unanimously by voice vote.
Ayes 9; Nays 0; Absent 0.

Resolution No. 19206

Awarding contract to Tucci & Sons on its bid of \$95,948.35 for L I D 4804.

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

The Resolution was passed unanimously by voice vote.
Ayes 9; Nays 0; Absent 0.

Resolution No. 19207

Awarding contract to Lige Dickson Co. on its bid of \$755.00 for W. Q. No. 54916.

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

The Resolution was passed unanimously by voice vote. Ayes 9; Nays 0; Absent 0.

Resolution No. 19208

Authorizing the sale of distribution facilities to Mason County Public Utility District No. 3.

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

The Resolution was passed unanimously by voice vote. Ayes 9; Nays 0; Absent 0.

Resolution No. 19209

Authorizing the sale of unimproved property located on the corner of So. 28th and Center Streets, to Marie Rae Draughon for the sum of \$742.43.

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

The Resolution was passed unanimously by voice vote. Ayes 9; Nays 0; Absent 0.

Resolution No. 19210

Authorizing the proper officers of the City to execute a local improvement assessment deed to the estate of Marie Rae Draughon, for the consideration of \$25.00 to clear cloud on the title on property located on Chandler St. between So. 28th and Center St.

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

The Resolution was passed unanimously by voice vote. Ayes 9; Nays 0; Absent 0.

Resolution No. 19211

Authorizing certain offers to sell real property situated within the New Tacoma Urban Renewal Project No. Wash. R-14.

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

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

Resolution No. 1912

Accepting a sealed bid for the purchase of real property situated within the Fawcett Street Urban Renewal Project No. Wash. R-3.

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

Mr. Richmond, Urban Renewal Director, explained that the 200-foot site on the east side of Fawcett Ave., south of 9th St., is to be purchased by a non-profit corporation, the Harborview Properties, which has been formed by the First Baptist Church. Under State law the corporation is tax exempt. However, he added, he had been assured that the Harborview Board of trustees have tentatively agreed to pay local taxing authorities \$25,000 per year in lieu of taxes. This would represent about half the amount of taxes it would otherwise pay.

He noted that the non-profit corporation has applied for a \$2,550,000 loan from the Department of Housing and Urban Development, and indications are that the loan will be approved in time for construction to start by late August.

Mr. Cvitanich said he was concerned that city regulations do not as yet require sprinkler systems for such structures. He asked for a report at next week's meeting on progress being made toward drafting such regulations for the Council's consideration.

The Rev. Lynn Hodges, stated the corporation's board has not yet made a firm commitment. The negotiations with the City staff members have been based on half the normal tax load because residents of the home would have no children living there, and also fewer cars which would not make the normal demand on governmental services.

Mr. McCormick, City Attorney, said the Council's approval of the sale did not automatically assure the transfer of the deed. However, further conditions could be attached by the City, he added.

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

Mr. Haley moved to Suspend the Rules to consider Resolution No. 19196 which was deferred last week for six months. Seconded by Mrs. Price. Voice vote taken. Motion carried.

Resolution No. 19196

Consideration of the annexation of the property in the vicinity of the S. W. corner of East 72nd and Portland Avenue. (petition of Victor Lyons)

Mrs. Price moved that the resolution be adopted. Seconded by Mr. Haley.

Mr. Haley stated, since he had been informed that additional information could be made available to the Council on this annexation, he would suggest that more time be made available to the petitioner to present his case.

Mr. Marshall Adams, attorney, stated he had been retained to represent the petitioner on the matter and he felt it would take about two weeks to formulate new information to present to the Council. He said the petitioner's primary desire is sewers, and they wish to explore various avenues as to what type of agreement can be made between the City and the petitioners for this purpose.

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Mr. McCormick, City Attorney, stated, according to law a new hearing would have to be set up unless a waiver is obtained from the petitioners.

Mayor Tollefson stated, the property owners are present at this meeting, and he asked if they would waive the formality of notices for a new hearing.

Mr. Gerla and Mr. Lyons, the property owners, stated they would sign such a waiver.

Mayor Tollefson asked that the minutes reflect that both property owners were present and they were satisfied that this may be heard in two weeks without any further notice to them of the date of hearing.

Mr. Haley moved that reconsideration of Resolution No. 19196 be set over for two weeks, until June 13th, 1967. Seconded by Mrs. Price. Voice vote taken. Motion carried.

FIRST READING OF ORDINANCES:

Ordinance No. 18318

Amending Sec. 1.12.450 of the official code by adding a new Sub-section 2044 to include a new classification of an Air Pollution Meteorologist.

The ordinance was placed in order of final reading.

Ordinance No. 18319

Amending Sub-section 1.12.230 A L. of Section 1.12.230 of the official code relative to the Pay & Compensation Plan so as to remove the 150 day limitation on sick leave accruals effective as of July 1, 1967.

The ordinance was placed in order of final reading.

Ordinance No. 18320

Vacating a portion of So. K Street lying immediately south of So. 30th Street. (petition of Urban Renewal Dept.)

The ordinance was placed in order of final reading.

Ordinance No. 18321

Amending Chapter 13.06 of the official code by adding a new section 13.06.065-71 to include property on the east side of Pacific Avenue between So. 80th and 82nd Sts. in an "R-4-L" District. (petition of Tacoma City Planning Commission.)

The ordinance was placed in order of final reading.

Ordinance No. 18322

Amending Chapter 13.06 of the official code by adding a new section 13.06.045-6 to include property on the S. E. corner of So. 19th and Lawrence in an "R-2-T" District. (petition of Robert Comfort et al).

The ordinance was placed in order of final reading.

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FINAL READING OF ORDINANCES:

Ordinance No. 18301 (as amended)

Amending Title 1 of the official code of the City by adding a new Chapter 29 relating to creating a Human Relations Commission.

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Mr. Bott moved that the Ordinance be amended under Section 1.29.020 to read as follows: " TERMS OF OFFICE OF MEMBERS. The term of office of all members of the Commission shall be three years; provided, however, the City Council upon recommendation of a majority of the membership of the Commission may at any time remove any member or members of such commission by resolution duly adopted by a vote of two-thirds of the membership of the City Council. Each member of the Commission shall serve until his successor is duly appointed and qualified." Seconded by Mrs. Price.

Mr. Bott felt this would give the Commission the opportunity to make any recommendation for removal of a committee member, and then they would make that recommendation to the City Council for their determination.

Mr. Murtland asked about the wording in No. 3 of the alternate proposed amendment that was submitted, where it states, "by a vote of the majority of the membership of the Human Relations Commission taken at any regular session of the Commission or at a special meeting held for such purpose." He wondered if this language could be included in the amendment submitted by Mr. Bott.

Mr. McCormick, stated this could be questioned. He thought it might be well to include this language in Mr. Bott's motion.

Mr. Murtland moved to amend Mr. Bott's amendment after the word Commission on the fourth line, to add the words, "taken at any regular session of the Commission or at a special meeting held for such purpose." Seconded by Mr. Bott.

Mr. Finnigan said he wanted the Council to know that he had informed several persons who inquired of him, that the Council has the right to remove any person from any board.

Mayor Tollefson said the Council has the power to remove any member of any board for cause, such as malfeasance, misfeasance or nonfeasance.

Mr. Finnigan felt it would be easier for the commission members to recommend that one or more of their members be removed for "any cause."

Mayor Tollefson stated he would be of the opinion, even if the commission decided to remove someone, that it would still have to fall in the language of malfeasance, misfeasance or nonfeasance.

Mr. McCormick stated, as far as removal for cause, this is probably true, but there is a difference in meaning between being guilty of nonfeasance or malfeasance. He felt it would be within the discretion of the commission as to what the majority of that commission felt what was a good member. Then upon their recommendation, the Council by a two-thirds vote could make the final decision.

Mr. Bott said he would like the Council to have the duty of removal, and the alternate proposed amendment that he previously moved seemed most acceptable to everyone.

Dr. Herrmann felt the ordinance as it is written without further amendments would be more acceptable.

Mrs. Price and Mr. Johnson felt the amendment should be passed.

Mr. Murtland said he could see potential personality problems on the commission, which would be dealing with emotions to a greater extent than other boards appointed by the City Council.

Mayor Tollefson stated, in the regular method of doing business with boards and commissions, there has never been language of this nature. He felt this could involve the commission taking action upon someone who the Council thought should stay on the commission. He said it is a harmless amendment to those on the Council, but he did not think it would be looked upon in that same vain by the members that will ultimately be on the commission, or the people that will be involved in dealing with the commission. For that particular reason he would like to see the amendment defeated.

Mrs. Price pointed out that the Library Board and Planning Commission are governed by State Law, but the Utility Board is governed by the City Charter, and the Council does have the right of removal.

Mayor Tollefson called for a vote on Mr. Murtland's amendment to Mr. Bott's motion. Voice vote taken. Motion carried.

Mayor Tollefson called for a vote on Mr. Bott's amendment as amended. Roll call was taken, resulting as follows: Ayes 4; Nays 5: Finnigan, Haley, Herrmann, Murtland and Mayor Tollefson. MOTION LOST.

Mr. Cvitanich stated he was going to vote against the ordinance for a Human Rights Commission as he felt that existing agencies and facilities are adequate.

Mayor Tollefson stated he was going to vote in favor of this ordinance as many persons for one reason or another are not taking their problems to existing agencies. This will give those people an arena in which to be heard.

Mr. Bott said he was not opposed to a commission, but he wished it to be set up properly.

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

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

Ordinance No. 18303

Vacating Steele St. and the alley lying immediately east of Steele between So. Tacoma Way and a point approximately 240 feet south thereof. (petition of Earl Cashar)

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

Ayes 7; Nays 0; Absent 2, Cvitanich, temporarily and Finnigan.
The Ordinance was declared passed by the Chairman.

Ordinance No. 18304

Amending Chapter 13.06 of the official code to add a new section 13.06.065-70 to include property on the south side of So. 54th St. between Pacific Ave. and Bell Street in an "R-4-L" District. (petition of Frank H. Francis)

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

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

Ordinance No. 18305

Amending Chapter 13.06 of the official code to add a new section 13.06.050-16 to include property on the east side of Puget Sound Ave. between So. 66th and

and So. 68th Streets in an "R-3" District. (Walter H. Buhre-petitioner)

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

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

Ordinance No. 18306

Establishing a new fund in the City of Tacoma to be known as The Fire Department Trust and Agency Fund.

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

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

Ordinance No. 18307

Amending Sec. 1.30.585 of the official code of the City to provide for additional pensions for members of the City Retirement System who are not covered by Social Security, effective June 1, 1967.

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

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

Ordinance No. 18308

Amending Chapter 13.06 of the official code to add a new section 13.06.065 (69) to include property between So. 10th and So. 12th Sts. from Pearl to Wood-lawn Sts. in an "R-4-L" District. (petition of Charles P. Gordon and George Long)

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

Ayes 6; Nays 2, Cvitanich and Haley; Absent 1, Finnigan.
The Ordinance was declared passed by the Chairman.

Ordinance No. 18309

Providing for the improvement of L I D 6872 for street lighting in the area between So. Proctor and So. Union from 6th Ave. to So. 12th Street.

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

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

Ordinance No. 18310

Providing for the improvement of L I D 6879 for street lighting on Ea. 26th from East "G" to East Bay and other nearby streets.

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

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

Ordinance No. 18311

Providing for the improvement of L I D 6887 for street lighting between So. 56th and So. 66th and between Oakes & Alder St.

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

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

Ordinance No. 18312

Providing for the improvement of L I D 5439 for water mains in 74th Ave. East from 130th St., and 134th St. Court East from 74th Ave. East to approximately 500 feet east.

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

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

Ordinance No. 18313

Providing for the improvement of L I D 5440 for water mains in Sheridan Ave. from So. 82nd to So. 84th St. and in So. 82nd from Sheridan Ave. to So. L.

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

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

Ordinance No. 18314

Approving and confirming the assessment roll for L I D 5423 for water mains in Bennett & Baltimore from No. 33rd to No. 35th St.

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

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

Ordinance No. 18315

Approving and confirming the assessment roll for L I D 3645 for sanitary sewers in Roosevelt Ave. from Ea. 68th to 700 feet south and "A" St. from Ea. 80th to 330 feet south.

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

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

Ordinance No. 18316

Approving and confirming the assessment roll for L I D 4775 for permanent paving on East L from East 48th to East 51st and other nearby streets.

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

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

Ordinance No. 18317

Approving and confirming the assessment roll for L I D 6857 for street lighting on Spokane, Ea. "I" and Ea. "J" St. from Division Lane to Ea. 38th and other streets.

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

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

UNFINISHED BUSINESS:

The Director of Public Works presents the following Assessment rolls for hearing:

L I D 6861 for street lighting on So. 48th from Orchard to Mullen and other nearby streets.

L I D 6869 for street lighting along Sprague Ave. from So. 66th to So. 72nd Street.

Mr. Haley moved that Monday, July 10th, 1967 at 4:00 P. M. be set as the date of hearing for L I D 6861 and L I D 6869 assessment rolls. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

REPORTS:

Quarterly report from the Urban Renewal Dept.
Personnel Report for the month of April 1967.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Report from the Light, Water & Belt Line Division for the month of April 1967.
- b. Report from the Director of Finance for the month of April 1967.

COMMENTS:

Mr. Cvitanich stated he had asked for a report from the Planning Commission about six months ago on what percentage of property in the City of Tacoma is tax exempt. He said he would like to know the status of the report.

Mr. Buehler, Director of Planning, stated that the County is processing their records onto IBM and he would check to see how far it has progressed.

Mr. Cvitanich hoped that the request for sprinklers to be included in the Building Code for new buildings will be soon forthcoming.

There being no further business ^{*****} to come before the Council, upon motion duly seconded and passed the meeting adjourned at 6:00 P. M.

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W. M. Johnson
Mayor of the City Council

Attest Josephine Melton
City Clerk