

CITY COUNCIL MINUTES

City Council Chambers
Tuesday, Sept. 2, 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. Finnigan.

Mayor Rasmussen asked if there were any omissions or corrections to the minutes of the meeting of Aug. 5, 1969.

Mr. Cvitanich moved that the minutes of the meeting of Aug. 5, 1969 be approved as submitted. Seconded by Mrs. Banfield. Voice vote was taken, resulting as follows: Ayes 8: Banfield, Bott, Cvitanich, Finnigan, Herrmann, Johnson, Zatkovich and Mayor Rasmussen. Nays 1: Murtland. Absent 0. Motion carried.

HEARINGS & APPEALS:

This is the date set over for hearing on the request for rezoning of the area west of the intersection of Tyler; So. 32nd; Wright Ave. & So. 34th Street from an "R-2", "R-3" and "R-4-L" to an "R-3-PRD" District, submitted by Weyerhaeuser Company.

No protests being made, Dr. Herrmann moved to concur in the recommendation of the Planning Commission to rezone the above property and that an ordinance be drafted approving same. Seconded by Mr. Finnigan. Voice vote was taken, resulting as follows: Ayes 7: Bott, Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen. Nays 2: Cvitanich and Banfield. Absent 0. Motion carried.

This is the date set for hearing for rezoning of the south side of So. 12th between Oakes & Pine Sts. from an "R-3" to an "R-4-L" District, submitted by Robert L. Hess.

Mr. Buehler, Director of Planning, explained Mr. Hess had originally submitted a petition sometime ago to rezone this property to a commercial, to construct a Laundromat. The Planning Commission had recommended denial of the request and was upheld by the Council. Mr. Buehler added, Mr. Hess has now requested an eight unit, two-story townhouse apartment complex be constructed on the property. The Commission has recommended that the rezone be granted, with the restrictions that no access to So. 12th be permitted, as well as no parking allowed on So. 12th Street.

Mr. Robert Hess, 7205 -22nd St., West, explained he would fulfill the parking recommendation set by the Planning Commission and change his plan so that no access will be on So. 12th.

Mr. Cvitanich asked if the alley behind this proposed rezone is paved.

Mr. Buehler remarked the alley is gravelled.

Mr. Cvitanich said he could not vote for this rezone unless there is a commitment that the developer will assume more than his fair share of the burden if an L I D is proposed for paving the alley in the future. He also mentioned that parking is at a premium along the entire length of 12th St.

Mr. Finnigan did not think there was adequate ground area to construct the proposed units.

Mr. Cvitanich moved that the recommendation of the Planning Commission be overruled and that the rezone be denied. Seconded by Mrs. Banfield. Voice vote was taken, resulting as follows: Ayes 8: Banfield, Bott, Cvitanich, Finnigan, Johnson, Murtland, Zatkovich and Mayor Rasmussen. Nays 1: Herrmann. Absent 0. Motion carried.

This is the date set for the meeting with initiating parties for the proposed annexation of So. 19th & Willow Lane, submitted by L. A. Strandley, et al.

Mr. Buehler explained that there are now three items set by law for the Council to consider, namely, (1) will the City accept a 75% annexation petition from the proposed area, (2) upon annexation, will the area be required to assume the existing indebtedness of the City, (3) will the simultaneous adoption of a comprehensive land use plan for the area be required. Mr. Buehler said, after this meeting a resolution would be submitted setting forth the description of the area and the 75% petition will be submitted to the Council for its approval.

Mr. Lee Polkirghorn, 7510 West 19th St. explained he owns the easterly portion of the area proposed for annexation. His concern was the matter of assuming the bonded indebtedness if this annexation is approved. He had understood that in the past it has not been the policy to require the property owners to assume that indebtedness.

Mr. Hamilton explained that in all prior annexations, with the exception of one, the Council has not required the assumption of the existing indebtedness.

Mr. Murtland asked if the bonded indebtedness is assumed, what effect would it have on the individual property owners.

Mr. Rowlands explained that the indebtedness is not retroactive and it will only be effective at the time the annexation takes place.

Mr. Gaisford explained if the Council determines that these property owners shall not pay any prior indebtedness it would mean that 6.21 mills that will be levied for 1970, interest and debt redemption, and the 2.92 mills that will be levied for fire equipment, would not be levied against the property in question.

Mr. Gaisford further stated it would mean that the taxes from these properties for the City would be only 14 mills for general purposes and 2 mills for the firemen's pension fund. Consequently, the millage would be less than any other property owners' within the entire City. He added, the Council determines if the bonded indebtedness will be assumed.

Dr. Herrmann did not feel these taxing liabilities should be dismissed from the new property owners anymore than from any other property owner in the City.

After some discussion Mr. Murtland moved that the Council accept the 75% petition by the land owners for annexation to the City, and that a resolution be prepared. Seconded by Mr. Cvitanich. Voice vote was taken. Motion unanimously passed.

Mr. Murtland moved that the area to be annexed be required to assume the existing bonded indebtedness to the City. Seconded by Mr. Cvitanich. Voice vote taken. Motion unanimously passed.

Mr. Murtland moved that the petitioners will not be required to present comprehensive land use plans for the area. Seconded by Mr. Finnigan. Voice vote taken. Motion unanimously passed.

Mayor Rasmussen said the Council had completed the necessary action for the annexation at this time and a resolution will be presented at the next Council meeting.

COMMUNICATIONS:

Robert G. Kerr, Attorney for Thomas William Hutson filing appeal from notice of suspension of license from the firm of Rack & Cue at 3816 So. Yakima Ave.

Mr. Murtland asked if all appeals for license suspensions are required to come before the entire Council.

Mr. Hamilton explained the ordinance concerning tax and licenses provides if some firm receives a suspension or revocation of its license, they have a right to appeal to the City Council within ten days after the receipt of the notice. He added, the City Clerk then transmits the notice of appeal to the Council and the Council sets a date for hearing with the entire Council present, or a committee of its membership.

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After the date is set the Clerk is then obligated to notify the licensee the date of hearing.

Mr. Rowlands suggested the hearing date be set for Tuesday, Sept. 9th.

Mr. Zatkovich requested more information on the matter as to how many complaints were received and how many warnings were issued against the firm.

Mrs. Banfield stated she had received a number of complaints about the "Image", and asked that it be investigated.

Mr. Rowlands said he would check into the matter.

Mr. Rowlands further explained he had received an affidavit with six hundred signatures of property owners in the neighborhood objecting to the Rack & Cue.

Mr. Ron Corsi, President of the Lincoln Businessmen's Club, urged the Council to hear this matter as quickly as possible as it would certainly be to the best interest of the community.

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Mr. Finnigan said he felt this problem is very urgent and that a hearing date should be set as quickly as possible.

Mayor Rasmussen felt the added information requested by members of the Council should be furnished as soon as possible so they could be well informed on the matter before the hearing date.

Mr. Finnigan moved that the date for hearing on the appeal be set for Tuesday, Sept. 9th. Seconded by Mr. Cvitanich. Voice vote was taken, resulting as follows: Ayes 8: Banfield, Bott, Cvitanich, Finnigan, Johnson, Murland, Zatkovich and Mayor Rasmussen. Nays 1: Herrmann. Absent 0. Motion carried.

A communication was received from Kathryn W. Haley, President of Allied Arts, Inc. asking approval by the City Council to sublease space in the Allied Arts Bldg. to the Jr. League and League of Women Voters.

Mrs. Haley explained that the Allied Arts is a federation of over forty organizations whose interest is cultural and ranges from architecture to ballet. She explained it has been brought to her attention that any sublease to any organization not primarily concerned with cultural arts must be approved by the City of Tacoma. Therefore, at this time she would ask the Council's approval for subleases for two organizations, the Junior League of Tacoma, Inc. and the League of Women Voters.

Mayor Rasmussen explained that the City is leasing the building for \$1 a year. He asked Mrs. Haley how much rent the League of Women Voters were paying a month.

Mrs. Haley stated they pay approximately \$40 monthly.

Mayor Rasmussen inquired if the lease had been sent to the Council.

Mr. Rowlands explained that the Allied Arts' lease had been submitted to the Council, as requested, about three weeks ago, as well as a copy of an opinion from the Acting City Attorney. He further added that the Allied Arts Inc. has interpreted that the Junior League was affiliated with the Arts as they were conducting activities within their organization pertaining to the promotion of the Arts. Mr. Rowlands explained the legal opinion stated that "any organization not organized primarily for the promotion and fostering of the fine arts cannot validly obtain space in the fine arts center unless the City of Tacoma shall first approve and consent to the assignment or subleasing."

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Mrs. Haley explained leases are renegotiated from time to time. She also explained that Allied Arts Inc. had made a rather handsome building from a deplorable building from funds individually donated. She also mentioned Tacoma should be especially proud of the fact that it has a center that functions in this manner. She assured the Council that they do have leases signed by the Junior League and League of Women Voters.

Mrs. Kathleen Skrinar explained she had inquired by letter approx. eight weeks ago about the lease that was consummated between Allied Arts Inc. and the City and she had raised questions as to whether the terms of the lease were being met. She mentioned that in the lease, Allied Arts is required to submit to the City a detailed report in June of each year, of the operation of the fine Arts Center and all receipts and disbursements made in connection with the operation and maintenance thereof during

the preceding year. Mrs. Skrinar explained since this is a specific requirement of the lease, and no report had been filed with the City, she felt that the lease had been violated. Therefore, sub-leasing should be out of the question since the original lease had been violated.

Mr. Robert Evans spoke in favor of Allied Arts and its general purposes. He also mentioned that any organization that had used space in the Center had leases which had been approved by attorneys. He stated that the building, because of its renovation, has certainly generated an entire series of other activities, such as the Northern Pacific building and the City Hall, which are to become worthwhile commercial activities. This area is also being beautified by trees which have been planted by private individuals. He hoped that the Council will make a correct and fair assessment of the matter.

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Mr. Murtland felt the question is whether the people who are sub-leasing space, are paying a reasonable amount, and if a space is not being used by some organization that is directly affiliated with the arts, perhaps the rent could be used as income for the arts.

After some discussion, Mr. Cvitanich moved to defer action on this matter for one week, until Sept 9th, so that copies of the leases may be submitted to the Council. Seconded by Mr. Zatkovich. Voice vote taken. Motion carried.

RESOLUTIONS:

Resolution No. 20356 (postponed from the meeting of August 19th)

Authorizing the execution of an agreement with the International Brotherhood of Electrical Workers, Local 483, concerning wages, hours, and conditions of labor of the employess of the Water and Controllers Division.

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

Lily Piva, representing Union Local #120, County-City Employees, explained their union opposes this resolution because it includes employees of the Water and Controller's divisions, not classifications. Persons in these divisions make up approx. 60% of the membership of Local 120. Last spring a working agreement was submitted to management and it was approved by the Utility Dept. the first part of July. However, that particular agreement has never come before the Council for its approval. She felt that the agreement under this Res. No. 20356 which appears on the agenda would cause a jurisdictional dispute between the two unions if adopted by the Council.

Mr. Cvitanich asked if a week's postponement of the resolution would give enough time to work out this matter.

Mrs. Piva felt that would be agreeable.

Mr. Finnigan stated that the Council has approved agreements with Local 483 for a number of years.

Mrs. Piva explained that the previous agreements were specifically with the Electrical Workers.

Mr. Rowlands explained that under the new State law, management has the right to negotiate with the various union representatives who represent 40 to 50 percent of the employees. It is hoped that the agreements negotiated in the future will have information contained therein which will be consistent throughout all of the agreements and would state the peculiarities that are applicable to only those crafts or unions mentioned.

Mrs. Piva explained this resolution only mentions the word Division, which includes the complete Division of the Controller and Water departments. This is why they are objecting. They are surprised that such an agreement would be approved by the Utility Board when they are well aware of the collective bargaining bill which was passed in 1967.

Mr. Benedetti, Asst. Director of Utilities explained that the agreement between the Controller's division and Local Union #483 concerns only the Meter readers and field investigators. He stated that an agreement will be submitted to the Council relative to Local #120 which will outline the terms and the working conditions for the classifications that Union Local #120 represents.

Mr. Benedetti did not feel there was anything inconsistent in the agreements with the Controller's division or the Water division.

Mr. Cvitanich explained that at the AWC convention there was an effort made on the part of some members of cities throughout the State to standardize salaries, however this movement was defeated. In a short time the City will be having hearings on the budget and the Council has adopted an ordinance which states it will follow the State laws pertaining to bargaining. It has been brought to his attention that the City Manager and representatives of the City's Personnel Dept. have been in contact with other communities of the State trying to standardize wages. This is certainly contrary to the previous procedures of the Council in bargaining with the various union officials for wages.

Dr. Herrmann felt the resolution itself could be clarified by modifying the phrase "Controller's division and Water division" by specifying the classifications for which these agreements apply. Dr. Herrmann thought a motion could be made to amend the wording of the resolution.

After some discussion Mr. Zatkovich moved to postpone the resolution for one week, until Sept 9, 1969. Seconded by Mr. Cvitanich. Voice vote was taken. Motion was unanimously carried.

The Resolution was postponed until Sept. 9, 1969.

Resolution No. 20367

Fixing Monday, Sept. 22nd at 4 P.M. as the date for hearing for L I D 5482 for water mains in 112th Ave. E. from 128th St E. to 136th St. E. and other nearby Sts.

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

- Ayes 9: Banfield, Bott, Cvitanich, Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.
- Nays 0: Absent 0.

The Resolution was declared adopted by the Chairman.

Resolution No. 20368

Fixing Tuesday, Sept. 30th at 4 P.M. as the date for hearing for the vacation of the S.W. corner of Port of Tacoma Road and East 11th Street. (petition of Benjamin Erhart)

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

- Ayes 9: Banfield, Bott, Cvitanich, Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.
- Nays 0: Absent 0.

The Resolution was declared adopted by the Chairman.

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Resolution No. 20369

Fixing Tuesday, Sept. 30th at 4 P.M. as the date for hearing for the vacation of Circle Way from So. 16th to a point approximately 150 feet north. (petition of John Canonica)

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

Ayes 9: Banfield, Bott, Cvitanich, Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.
Nays 0: Absent 0.

The Resolution was declared adopted by the Chairman.

Resolution No. 20370

Awarding contract to Slead-Tommesen Construction Co. on its bid of \$41,564.46 for L I D 3683.

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

Ayes 9: Banfield, Bott, Cvitanich, Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.
Nays 0: Absent 0.

The Resolution was declared adopted by the Chairman.

Resolution No. 20371

Authorizing the purchase of property in the area of So. 64th & Alaska Sts. from Pierce County for construction of water mains.

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

Ayes 9: Banfield, Bott, Cvitanich, Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.
Nays 0: Absent 0.

The Resolution was declared adopted by the Chairman.

Resolution No. 20372

Authorizing the purchase of property from E. P. Miller located at Muck-Kapowsin Road East of Bethel School for the purchase price of \$2400.00 for construction of a new substation.

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

Mrs. Banfield said she has not found at any time that property sold for \$3,000 an acre in the area of the Muck-Kapowsin Road. She has checked and found that the property was selling for \$2,000 an acre.

Mr. Benedetti explained that the need for the purchase of a substation site arises from the contractual agreement which the Utility dept. has with the Loveland Mutual Company of Graham, Washington. This would be a major substation facility which in turn would provide the company with enough power for distribution into the area.

Mr. Benedetti further explained that the parcel in question is part of a subdivision that is presently in the process of being developed, which is approx. two building sites. This has been appraised by their property management section and on that basis, because of its corner location, as well as being a part of a subdivision, their evaluation is that \$3,000 is a fair value for the property. This site will allow the Utility dept. to construct substation facilities. Last winter the facility was more than taxed in order to provide service to the Loveland customers. The new substation will also serve the new subdivision. He urged approval of the resolution.

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

- Ayes 8: Bott, Cvitanich, Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.
- Nays 1: Banfield. Absent 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20373

Authorizing the sale of surplus scrap material to various bidders.

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

- Ayes 9: Banfield, Bott, Cvitanich, Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.
- Nays 0: Absent 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20374

Authorizing the sale of Automotive equipment by the Dept. of Public Utilities.

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

Mr. Benedetti explained that the Public Utility Board had deemed it impractical to call for formal bids on these cars. The City of Seattle has been very successful in auctioning automotive equipment. He assured the Council the auction will be well publicized.

Mr. Benedetti announced they have received an invitation from Washington Water Power and Pacific for a tour of the Centralia steam plant which will be held on Thursday, Sept. 11th. A letter is being prepared for the Mayor and Council submitting information on the City's proposed participation in the Centralia project, also an invitation is extended to the Council to tour the plant.

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

- Ayes 9: Banfield, Bott, Cvitanich, Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.
- Nays 0: Absent 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20375

Granting an extension of 90 days to Seifert, Forbes & Berry successful bidders for Parcel 12 in the Fawcett Project to their signing the agreement of sale to permit them to obtain further information relative to the preliminary feasibility study.

Dr. Herrmann moved that the resolution be adopted. Seconded by Mr. Finnigan. Mayor Rasmussen announced that an opinion had just been received from the City Attorney's office relative to an extension of time to Seifert, Forbes and Berry and Lee, Krilich, Lowry and Thompson for execution of an agreement of sale. He thought the resolution should be delayed until the Council has an opportunity to study the opinion.

Mrs. Banfield moved to postpone the resolution for two weeks, until Sept. 17th. Seconded by Dr. Herrmann. Roll call was taken, resulting as follows: Ayes 5: Bott, Finnigan, Herrmann, Johnson and Murtland. Nays 4: Banfield, Cvitanich, Zatkovich and Mayor Rasmussen. Absent 0. Motion carried.

The Resolution was postponed until Sept 17, 1969.

Resolution No. 20376

Granting an extension of 90 days to H-K Western, Inc. to complete financing of the proposed development at the S.E. corner of Center & M Sts.

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

Mayor Rasmussen felt this resolution should be postponed also, since it concerns a request for an extension for performance of the undertakings provided in an agreement of sale.

Mrs. Banfield moved to postpone the resolution for two weeks, until Sept. 17th. Seconded by Dr. Herrmann. Roll call was taken, resulting as follows: Ayes 5: Bott, Finnigan, Herrmann, Johnson and Murtland. Nays 4: Banfield, Cvitanich, Zatkovich and Mayor Rasmussen. Absent 0. Motion carried.

The Resolution was postponed until Sept 17, 1969.

Resolution No. 20378

Submitting to the qualified voters of the City of Tacoma at a Special Municipal election to be held in conjunction with the General Municipal election on Tuesday, Nov. 4, 1969 for rejection or approval a proposition to amend Sec. 3.5 of the Charter of the City of Tacoma.

Mayor Rasmussen moved that the resolution be adopted. Seconded by Mr. Cvitanich.

Mayor Rasmussen stated this resolution would place a proposition on the Nov. ballot to amend the Charter so that the City Attorney would be appointed by the City Council rather than being appointed by the City Manager.

Mr. William Buell suggested that the City Clerk should also be appointed by the City Council.

Mayor Rasmussen asked that the City Attorney prepare a resolution to amend the Charter so the City Clerk will also be appointed by the Council.

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

Ayes 4: Banfield, Cvitanich, Zatkovich and Mayor Rasmussen.
Nays 5: Bott, Finnigan, Herrmann, Johnson and Murtland. Absent 0.
The Resolution was declared LOST by the Chairman.

Mayor Rasmussen asked that another resolution be presented to the Council for next week that the City Attorney be appointed by the City Council rather than the City Manager. Therefore, both amendments to the Charter will be on the same agenda, he added.

Resolution No. 20379

Expressing the City of Tacoma's wholehearted support and appreciation to the members of our Armed Forces and their families as a result of their sacrifices in service to their nation in the conflict in Vietnam, and protesting the landing of foreign ships of nations furnishing arms or aid to enemies of the United States.

Mrs. Banfield moved that the resolution be adopted. Seconded by Mr. Cvitanich. Mrs. Banfield urged the Council to support this resolution so that the Congress of the United States could be informed as to how the people of the United States feel toward a new national policy.

Mr. Johnson explained he has been studying the last paragraph of the resolution relative to protesting the landing of any foreign ships at U.S. ports. He felt if this resolution were passed, it would result in having to determine what every one of the foreign nations is doing and which ones are furnishing aid to the enemy, and "what is aid" would have to be defined. This would indicate that the U. S. would automatically stop all landings of foreign ships. This is why he could not vote for this resolution.

A number of citizens spoke in favor of the resolution as well as against.

After further discussion Mr. Murtland moved to amend the resolution by deleting the second "Be It Further Resolved" Seconded by Mr. Finnigan.

Mr. Finnigan explained that none of the Council members would vote against any type of resolution that would express their appreciation for the service that the U. S. Military is giving to the United States anywhere in the world. However, he added, he could not support the last Resolve in the resolution because he did not feel the Council was in a position to enforce it, if it were passed. He reminded the Council that the Port of Tacoma Commissioners have the authority to restrict the influx of ships from any place in the world. He hoped that the resolution would eventually express the Council's deep appreciation of the servicemen in Vietnam as well as through the world.

Mr. Finnigan thought Mrs. Banfield might consult with the Port Commissioners on the matter of the ships coming into the Tacoma harbor and obtain their opinion.

Mr. Murtland urged that the Council adopt his motion, as in the last Resolve, it mentions "any foreign ships", which would certainly leave the U. S. trading with about only one nation in the world.

Mr. Zatkovich thought the last paragraph is broad but he is certainly in favor of bringing the Vietnam war to a conclusion and would support the resolution at this time.

Dr. Herrmann felt this was not a proper function of the Council and that individual letters to the Congressional representatives would make more of an impression than a resolution such as this. He also noted there was no question whatsoever that the Council would support the servicemen in Vietnam.

Roll call was taken on Mr. Murtland's amendment, resulting as follows: Ayes 4: Finnigan, Johnson, Murtland and Zatkovich. Nays 5: Banfield, Bott, Cvitanich, Herrmann and Mayor Rasmussen. Absent 0. Motion LOST.

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

Ayes 5: Banfield, Bott, Cvitanich, Zatkovich and Mayor Rasmussen.
Nays 4: Finnigan, Herrmann, Johnson and Murtland. Absent 0.

The Resolution was declared passed by the Chairman.

FIRST READING OF ORDINANCES:

Ordinance No. 18917

Adopting the revised Fire Prevention Code.

Chief James Reiser explained that the Council is considering the 1965 Fire Prevention Code. Approximately every five years the code is updated to ensure safety factors and to keep in tune with the changes that are presented from time to time. He mentioned that the 1965 edition of the code has not been changed radically since the 1960 edition.

Chief Reiser explained there are editorial changes that make it easier to interpret the application of the code. He also mentioned that the Fire Code is a national standard, not local or state. The standards are prepared by the committee of the National Fire Protection Association, of which there are a total of 136 Chapters.

Chief Reiser called Council's attention to Page 4 of the ordinance under Section 3.02.090, titled, Precautions Against Fire-General-Amendment of Section 28.1 by Addition of Subsection e. He added this is taken from the Puget Sound Pollution Control Commission Regulations, word for word, and establishes how the City of Tacoma will regulate its outdoor burning policies.

Chief Reiser said, a new addition allows the installation of coin-operated gasoline stations within the City, and that competent attendants are required to be on hand every hour while the station is open. The competency of an attendant will be determined by the Fire Dept.

Chief Reiser said a suggestion has been made as to whether an appeal board could be set up as an intermediate board between the Fire Chief and City Council before a full appeal hearing comes before the Council.

Mr. Cvitanich felt that suggestion was excellent and it should be carefully studied.

Chief Reiser further stated the Code has been approved by the Industrial Bureau of the Chamber of Commerce and recommended adoption. This code by reference also adopts the ten volumes of the National Fire Code.

Mr. Paul Olson, 3001 Marshall Ave., explained he was associated with a retail and wholesale gasoline firm in the City. He noted that the particular portion of the code that referred to coin-operated, card-operated devices has been included in both of the two national fire codes of the A.I.A. and the National Fire Protection Assn. for years. These associations agree that the operation of such equipment should have a competent operator in attendance and in control of the equipment.

Mr. Cvitanich moved that on page 6, sixth line down of Paragraph 3.02.140, after the word spirit, be amended to insert the words "and intent". Seconded by Mr. Zatkovich. Voice vote was taken. Motion unanimously carried.

Mr. Cvitanich moved that on Page 5, Section 3, on the second line, delete the words "chief executive office", and insert the words "City Council". Seconded by Mrs. Banfield. Voice vote was taken. Motion unanimously carried.

The Ordinance was placed in order of final reading.

Ordinance No. 18918

Amending Sec. 2.02.1120 of the official code relating to buildings to comply with the Washington State Fire Marshal's regulation #238.

Mr. Cvitanich suggested that the last paragraph of the ordinance on Page 3, be amended to include the Chief of the Fire Dept. and the Fire Marshal, acting as a committee, rather than concentrating on one man's decision.

Chief Reiser explained this new portion of the code is a parallel ordinance to regulation No. 38, which is a State Fire Marshal regulation. The State Fire Marshal is working under this regulation and they have granted this one year delay to comply. The Tacoma Fire Dept therefore is being allowed a one year extension for the nursing homes, hospitals, etc., to come up to the standards required by the ordinance and the regulation of the State Fire Marshal.

Chief Reiser also explained the State Fire Marshal is considering giving an ex-officio State Fire Marshal responsibilities to the Fire Chiefs of large cities where a Fire Prevention Bureau is established. He also felt this addition to the ordinance will eliminate duplication between State agencies and City agencies.

The Ordinance was placed in order of final reading.

Ordinance No. 18919

Amending Title 8 of the official code by adding subsection 40 to Sec. 8.12.010 relative to Disorderly Persons Defined and Enumerated.

Mr. Hamilton explained there are two errors in the ordinance. The subsection (40) should be renumbered to read (42) and in the same paragraph, Chapter 6.69 should read 6.29.

Mayor Rasmussen moved that the number (40) be changed to (42) and Chapter 6.69 should read as 6.29. Seconded by Mr. Cvitanich. Voice vote taken. Motion unanimously carried.

Mr. Murtland felt this ordinance was ambiguous because it would not permit a person who is already licensed, to carry his gun in a public building.

Mr. Zatkovich felt that the restrictions that are now enforced regarding the issuing of a gun permit are too lenient.

Mr. Finnigan suggested that the Tacoma School Board and school authorities be informed of this ordinance.

Mayor Rasmussen felt such a suggestion was proper as they might have some further suggestions to offer.

The Ordinance was placed in order of final reading.

Ordinance No. 18920

Repealing and reenacting Chapter 6.26 of the official code relative to Junk Dealers.

Mr. Rowlands explained that this ordinance pertains to the Police Dept. The First Class Scrap Dealer's fee has been raised from \$125 a year to \$200 a year. The Second and Third Class Dealer's license fees remain the same.

Mr. Rowlands added, the scrap dealers have all been advised of this change and there was only one point of disagreement by the First Rate Class Dealers. They objected to holding material for at least three days, however they did agree that it would give a pawn shop detective an opportunity to visit each establishment at least twice a week.

The Ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 18911

Vacating the west side of A St. between So. 12th & So. 13th Streets. (petition of National Bank of Washington)

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

Ayes 6: Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.
Nays 2: Banfield and Cvitanich. Absent 1: Bott (temporarily)

The Ordinance was declared passed by the Chairman.

Ordinance No. 18912

Amending Sec. 1.12.460 of the official code by adding a new subsection 2142 to add a new classification of City Sealer.

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

Ayes 8: Banfield, Cvitanich, Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.
Nays 0: Absent 1: Bott (temporarily)

The Ordinance was declared passed by the Chairman.

Ordinance No. 18913

Amending Chapter 1.24 of the Civil Service Personnel Rules by adding Sec. 1.24.805.

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

Ayes 8: Banfield, Cvitanich, Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.
Nays 0: Absent 1: Bott (temporarily)

The Ordinance was declared passed by the Chairman.

Ordinance No. 18914 (as amended)

Amending subsection 4 of Section 2.01.070 and Section 5.46.190 of the official code relative to Dangerous buildings and Minimum Housing Code.

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

Ayes 7: Banfield, Bott, Cvitanich, Herrmann, Johnson, Zatkovich and Mayor Rasmussen.
Nays 2: Finnigan and Murtland. Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18915

Approving and confirming the assessment roll for L I D 3615 for sanitary sewers in the alley between Prospect & Fife from So. 51st to 53rd; Monroe and Madison from So. 74th to 400 feet north.

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

Ayes 9: Banfield, Bott, Cvitanich, Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.
Nays 0: Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18916

Approving and confirming the assessment roll for 3670 for sanitary sewers in Madison from So. 69th to So. 72nd.

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

- Ayes 9: Banfield, Bott, Cvitanich, Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.
- Nays 0: Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18921

Amending Chapter 6.03 of the official code relative to signs on Public Property and declaring the immediate passage of the ordinance.

Dr. Herrmann explained he had asked that this ordinance be brought in amending the sign ordinance for the purpose of allowing political signs to be placed on parking strips preceding a primary or general election. This would require permission of the owners and it would take some of the pressure from the Public Works Dept.

Mr. Hamilton explained this ordinance would not be a conflict of interest as it would be equal to all.

Mr. Rowlands explained over the years campaign signs have been placed in the parkways which is illegal according to the City Code.

Mrs. Banfield asked for a point of order and inquired if Mr. Johnson, Mr. Cvitanich, Mr. Bott and Mayor Rasmussen could vote on this ordinance since they are candidates in the coming election.

Mayor Rasmussen ruled that there is a definite conflict of interest and he said that all candidates should abstain from voting.

Mr. Johnson and Mr. Bott did not feel this ordinance was a conflict of interest.

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

- Ayes 6: Bott, Finnigan, Herrmann, Johnson, Murtland and Zatkovich.
- Nays 3: Banfield, Mr. Cvitanich and Mayor Rasmussen abstained. Absent 0.

The Ordinance was declared passed by the Chairman.

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Mr. Murtland asked that the rules be suspended to bring up Ordinance No. 18910 for reconsideration. He remarked he had voted against the ordinance for rezoning of the property on the north side of Olympic Blvd. between No. 9th and west of Skyline Drive.

Mr. Murtland then moved that Ord. No. 18910 be reconsidered. Seconded by Mr. Johnson. Roll call was taken, resulting as follows: Ayes 6: Bott, Finnigan, Herrmann, Johnson, Murtland and Zatkovich. Nays 3: Banfield, Cvitanich and Mayor Rasmussen. Absent 0. Motion carried.

Mayor Rasmussen asked Mr. Murtland if he wished to place this ordinance on the agenda.

Mr. Murtland felt the vote on the ordinance should be postponed for two weeks to allow sufficient time for the property owners in the area to be notified.

Mr. Finnigan moved that consideration of the ordinance be postponed until Tuesday, Sept. 17, 1969. Seconded by Mr. Zatkovich. Roll call was taken, resulting as follows: Ayes 6: Bott, Finnigan, Herrmann, Johnson, Murtland and Zatkovich. Nays 3: Banfield, Cvitanich and Mayor Rasmussen. Absent 0. Motion carried.

Mrs. Banfield asked that the property owners be notified that Ord. No. 18910 will be placed on the agenda for the Sept. 17th meeting.

UNFINISHED BUSINESS:

Mayor Rasmussen announced that the City Employee,s Retirement Board has agreed to hold in abeyance their request for an increase from six to seven percent interest for L I Ds. He felt that a change in the law can be proposed at the Special Session of the Legislature allowing the City to sell local improvement progress notes and bonds to banks or individuals. 96

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Mr. Cvitanich pointed out that on No. 11th & Pearl Street, which was just rezoned, a service station is being constructed. He wondered how many more service stations will be constructed on Pearl.

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Mayor Rasmussen asked if the City Attorney's staff had completed its research relative to the State Board Against Discrimination's interpretation of the Tacoma Housing ordinance. He added, he noted in the minutes of Aug. 21, 1969 of the Human Relations Commission on page 2, Mr. Hodges had submitted resolutions to that Board stating that the City Council had decided that its board against discrimination in housing would handle all complaints and he, as Director of Human Relations, had no authority.

Mr. Hamilton explained that Mr. McCormick had indicated the documents the Mayor was speaking of had been submitted, but as far as he knew, further action had not been taken. However, he would ask Mr. McCormick.

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Mayor Rasmussen said some of the citizens of Tacoma had called a meeting yesterday which was held in the Model Cities auditorium. He asked if any of the city's staff had attended.

Mr. Rowlands explained there was a meeting held there Sunday, August 31st, but he did not know of any meeting yesterday. He also stated that the auditorium portion of that building is under the jurisdiction of the Sons of Italy and this organization rents the building. The Model Cities staff had nothing to do with the meeting, he added.

Mayor Rasmussen asked if the outcome of the meeting was the arrival of the S.D.S. picketing a plant on the tideflats. 208

Mr. Rowlands said he knew nothing of the matter and there may have been some staff members present, but he was not there.

Mrs. Banfield asked if Mr. Rowlands has said they paid rent for only that particular day.

Mayor Rasmussen stated he had not been invited to that meeting and he wondered if any of the staff people were in attendance.

Mr. Rowlands said it was his understanding that they rented the auditorium for Sunday afternoon.

Mrs. Banfield requested that he submit a letter from the Sons of Italy stating the group in question has rented the auditorium for just Sunday afternoon.

Mr. Rowlands stated he would submit such a request.

Mrs. Banfield said she felt the Human Relations Commission is not adhering to their bylaws and thought it was time the Council did something about it. She questioned whether all the Commission's meetings are open to the public. She further stated that the officers for the Human Relations Commission are to be elected in October of each year. The officers for 1969 were elected at a study session on Jan. 9, 1969 at St. Patrick's Rectory. She asked if it were legal to elect officers at a study session.

Mayor Rasmussen felt this was not legal.

Mrs. Banfield then said all officers of the commission would therefore be elected illegally this year.

Mrs. Banfield said she is disturbed about the numerous sensitivity programs mentioned in all the minutes of the Human Relations Commission.

VERBATIM REQUESTED BY MRS. BANFIELD:

Mrs. Banfield: I think it is about time this council looked into this Human Relations Commission and just see what they have accomplished; what they haven't accomplished; and what they have accomplished as far as stirring up the community, that we didn't have prior to their being in being.

Then you look through Human Relations study sessions, and lo and behold, they had their meeting; reports from the League of Women Voters. This is a report to the Commission.

Mayor Rasmussen: What page are you on.

Mrs. Banfield: Well, this is their study session minutes of May 1, 1969. We recognize that human relations concerns are not limited to city boundaries, and therefore we are also interested in the establishment of a county-wide Human Relations Commission.

I got on the phone and I called the County Commissions to see if maybe the League of Women Voters had gone to them first. They had never heard of this, they knew nothing about it, whatsoever.

In section No. 3 of the same minutes, the Commission should be county-wide, with representation from County and Cities. Regional Government, Mr. Mayor. I'd like to know what right the Women's League of Voters have to come to the Commission to tell them how to set their policy for what they're planning on doing in the future.

I also challenge Mr. Lynn Hodges and his bylaws in staying with what he is supposed to be doing. I challenge if the officers elected are legally elected for this year. And I rather think that it's time this Council takes a little bit of more concern for this Human Relations Commission.

END OF VERBATIM

Mrs. Banfield also asked that the Council check into the Model Cities Program in regard to labor force.

REPORTS BY THE CITY MANAGER:

Mr. Rowlands said that MC-624 regarding Sprinkler Systems and Private Fire Protection in Homes for the Elderly is self explanatory. He stated the Fire Dept. is doing everything possible to encourage involvement.

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Mr. Rowlands explained that MC-625 outlines the purchasing procedures of the City as is now being performed. He noted that on May 14, 1968 the City Council instructed the Purchasing Division not to make personal contact with various vendors and not to notify them that the commodity or service they handled was ready for a quotation. However, the Purchasing Division feels when they were allowed to personally contact the vendors it was well worth the time and effort.

He also noted on rare occasions where the prospective bidder was not personally contacted, the Purchasing Division left a message and obtained the name of the individual accepting the message.

Mr. Rowlands said the Purchasing Division is requesting that it be allowed to reinstitute the practice of notifying prospective bidders, as it is felt more bids are received from the various vendors. However they would continue the practice of advertising for bids.

Mr. Murtland felt the previous policy was satisfactory and would like to see it reinstated.

Mr. Finnigan felt that any vendor looking for the opportunity to obtain work if interested, would automatically check the papers. He did not feel the calling of vendors should be reinstated.

Mr. Rowlands explained that this is a staff recommendation so that more bids are obtainable which would in turn benefit the City.

Mayor Rasmussen felt the procedure at the present time has not been instituted too long. He said a list of the projects for bid should be placed on each week's agenda.

Dr. Herrmann did not feel it would be wrong to follow up the published ad with a personal call.

After some discussion Mr. Murtland moved that the staff be given instructions, that in addition to the regular advertising of a bid, that they also notify such list of bidders who may leave their names with the Purchasing Dept. Seconded by Mr. Johnson.

Mr. Finnigan suggested that a letter be sent by the staff to the Assn. of General Contractors and Subcontractors pertaining to construction bids and also the Assn. of Purchasing Agents, and ask for their opinion on this matter. He felt the Council would then have proper guidance from the people affected. He felt the Council should delay any action on the matter until replies are received from these associations.

Mr. Johnson explained the bids go far beyond material and work from general contractors, it also covers the wholesalers etc.

Mr. Zatkovich moved that the Council postpone action on Mr. Murtland's motion until further information can be obtained from the various agencies as suggested by Mr. Finnigan. Seconded by Mr. Cvitanich.

Roll call was taken on the motion, resulting as follows: Ayes 6: Banfield, Bott, Cvitanich, Finnigan, Zatkovich and Mayor Rasmussen. Nays 3: Herrmann, Johnson and Murtland. Absent 0. Motion carried.

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Mr. Rowlands explained that the next item refers to Boat Landing facilities on Ruston Way. He felt that a study session should be held on this matter so the Council could examine the various plans developed by the Public Works Dept.

Mayor Rasmussen asked for information as to how much it cost the Park Board to put in their launching area.

Mr. Rowlands stated he would check and report back.

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Mr. Rowlands submitted copies of the letter received concerning the request for purchase of the property located at 609 No. Pine, formerly Fire Station #9, as requested.

Mayor Rasmussen asked what steps are being taken in regard to the request of Washington Disabilities to lease station #9.

Mr. Hamilton explained he had prepared a proposed draft of a resolution on this matter to Washington Disabilities, Inc. including a proposed agreement. A conference with them is set for Sept 3rd concerning one or two items in the agreement, and if differences are resolved it will be placed on next week's agenda.

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Mr. Rowlands mentioned the letter from R. E. Shinkoskey of the American Smelting and Refining Co. which was sent to the press and members of the Puget Sound Air Pollution Control Agency Board.

Mr. Cvitanich commented on the letter and stated he would not agree with Mr. Shinkoskey's suggestion that a 1000 foot stack may be the only answer. He hoped that Mayor Rasmussen would check this thoroughly as he is a member of the Air Pollution Control Committee.

Mayor Rasmussen explained the omission standards are uniform throughout the three County areas at the present time.

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Mr. Rowlands announced that the attendance at the ball games has reached approx. 122,300. The final audit will be made within the next week. It indicates that the City has surpassed the 120,000 mark and according to the agreement with the Tacoma Cubs, they will pay \$10,000 to Tacoma plus the admission fee for every-²¹⁸one over the 120,000. This will amount to approx. \$2,000.

Mayor Rasmussen felt the City would also receive money that was spent on maintenance.

Mr. Rowlands said he would check the agreement as to that cost.

Mr. Rowlands commended all the citizens who attended the games.

COMMENTS BY MEMBERS OF THE CITY COUNCIL:

Mrs. Banfield requested that a detailed report be submitted relative to the streets that were repaired by the Public Works Dept. using \$163,000 which was¹⁻³ allocated to them.

Mayor Rasmussen stated that is a good suggestion.

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Mr. Bott requested that the City place benches along Stadium Way so citizens could enjoy the view of the Bay from that site.

Mr. Rowlands stated the City has been cutting down, but perhaps they could borrow some from the Park Board for such a project.

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Mr. Cvitanich explained that a few months ago several members of the City Council spoke against placing the Trainee Coordinator position under the Civil Service Program. It was discussed that it should be a temporary appointment for a year, rather than making it permanent. However Mr. Hutchins's appointment as the Trainee Coordinator had been approved as a permanent position under Civil Service rating by the Council majority.

Mr. Cvitanich then noted there is an austerity program within the City at the present time, and two men who had been working in the Fire Dept. as Trainees had been released.

Mr. Cvitanich also mentioned that two police trainees passed the civil service examination which was held recently and they were still working as trainees in the Police Dept. He asked Mr. Rowlands to clarify this matter.

Mr. Rowlands explained that the trainees in the Fire Dept. had not passed the recent firefighter examination and therefore were released.

Mr. Rowlands said however, it was the opinion of the staff that since the two trainees in the Police Dept. had passed the examination they should still be working under the trainee program because the list will not be exhausted for approx. two years.

Mr. Cvitanich felt there was no longer a need for a Trainee Coordinator position at this time because there did not seem to be any more Trainees in the General Government.

Mr. Rowlands explained the Utility Dept. has a number of trainees in its employ. He stated he would like to place more trainees in various positions in the City government, in positions where there will be an opportunity for such persons to be placed in permanent jobs, after they have taken and passed the examinations.

Mayor Rasmussen thought the City's training program was just for the time it would take to train a person to take and pass a civil service examination, and not afterward.

Mr. Rowlands stated he would be happy to have the entire Trainee Board discuss this point with the Council at its convenience.

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Mr. Zatkovich mentioned some points in the Human Relations Commission minutes of various dates and one especially which stated, "Inflammatory talks should be kept at a minimum during these days of tension, especially from black and white leaders." Just last week a number of Central area ministers took a stand endorsing a statement by Rev. Hankerson, the Pres. of the Executive Committee of the Tacoma Ministerial Alliance who agreed with the number of demands from the negro community which were presented to the Council sometime ago. One of the people who endorsed this statement was a Rev. Mitchell and he wondered if he was the same person who is an assistant to Mr. Hodges, the Human Relations Director. If Rev. Mitchell is the same man, he did not believe he should be working for the City of Tacoma. He added, another person who endorsed the statement was the Rev. E. S. Brazill and he felt Mr. Brazill should be relieved of his position on any of the City's committees.

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Mr. Zatkovich mentioned that the newspaper had an article about one of the Hilltop groups having a meeting in their area and deciding that they were against a police substation being created. The list of names at this particular meeting was of ex-convicts and known agitators.

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He thought if the Human Relations commission wished to do something, they should start in their own ranks.

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CITIZEN'S COMMENTS:

The following persons expressed their views on various subject matters to the City Council:

- a. Tim Strong.
- b. John P. Zelenak.
- c. Melvin S. Jackson was unable to speak as he is a candidate for a position on the Civil Service Board.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Human Relations Commission minutes of August 21, 1969, etc.
- b. City Council Study Session minutes of August 18 & 25, 1969.
- c. City Planning Commission minutes of August 18, 1969.
- d. Fire Dept. report for the month of July 1969.
- e. Traffic Division report for July 1969.
- f. Tacoma Employees' Retirement System report for August 1969.
- g. Report from the Light, Water and Belt Line Div. for July 31, 1969.

Placed on file.

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Mr. Cvitanich moved to adjourn the meeting. Seconded by Dr. Herrmann. Voice vote was taken and the meeting adjourned at 11:45 P.M.

A. L. Rasmussen
A. L. Rasmussen - Mayor

Attest: *Josephine Melton*
Josephine Melton - City Clerk