

CITY COUNCIL MINUTES

City Council Chambers, 7:00 P. M.
Tuesday, July 18, 1961

Council met in regular session. Present on roll call 8: Bott, Cvitanich, Easterday, Murtland, Olson, Porter, Price and Mayor Hanson. Absent 1, Steele. Steele coming in at 7:10 P. M.

Mr. Easterday moved that the minutes of the meeting of July 5, 1961 be approved as submitted. Seconded by Mr. Cvitanich.

Mrs. Olson requested that the minutes be amended on page 10 at the conclusion of Mayor Hanson's statement regarding the appointment of Dr. Adams to the Utility Board, to include his remark in reference to the extent, if any, of Dr. Adam's investments in the U. S. Oil & Refining Co.; and also her answer to this inquiry.

Mr. Porter moved that the minutes be referred back to the City Clerk so that this portion could be inserted. Seconded by Mrs. Olson.

Mr. Bott asked if it would be proper to approve the minutes with the exception of the requested amendment and that the Clerk submit the amended portion for approval next week.

It was the concensus of the Council that this would be agreeable.

Mr. Bott then moved to amend the motion, to approve the minutes with the exception of the requested amendment and that the Clerk submit the amended portion to the Council for action next week. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

PETITIONS:

Petition submitted from Evergreen State Builders, Inc. requesting the rezoning of property at the S. E. corner of No. 33rd & Proctor St. from an "R-2" to a "R-4-L" District. 54-217

Referred to the Planning Commission.

COMMUNICATION:

Communication from the City Manager on the Rules and regulations for motor vehicle Wrecker and Towing operator licenses engaged in authorized Police Towing and requesting the City Council to amend the rules as prescribed in Ordinance 15009. 105

Mr. Rowlands said this actually is a matter of reviewing these proposed changes to see if the Council desires to amend the present Ordinance. The principal changes are in the rates charged for storage and towing.

Mr. Bott moved that this be held in abeyance for two weeks until

August 1, 1961, so that further investigation could be made of this matter
Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

RESOLUTIONS

Resolution No. 16630: (postponed from the meeting of July 5, 1961.

Authorizing the proper officers of the City to expend the sum of \$12,000 or so much as may be necessary from moneys available in the Storm Drain Construction Fund of the 1958 Bond Program for the purpose of acquiring property in the Snake Lake area for the purpose of constructing a holding basin

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It was moved by Mr. Easterday that the Resolution be adopted. Seconded by Mrs. Price.

Mr. Easterday said he was out in this area today and feels that it will be an economic move and will prove advantageous as far as drainage is concerned. He thought it very desirable that the City acquire this area as proposed in this Resolution.

Mr. Rowlands said for \$12,000 the City will have a holding basin somewhat comparable to what the City is paying a good sum of money for south of Fircrest. Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16657:

Fixing Monday August 14, 1961 at 4:00 P. M. as the date for hearing on L I D 2332 for an oil mat surface on I St. from So. 80th to So. 83rd St.

It was moved by Mrs. Price that the Resolution be adopted. Seconded by Mr. Easterday.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16658:

Fixing Monday August 14, 1961 at 4:00 P. M. as the date for hearing on L I D 5338 for cast iron water mains in No. Vassault St. from No. 42nd to No. 45th Street.

It was moved by Mr. Bott that the Resolution be adopted. Seconded by Mr. Cvitanich.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

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Resolution No. 16657

Authorizing and directing the City of Tacoma to enter into an agreement with the abutting property owners for the repair and replacement of the sidewalk at 424 North D in the amount of \$157.00.

It was moved by Mr. Easterday that the Resolution be adopted. Seconded by Mr. Cvitanich.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16660:

Authorizing the proper officers of the City to execute a supplement to permit No. 85959 changing the location of the crossing of the N. P. Railway Co.'s right-of-way by reason of the proposed construction of the Freeway through the City of Tacoma.

It was moved by Mr. Easterday that the Resolution be adopted. Seconded by Mrs. Price.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16661:

Authorizing the proper officers of the City to execute an agreement with the State Highway Dept. to provide for the participation in the cost for a study and possible plan of construction for a storm drainage facility south of the City in the vicinity of Ward's Lake.

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

Mr. Cvitanich asked if there were any possibility of obtaining Federal funds from the Pollution Control Commission on this study.

Mr. Rowlands said as the Council recollects the City is applying for Federal Funds in the amount of \$250,000 on the larger proposition. It was felt that this was not of the magnitude to appeal to the Federal Government at this time. Since the State, County and City would be involved to the extent of \$2000 each, it would be feasible to join forces and make this study.

Mr. Cvitanich said what concerns him is that the City is obligating itself on its fuel tax allotment to pay this \$2000, which has not been received as yet.

Mr. Rowlands said this study is anticipated because of the drainage which also effects the Street development in the entire area. This is a standard form that is used by the State when they enter into such an Agreement.

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Mr. Easterday asked if the City's staff could carry on the study without employing any additional help.

Mayor Hanson said it would be impossible to make a portion of a study. There are three parties involved here and it would be impossible to make a third of a study. The entire study would have to be made to give the City any information and if the City were to volunteer to make the study alone, it would probably entail \$6000. Whether the State does this work the County, or all three join forces, it will still add up to each participating in 1/3 of the cost.

Mr. Murtland asked what prompted the City to finally decide to do this work.

Mr. Rowlands explained that the matter has been under discussion for some time. The storm drainage from the Freeway runs through the Wapato and South Tacoma area and combines with the City's storm drainage flow which then continues in a southwesterly direction through Ward Lake and eventually through the old Naval Station and then by some unknown course to Puget Sound. The intent of this study is to determine the most feasible course to direct these storm waters to Puget Sound and also to determine how much is being contributed by the County, State and City and finally what the proportionate share of the facilities will be.

Mr. Easterday said he did not see how this study could possibly cost \$6000. It has been made many times in the past for less.

Mr. Steele said he thought it was an equitable suggestion that the City participate in this program with the State and County. The \$2000 is not being spent immediately and it is not necessary to transfer the money.

Mr. Rowlands said, one of the basic principals of the study is to determine how much the City's share will be in this project. It might save the City money to participate in this study.

Mr. Murtland asked if there has been a drainage problem in this area.

Mr. Rowlands said there are problems being created by the Freeway drainage, right now, but this is a continuation of some of the original studies that were entered into 4 of 4 1/2 years ago with the State Highway Dept. along the entire development of the freeway passing through the City of Tacoma. The City of Tacoma, as the result of advance planning, will save the taxpayers several millions of dollars because the drain pipes going into the Freeway are of a size to take care of the entire drainage area and not merely the water coming from the Freeway itself. This has been a problem of combination Freeway excessive drainage plus excessive drainage coming off the City and County Streets.

Voice vote was taken on the Resolution.

The Resolution was declared adopted by the Chairman.

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Resolution No. 16662:

Authorizing the Director of Highways to withhold funds from the monthly fuel tax allotments in the amount not to exceed \$2,000 as determined in the agreement No. GC - 942 - R.

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

Mr. Cvitanich asked how much the City received from this monthly fuel tax allotment.

Mr. Rowlands said, approximately \$100,000 a month.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16663:

Authorizing the proper officers of the City to execute an agreement with the Townsend Co., Indenti-Kit Division for the leasing of Indenti-Kit No. 135-60 for the rental of \$300.00 per year.

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

Mr. Rowlands said the Indenti-Kit consists of a number of slides containing a variation of a part of the human face, when assembled, portray various types of faces. The Police Department has used this on a trial basis for some time and has found it valuable in identifying suspects. The company manufacturing this Kit does not sell it, but leases it, the same as the I. B. M. machines are leased.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16664:

Awarding contract to Coast Contractors for Improv. No. 1979 on their bid of \$367,729.16 which was determined to be the lowest and best bid.

It was moved by Mr. Easterday that the Resolution be adopted. Seconded by Mrs. Price.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

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Resolution No. 16665:

Awarding contract to Woodworth & Co. and Tucci & Sons for Improv. No. 3023-B on their bid of \$36,626.60 which was determined to be the lowest and best bid.

It was moved by Mr. Easterday that the Resolution be adopted. Seconded by Mr. Cvitanich.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16666:

Awarding contract to D. J. Dickson & Co., for the demolition of certain buildings and structures and site clean-up constituting Urban Renewal No. 11631 on their bid of \$4,140.00 plus tax which was determined to be the lowest and best bid.

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

Mr. Bott said it is noted that both bids received were defective in that Dickson Co. neglected to sign the bid bond and Jametsky & Campanella neglected to sign the proposal. He asked if this were a departure from the normal procedure wherein bids were rejected if found to be defective. He said he knew the Light Department under the same circumstances have thrown bids out.

Mr. McCormick said there are two kinds of defective bids; one is of the type that can be waived and the other is such that it cannot be waived. The legal office has consistently held that the bid bond is not a part of the actual bid on its merit and has nothing to do with the price at which the contractor is to do the work or furnish the material. It is simply a protection should the contractor not go through with the contract; he then forfeits the bond. However, this is the type of defect that can be waived.

Mr. Bott said, the Council or the Utility Board, then does have the right to waive such a defective bid if they so desire.

Mr. McCormick said that was correct.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16667:

Rescinding Resolution No. 16618 which awarded the contract for the furnishing of Fuel oil requirements for the period of July 1, 1961 through June 30, 1962.

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It was moved by Mr. Cvitanich that the Resolution be adopted.
Seconded by Mr. Murtland.

Mr. Rowlands said this is rather an unfortunate situation as far as the City is concerned. As the Council knows an attempt is made to combine bids as much as possible on larger commodities, thereby it is felt that money can be saved in this manner. In this instance the General Government, the Utilities, School Board and County combined received this bid. However, it has been found that one of the officials of the City has an interest in the Fuel Oil Services Company with whom the bid was let, consequently the City Attorney has ruled that there is a conflict of interest here, and the City cannot warrant such a contract. However, the School Board and the County would just as soon proceed on this low bid. He said it is unfortunate that it has reached this late stage as it probably would have been better to eliminate the entire bid and start over again. By the same token through an error the City doesn't want to discriminate against the School Board and the County.

He said there is another Resolution to introduce recommending that the City's portion of the contract be awarded to the second lowest bidder, who has been approached on this matter and has agreed to furnish the fuel oil to the City on the bid prices even though they will be furnishing only one-fourth of what they had originally based their bid on.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Mr. Steele moved that the rules be suspended so that Resolution No. 16668 be considered at this time. Seconded by Mr. Porter. Motion carried.

Resolution No. 16668:

Awarding contract to Myers Fuel Co., Ball Fuel Co., McKenzie Fuel Co., Jensen Fuel and Pacific Coast Coal & Oil Co. for the furnishing of fuel oil requirements for the period of July 1, 1961 through June 30, 1962. 7

It was moved by Mr. Steele that the Resolution be adopted. Seconded by Mr. Easterday.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

FINAL READING OF ORDINANCES:

Ordinance No. 16842:

Amending Sections 1, 4, 5, 6, 10 and 11 of Ordinance No. 16660 in reference to the State Wide Bench Advertising Company. Read by title. 33

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Mr. Porter said as the Council members recall, last week the Council deleted from Ordinance No. 16828, Sections 5 and 6 which are included in this present Ordinance. The City Attorney's Office has prepared another draft of this Ordinance eliminating those two sections.

Mr. Porter then moved that Ordinance No. 16842 be amended so as to conform with the latest draft submitted by the Attorney's office. Seconded by Mr. Easterday. Voice vote taken. Motion carried.

Mr. Steele said his position on this Bench Advertising proposition is well known. He said it has been brought to his attention that the signs on the benches were being painted by non-union sign painters, scab labor. He has taken note of some of the benches in the downtown area and has seen no union label anywhere on the bench reflecting any organized labor in connection with their production. It seems as though much attention has been given to what this State Wide Advertising Co., Inc. meant to the economy of the City by way of labor and materials, etc., and it struck him somewhat ludicrous that the majority of the Council finds itself in the position of fostering and promoting a scab labor project. He said he thought it was a sad state of affairs into which the Council has been led, where they make such a to do about labor and unemployment and providing jobs, etc. and then find out that this is a scab labor operation.

Mr. Porter asked Mr. Steele if he was aware there were scab or non-union carpenters or painters or other men working for this corporation.

Mr. Steele said he was aware that the Sign Painter's Union has not been able to obtain an agreement with this organization as late as last week and they have been in operation and production for some time. He was also aware that there is no union affiliation or representation.

Mr. Porter said he was a delegate of the Central Labor Council and attended quite a number of meetings and cannot recall any word mentioned as to a labor difficulty, dispute or strike between any labor organization and the State Wide Advertising Co. Inc., nor are they listed on the "We do not patronize" listing of the Central Labor Council, so he was a little at a loss as to how Mr. Steele could document his statements.

Mr. Steele said it was not a matter of documenting, it was a simple fact of the matter, that they are scab labor.

Mr. Porter said before his union can call anyone a scab labor and they are a member of the Central Labor Council, they have to be placed on the unfair list and then ask the Central Labor Council to do so at the time it is published. If that had been done, he would have been aware of it, he added.

Mayor Hanson said it seems that a difference of opinion has been established, and thought the subject at hand should be attended to, which is Ordinance No. 16842.

Mr. Porter explained that the proposed amendments in this Ordinance are in Section 1, that the name of the company be corrected to Statewide Bench Advertising Co. Inc. as was authorized by Ordinance No. 16824 some time ago;

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Section 4, the words "or solid wood slat" are added to enable another type of construction rather than just solid wood; Section 10 is changed to make it consistent to the changes made by Ordinance No. 16628; and Section 11 is changed basically so as to be a time saver for the Manager, his staff and the traffic engineering department and also somewhat of a time saver and simplifying the procedure in establishing the location of the benches between the franchise holder, the Manager and his staff and the traffic engineering department. These are primarily housekeeping amendments, he added.

Mr. McCormick also read an explanation prepared in the legal office on the changes proposed by this Ordinance.

Mr. Bott said Section 10 as amended by this Ordinance would provide that "For reasonable cause the City Manager may order the grantee to remove any bench." He asked who would decide what would be a "reasonable cause." Will it be the Manager's interpretation of what a reasonable cause may be; in that event, it is opened to dispute, is that correct.

Mr. McCormick said in that case the Council would determine what a "reasonable cause" is.

Mr. Porter said, of course, if there are too many disputes the Council will probably determine that there will be no more disputes or any more benches.

Mr. Easterday moved the previous question. Seconded by Mr. Steele. Voice vote taken. Motion carried

Roll call was then taken on the Ordinance resulting as follows:

Ayes 5; Nays 4, Bott, Murtland, Steele and Mayor Hanson.
The Ordinance was declared passed by the Chairman.

Ordinance No. 16855:

Providing for the improvement of L I D 5336 for cast iron water mains in So. 31st from Tyler to Bantz Blvd; Bantz Blvd. from So. 31st to Center; Center from Bantz Blvd. to Orchard St. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.
The Ordinance was then declared passed by the Chairman.

Ordinance No. 16856:

Providing for the improvement of L I D 5337 for cast iron water mains in East "F" from East 72nd to East 80th and in East 80th from East "B" to East "F" Street. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.
The Ordinance was then declared passed by the Chairman.

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Ordinance No. 16857:

Providing for the improvement of L I D 4684 for alley paving between North 30th and No. 31st from Puget Sound Avenue & Warner St. Read by title and passed.

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Roll call was taken on the Ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16858:

Approving and confirming the assessment roll for L I D 5326 for cast iron water mains in the area bounded by No. 9th; Highland, North 11th and Baltimore Street produced. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16859:

Approving and confirming the assessment roll for L I D 6768 for modern street lights on existing wooden poles on East T from Wright Avenue to Sherman and Roosevelt Ave. from East 32nd to Gregory Street. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16860:

Approving and confirming the assessment roll for L I D 6771 for modern street lights on existing wooden poles on Bell from So. 72nd to So. 74th St. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was then declared passed by the Chairman.

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Ordinance No. 16861:

Approving and confirming the assessment roll for L I D 6772 for modern street lights on ornamental poles on North Lawrence from North 13th to North 18th Street. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was then declared passed by the Chairman.

UNFINISHED BUSINESS:

The Director of Public Works presents the assessment roll for the cost of the improvement of L I D 6779 for street lights on wooden poles at intersections in the vicinity of North 30th and Baltimore Streets.

Mr. Easterday moved that Monday, August 28, 1961 at 4:00 P. M. be fixed as the date of hearing on the assessment roll for L I D 6779. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

REPORTS:

a. Report from the L I D Committee requesting the hearing on L I D 4663 be postponed until August 14, 1961.

Mr. Easterday moved that the hearing on L I D 4663 be postponed until August 14, 1961 Seconded by Mr. Porter. Voice vote taken. Motion carried.

b. Report submitted by the Urban Renewal Dept. on the Fawcett Urban Renewal area.

Mr. Rowlands said this report has been referred to the Planning Commission as was authorized by Resolution No. 16656 last week, and the Commission is now studying the report and will present their findings to the Council at a later date.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

a. Report from the Fire Dept. for the month of June 1961.

b. Report from the Director of Finance for the month of June 1961.

COMMENTS:

Mr. Bott asked for an explanation of the Agreement In Re. Tacoma Industrial Airport City of Tacoma---Port of Tacoma, that was submitted to the Council with their Agenda on Friday.

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Mr. Rowlands explained that this proposal was submitted following a meeting over two months ago between the City Officials and the Port Officials, and at that time the members of the Port Commission suggested that Mr. McCormick, City Attorney, gather some facts and agreements and meet with Mr. Binns, the Port Attorney. Since this data has been prepared, there hasn't been a meeting with the Port officials, therefore, it was suggested by Mr. Erdahl that a meeting be held tomorrow to discuss this and some of the other features of the Airport program.

Mayor Hanson said this actually is a proposal and not an agreement as yet.

Mr. Cvitanich asked about the clarification on the name of the Airport.

Mr. Rowlands said that also will be discussed at this meeting.

Mr. Cvitanich asked what was the F. A. A.'s position on the name.

Mr. Rowlands said the F. A. A. has expressed no particular criticism of the name but they certainly want the City and Port to agree.

Mr. Rowlands said, as has been noted in the newspapers, Thor Tollefson has made his presentation last Friday regarding the Mt. Rainier Ordnance Depot. What the result will be is still unknown, but at least the situation has been submitted to the subcommittee.

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Mr. Rowlands said the American Municipal Association Annual Conference will be held August 27 through August 30th in Seattle. There is an interesting program prepared and he asked that those Council members who plan to be present notify him in the next few days so arrangements can be made in advance.

Mr. Rowlands said some of the Council members have suggested that a tour of the Safety Building be held with representatives of Allied Arts. He said he would arrange a tour for either this week or next if this was agreeable to the Council.

Mr. Cvitanich said he was wondering about the information that he requested in regard to the bakery products being purchased in Seattle.

Mr. Rowlands said he has checked into the matter briefly, and the City of Tacoma has been buying bread used in the Jail kitchen from Jordan's Bakery at 12 1/2 cents a loaf. Recently Jordan's Bakery moved to Seattle and the City has continued buying its bread from them at that price. He said the price from other bakeries would be 16 cents for day old bread and 18 cents for fresh bread.

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Mr. Cvitanich said he was concerned whether or not this was put out on a bid basis.

Mr. Rowlands said this is a good price for that size loaf.

Mr. Murtland said that the Air Pollution Committee comprised of Mrs. Olson, Mr. Easterday and himself, met with Mrs. Alsos and 4 representatives of the association to which she belongs. At this meeting, Mr. Durnin, the Pollution Control Officer of the City, was present and explained the failure to take steps and what might be the results if they were taken. It is planned that this same group will meet with Mr. Shinkosky, Manager of the Smelter. He asked if Mr. Rowlands had any information from Mr. Olson of Salt Lake City in connection with this Air Pollution. 61

Mr. Rowlands said Mr. Olson would probably be present also at this next meeting which will be held next Wednesday at 2 P. M.

Mr. Murtland said the plan is to meet with Mr. Olson who is familiar with the situation. As yet no one knows what the outcome will be.

Mrs. Olson said she requested that Mr. Gaisford prepare a detailed report which was presented to the Council this week and stated he should be commended for his efforts in compiling this report.

Mr. Rowlands remarked that this report entails considerable work and asked if this would be required monthly, quarterly or on a six month's period.

Mrs. Olson said she thought the Charter states that the Council should review it quarterly so as to enable them to revise the budget, should this be necessary. Therefore, if it could be done on a quarterly basis, she thought it not only would be helpful, but would be legal.

Mr. Rowlands said he would like to discuss this further with the Council to see if they desire this more detailed information. The monthly report is not normally broken down in this detail, but the amounts encumbered administratively are being watched carefully, however, it is up to the Council, he added, to determine how detailed a report they wish.

Mayor Hanson said it will take some time to look over this report, therefore, he suggested that the matter be discussed further on how important this detailed report would be.

Mrs. Gregg of the Memorial Stadium Group, said they are sponsoring the baseball game the 4th of August between the Tacoma Giants and the Portland Beavers. She said they will receive a percentage of the tickets sold before the game and they would like the City of Tacoma to know that the Council is behind them in this effort.

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Mayor Hanson said the Council is not only very pleased to see the activity of the group and the possibility of raising funds for this very worthwhile cause, but are happy to see them avail themselves of this opportunity to work together with the Tacoma Giants to further another project that is of utmost value to the City.

There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 9:00 P. M.


Mayor of the City Council

Attest:


City Clerk