

Desk

CITY COUNCIL MINUTES

City Council Chambers, 7:00 P. M.
Tuesday, March 21, 1961

Council met in regular session. Present on roll call 9: Bott, Cvitanich, Easterday, Murtland, Olson, Porter, Price, Steele, and Mayor Hanson.

Mr. Easterday moved that the minutes of March 7, 1961 be approved as submitted. Seconded by Mr. Cvitanich. Voice vote: Ayes 9; Nays 0; Absent 0.

HEARINGS & APPEALS:

This is the date to which the hearing has been postponed for the replacement and construction of sidewalks in various locations in the City. S. C. F. #61.

Mr. Comfort, Attorney, said he appeared in behalf of Elizabeth L. Shay, owner of the property previously discussed with the Council by Mr. Gallagher. The basis of Mr. Gallagher's objection is that in his opinion the condition of the sidewalk in front of this property is not dangerous or hazardous. Also, Mr. Gallagher was informed by the Public Works Department that the prior owner of this property committed himself to the reconstruction of the sidewalk. At the time Mr. Gallagher purchased the property, he was not apprised of this commitment; therefore, he does not feel that he is committed to improve the walks. If it is the Public Works Department recommendation to include this property for the reason it is a hazard, that is one problem; but if it is because of a previous commitment of a former owner, that would be another matter. Mr. Comfort said in their opinion the sidewalk was not dangerous or hazardous; there is one crack on the walk but a very minor amount of patch work could repair this, he added. He further added, if the Council, based on competent engineering advice, finds it is hazardous, they will accept that; but if it is based on some other reason other than is authorized by the facts, they will take the matter to Court, if necessary.

Mr. Schuster, Director of Public Works, explained there are depressions on this walk that do hold water. If the water were to freeze, it would become extremely dangerous.

Mayor Hanson asked Mr. McCormick, City Attorney, for his views on the subject.

Mr. McCormick said prior to what is known as the Milwaukee Case, the Supreme Court has held that where the breaking is less than one-half inch, the City is not negligent. However, in that case this rule was erased and it was held that at all times it is a question of the jury based on all the facts to determine in their opinion whether or not a sidewalk is dangerous and whether the City is negligent in repairing it.

Mr. McCormick said if there are depressions in the walk whereby water could collect and freeze, and inasmuch as this is a temporary construction, this could result in further cracking in which pedestrians could catch their heels, etc.; therefore, it is dangerous. It is a question which the Court would have to determine on all the evidence presented. If the property owner in this case objects to the assessment, he has a right to object to the assessment roll, at which time the Court can rule on the evidence submitted.

Mayor Hanson said the City's obligation is to make the sidewalk safe, but also we must think in terms of possible liability.

Mr. Murtland asked if there were some means of taking care of this sidewalk without doing the entire walk?

Mr. Schuster said it would be possible to resurface the area, but it would be a recurring situation. The problem that concerns the City is when these repairs are made, it is done at the City's expense, and also there is the problem of maintenance.

Mr. Bott stated that inasmuch as this sidewalk was put in on a temporary basis, and since the ground has settled, he thought permanent sidewalks should be installed.

Mr. Murtland said it has been mentioned that the land was still settling in this area and that it would cause damage to a permanent sidewalk. He asked Mr. Schuster if samples have been taken of the area, and if so, has it been established that it is settled sufficiently?

Mr. Schuster said samples have been taken which indicate that the area has settled as much as it will. However, the Department would at such time as new sidewalks are put in, use compaction equipment to take care of any possible settlement that hasn't taken place at the present time.

After further discussion, it was moved by Mrs. Price, seconded by Mr. Bott, that the proper Ordinance be drawn providing for the Sidewalk Construction Fund #61. Voice vote: Ayes 9; Nays 0; Absent 0. Motion carried.

COMMUNICATION:

Communication from the Tacoma Employees' Retirement System recommending the approval of the recommendations of Coates Herfurth and England, Consulting Actuaries.

Mayor Hanson said these recommendations have been referred to the Council after consideration by Coates Herfurth & England, Consulting Actuaries. He said he is in accord with this recommendation, and pointed out that the last line of the recommendation stated in part that the "above recommendations will maintain the Retirement System on a sound actuarial basis." He added it is important to be cognizant of the fact that the non-uniformed personnel of the City under the City Employees' Retirement System have benefits geared to an actuarially sound basis and because of their willingness to go along and regard this on an actuarial basis, there has not been a great number of increases of benefits to the non-uniformed personnel of the City. He said it was brought to his attention that over the years Tacoma has fallen behind the benefits given to the City of Seattle. Upon inquiry, the consulting actuary assured him that it would be a relatively small cost to the City to bring the benefits up to at least on a par with Seattle.

Mayor Hanson said he had asked that a study be made and a report submitted to the Council well in advance of the budget hearings so that a decision can be made with reference to extending a modest increase in the benefits to the non-uniformed personnel who have been extremely patient and fair. The report will be forthcoming together with recommendations from the Retirement Board.

Mr. Rowlands explained that this recommendation pertains to a section of the Code, and to follow up the matter a request should be made to amend the Ordinance affecting some of these recommendations, particularly the one setting back the age two years.

Mayor Hanson said a request for the necessary amendments to the Ordinance to effectuate the recommendations herein contained would be in order. Mr. Murtland so moved. Seconded by Mrs. Price. Voice vote: Ayes 9; Nays 0; Absent 0. Motion carried.

Mayor Hanson said that a petition has been submitted by Joseph A. Iverson requesting the rezoning of property located near the southwest corner of the intersection of Bantz Boulevard and Center Street entrance toward Fircrest, from an "R-2" to a "C-2" District, which did not appear on the Agenda and asked that this be taken up at this time.

It was moved by Mr. Steele, seconded by Mrs. Price, that this be taken up at this time. Voice vote: Ayes 9; Nays 0; Absent 0. Motion carried.

PETITION:

Joseph A. Iverson requesting the rezoning of property located near the southwest corner of the intersection of Bantz Boulevard and Center Street entrance toward Fircrest, from an "R-2" to a "C-2" District.

Referred to the Planning Commission. Regular order of business resumed.

RESOLUTIONS:

Resolution No. 16440: (postponed from the meeting of March 14, 1961)

Awarding contract to Fucci & Sons, Inc. for the construction of the Leach Creek holding basin in the amount of \$81,001.10 which was determined to be the lowest and best bid.

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

Mayor Hanson said Mr. Rowlands was to contact the Fisheries Department in reference to several matters.

Mr. Rowlands said a letter has been received from Milo Moore of the Department of Fisheries in answer to these inquiries. Contained in the letter is the statement that "A change of 52 acre feet of storage capacity from 75 acre feet is satisfactory to this department." Another paragraph states, "As a matter of clarification, this department reserves the right to make further restrictions regarding reservoir maintenance, dam operation, and reasonable water releases within the limits of the governing weather conditions, if deemed necessary for the protection of fish."

He said this paragraph was reviewed with Mr. McCormick, City Attorney, and Mr. Schuster, Director of Public Works. In the letter of June 20th, it is made very clear that valve control should be so adjusted to restrict drainage from the reservoir to a flow not greater than a maximum of 60 cfs. He said he was sure the City would agree to this as everyone is interested in protecting the fish, and to further restrict the flow of water within the capabilities of the Reservoir and other installations.

Mr. Rowlands further stated it was made clear to the Council last week that this does not necessarily offer any panacea to the people living down the Creek. The City will certainly meet its obligation and will control the flow to the extent as spelled out by the letters. Whether that will be the solution for those living down the Creek, remains to be seen as we have no control over the additional amount of water coming from Fircrest or the drainage area in the County.

Mr. Murtland said up until now he has questioned whether or not the City is responsible for this construction and also if there was any actual need for the dam at this time. Since last week, he added, he has checked into this matter further and now feels that from the basis of an economical standpoint it might be advisable to construct it at this time.

He said the City engineers and others acquainted with this work seem to indicate that this will be necessary at some future date. Taking into consideration the bid received and the fact that we can expect it will cost more as time goes on, it seems reasonable to build the dam now. Therefore, we have assumed our responsibility as requested. He said he favors such construction, but not on the basis that it has been proven that the disaster is as great as certain persons would like us to believe, or that it will be greater next year, but rather because of a necessity which will come about sooner or later. For that reason he urged the adoption of this Resolution on an economic basis.

Mrs. Price said she noticed that Mr. Carlson and Mr. Piper, representing property owners in that area, were present in the audience, and asked if they feel if the City would be meeting its obligation to them if they went ahead with the proposed plans.

Mayor Hanson said he would assume such a question would be directed to them through their attorney, Mr. Mladinov.

Mr. Murtland said at the last meeting he asked Mr. Mladinov certain questions and requested that before he presented any further arguments this evening he either admit them or deny them, whichever was the case.

Mr. David Reuter, Chairman of the Leach Creek property owners Association, said this proposition would be acceptable to them.

Mr. Murtland said he would like to ask Mr. McCormick if he thought the last paragraph in the letter of March 16 from the Fisheries Department, wherein it states that the "department reserves the right to make further restrictions regarding reservoir maintenance, dam operation, and reasonable water releases within the limits of the governing weather conditions", enlarges the City's responsibility any greater than what was referred to in the letter of June 20, 1960.

Mr. McCormick said he did not think so. Actually, he said, what they were referring to was that they may want to regulate the flow of this 60 cfs perhaps below that maximum if the weather conditions permit and the condition of the water in the holding basin may also permit. Also, later, in the event of certain happenings, they may require certain treatment of the water so as to avoid pollution of the stream. He said he thought this was a reasonable request so as to retain some check over the way the City operates the basin.

Mr. Bott said he also believes that the City cannot do this work at a lower price at any future date. The City has the money in the fund now; therefore, he would urge the passage of this Resolution.

Mayor Hanson said we have had the statement from Mr. Reuter who represents the property owners on the Creek, that this is favorable to them. Now, he added, the Council would like to hear from Mr. Mladinov who represents Mr. Carlson and Mr. Piper.

Mr. Mladinov said he has discussed this matter with Mr. Carlson and Mr. Piper. The Brown & Caldwell report of 1957 recommended to the City that this be a 75 acre foot capacity holding basin. As long as the Department of Fisheries is willing to accept the holding basin of 52 acre feet, and also since the Department of Fisheries' letter of June 20, 1960, on page 2 states "if it is found that the reservoir capacity available permits a greater restriction of maximum reservoir outflow without any resultant damage upstream from the dam and causing less downstream damage, such a restriction will be requested by this department and the City will comply" - in view of all of these factors, Mr. Carlson and Mr. Piper assured him that this arrangement will be satisfactory.

Mr. Mladinov explained that at last week's meeting he assured the Council if he found he was in error with reference to his statement that the proposed dam was designated in a brochure in support of the 1958 bond issue campaign, he would admit his error. He said he does admit he was in error and had confused the map he had reference to with a map in the brochure contained in a 1957 Planning Commission report on Proposed Capital Improvements.

Mayor Hanson said having received these assurances from the property owners in the area, he believed it would be appropriate to proceed. He said he would be inclined to be more concerned with the City of Fircrest. However, he did believe that over a long range period of development ultimately this matter will be resolved. It is our present intention to retain this as a natural holding basin. He added he sympathizes with Fircrest, but did concur with the opinions previously expressed.

Voice vote was then taken on the Resolution resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16480: (postponed from the meeting of March 14, 1961)

Authorizing the settlement of the claim of Shirley Barger in the amount of \$2500 for the wrongful death of her son caused by his falling on a defective street.

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

Voice vote was taken on the Resolution resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was declared adopted by the Chairman.

Resolution No. 16491:

Awarding contract to J. D. Shotwell Co. on their bid of \$40, 330. 77 for L I D 4670 which was determined to be the lowest and best bid.

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

Voice vote was taken on the Resolution resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was declared adopted by the Chairman.

Resolution No. 16492:

Awarding contract to Montgomery Elevator Co. for maintenance and lubrication service for the Speedramp moving sidewalks on their bid of \$156 a month, which was determined to be the lowest and best bid.

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

Voice vote was taken on the Resolution resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was declared adopted by the Chairman.

Resolution No. 16493:

Awarding contract to Preservative Paint Co. on their bid of \$9,458.28 including sales tax, for 4500 gallons of white traffic paint, which bid is determined to be the lowest and best bid.

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

Mr. Murtland said he would suggest that the Resolution be set over for one week to March 28, not only on the basis of considering the communication received from Parker Paint Co. but also because he felt that the Council should consider which is the lowest and best bid. The policy has been to take the lowest bid. In this instance, on a contract for almost \$9500 there is a differential of some \$180. The Parker Paint Co. is well known here in the City, and has been located here a long time. Preservative Paint Co., the low bidder, happens to be in Seattle. Sometimes in determining what the best bid is, there are other factors the City Council can take into consideration. If the Council takes each case on its own merit, he thought they would be justified in some instances in taking some other bid rather than the lowest, as far as the actual dollars and cents are concerned. He then moved that the Resolution be continued for one week in order to determine what the rest of the Council members think on this matter. Seconded by Mr. Porter.

Mayor Hanson said he particularly agreed with Mr. Murtland's statement that each matter should be considered separately and not be regarded as establishing a definite policy, because in determining what is the best bid each one must be checked separately.

Voice vote was then taken on the motion to continue the Resolution for one week, resulting as follows: Ayes 9; Nays 0; Absent 0. Motion carried.

Resolution No. 16494:

The Board of Contracts and Awards and the Director of Public Works recommending that both bids of 1,000 gallons pre-mixed white traffic paint and beads be rejected.

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

Voice vote taken on the Resolution resulted as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was declared adopted by the Chairman.

Resolution No. 16495:

Accepting certain offers to sell improvements only situated within an Urban Renewal Project designated Project No. Wash. R-1.

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

Voice vote taken on the Resolution resulted as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was declared adopted by the Chairman.

Resolution No. 16496:

Authorizing the settlement of a claim to Pearl Wheeler in the amount of \$900.00.

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

Voice vote taken on the Resolution resulted as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was declared adopted by the Chairman.

FIRST READING OF ORDINANCES:

Ordinance No. 16767:

Amending Chapter 13.06 of the Official Code and adding a new Sec. 13.06.160 (4) to include property on the west side of Sprague Ave. between So. 35th and So. 37th St. in an "M-1" Light Industrial District. (Lincoln Land Co.)
Read by title.

Mayor Hanson said he thought there were certain conditions that should be examined prior to the final action on the Ordinance.

The Ordinance was then placed in order of final reading.

Ordinance No. 16768:

Amending the Official Code of the City relating to zoning by adding a new section known as Sec. 13.06.120 (20) to include property on the south side of Center St. between Monroe and Gunnison Streets in a "C-1" Commercial District. (Keith Harrison petition)

Read by title and placed in order of final reading.

Ordinance No. 16769:

Vacating the alley between Union Ave. and Washington St. from No. 13th to No. 14th. (petition of University of Puget Sound)

Read by title and placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 16757:

Amending the Pay and Compensation Plan to include the Public Information Officer classification. Read by title and passed.

Roll call taken on the Ordinance resulted as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16758:

Vacating property in the area between So. Grant and Ainsworth on the north side of So. 8th Street for the Bryant Elementary Grade School playground. (petition of Bryant School District) Read by title.

Mr. Rowlands said he thought the Council would be interested in knowing that reciprocity will be practiced between the School Board and the City in that the waiving of the filing fees for the vacation of property connected with the Schools will in turn be reciprocated by the Schools not charging the City for the use of rooms for examination purposes.

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

Ayes 9; Nays 0; Absent 0.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16759:

Amending Chapter 13.06 of the Official Code of the City by adding a new section 13.06.130 (11) to include the north side of 6th Ave. between Lexington St. extended and Mildred St. in a "C-2" Commercial District. (petition of Harold Jewell) 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. 16760:

Amending Chapter 13.06 of the Official Code of the City by adding a new section 13.06.130 (10) to include the east side of State St. between So. 39th and So. 40th Streets in a "C-2" Commercial District. (petition of Tacoma Gospel Assembly) 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. 16761:

Approving and confirming the assessment roll for L I D 2196 for grading and oil mat and sidewalks on So. 8th from Winnifred to Shirley 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 declared passed by the Chairman.

Ordinance No. 16762:

Approving and confirming the assessment roll for L I D 2300 for oil mat surface on East C from East 38th to East 40th; Wapato Lake Drive from Alaska to So. 64th 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 declared passed by the Chairman.

Ordinance No. 16763:

Approving and confirming the assessment roll for L I D 4492 for paving curbs and gutters on D St. from So. 60th to 63rd; So. 63rd from C to Pacific; also on So. 58th from Pacific Ave. to A 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 declared passed by the Chairman.

Ordinance No. 16764:

Providing for the improvement of L I D 3518 for sanitary sewers in Mt. Tahoma Meadows and in So. 74th St. from Adams 3/4 miles west. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 16765:

Providing for the improvement of L I D 4688 for paving and storm drainage and sidewalks in various locations between No. 13th and No. 28th and between Adams and Harmon 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 declared passed by the Chairman.

Ordinance No. 16766:

Providing for the improvement of L I D 5328 for cast iron water mains in So. 19th from Geiger to Jackson; Geiger from So. 16th to So. 19th; Meyers and Geiger from So. 12th to So. 16th 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 declared passed by the Chairman.

Mr. Bott said inasmuch as he voted on the prevailing side last week on Ordinance No. 16756 to vacate South 67th Street between Bell and A Streets. It was brought to the Council's attention that a petition was presented that no one had any further use for that street for a passage way. He said, during the week he contacted some of the people who signed this petition and found that they were misinformed, that they did require the passage way, and also there were many that were not contacted. Therefore, he moved that Ordinance No. 16756 be reconsidered at this time. Seconded by Mr. Porter. Voice vote: Ayes 9; Nays 0; Absent 0. Motion carried.

Mr. Bott then moved that the reconsideration be postponed for two weeks. Seconded by Mr. Cvitanich. Voice vote: Ayes 9; Nays 0; Absent 0. Motion carried.

UNFINISHED BUSINESS:

The Director of Public Works presents the assessment rolls for the following:

L I D 4544 for paving on Oakes Street from So. 15th to 19th and Vicinity of No. 7th and Mullen.

L I D 4665 for paving on East B St. from East 46th to 48th Street

It was moved by Mr. Easterday, seconded by Mr. Murtland, that Monday, May 8, 1961 at 4:00 P. M. be set as the date for hearing on L I D 4544 and L I D 4665. Voice vote: Ayes 9; Nays 0; Absent 0. Motion carried.

ITEMS FOR FILING IN THE OFFICE OF THE CITY CLERK:

- a. City Planning report for the month of February, 1961.
- b. Report from the Fire Department for the month of February, 1961.
- c. Report from the Tacoma Police Department for the month of February, 1961.
- d. Report from the Finance Department for the month of February, 1961.

COMMENTS:

Mr. Rowlands called the Council's attention to the report on One-Way Streets which was included on the Second Agenda, and the covering communication indicating the results and status of the one-way street program. He said they are very pleased to report that traffic-safety wise, the program seems to be very successful. Traffic moves more expeditiously and the accident reduction certainly speaks well for the program, he added.

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Mr. Rowlands said, as a result of the request made by the Council last week, Mr. Current of the Washington State Research Council, was contacted in regards to a meeting to be held on the survey they made for the City. He said he will not be available to discuss this report until after the Legislative session is terminated. He said he would also like to have a couple of weeks after the termination of the Legislature to collect his thoughts, and then he would be very happy to appear before the Council at that time.

Mayor Hanson said he wondered if it would not be less confusing to the public if this meeting were scheduled on a regular Council meeting night when we have a light agenda. Ample notice could be given to the public that this report was to be considered. He said perhaps it would be appropriate for the Council to set a date and then check with Mr. Current.

Mrs. Olson moved that the date of April 18, 1961 be set as the date for this meeting. Seconded by Mrs. Price. Voice vote: Ayes 9; Nays 0; Absent 0. Motion carried.

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Mr. Rowlands said the Legislature appears to be drawing to a close. The Resolution passed by the Council last week urging financial relief to the Cities was sent out to all the Legislators and the Governor regarding the needs of the Cities, the additional burdens placed upon them, and the disregard for the financial difficulties of the Cities. It is certainly hoped that something will develop in the next few days to get a little better reaction from the Legislators

with regard to the Cities' needs, he added. Several bills have been introduced but it is not known what the outcome will be.

Mr. Rowlands added the City Council has certainly taken a lead in the State in making their position known.

Mayor Hanson said it has been difficult to work on this particular program because it seems that no one at the Legislature has been able to predict what will result in the ultimate deliberations on budget and finance, and specifically what would be acceptable in the way of financial relief to the Cities. However, it is well indicated that relief is absolutely essential if we are to retain services at the present level.

Mayor Hanson said there seems to be a real concern for Cities, especially in the House, arising out of a number of reasons but particularly because they recognize that they have imposed over \$2,000,000 burden on Cities. They have always sympathized with us, but that has not been enough, he added.

Mr. Easterday said he has noticed that one of the local Legislators has proposed a bill to allow Cities to levy an additional half-cent sales tax. He said he was not advocating this or opposing it, but he would hate to be put in the position of levying a half-cent sales tax if it were not in force in Puyallup, Lakewood, and other surrounding areas.

Mayor Hanson said California solved this problem by giving this power to Counties so that it has ultimately resulted in a uniform application. He said one thing we cannot do is to be too choosy about the form of tax relief. He said he would like to publicly commend Rep. Wm. O'Connell for this serious and genuine concern for the plight of Cities.

Mayor Hanson said he knew Rep. O'Connell was opposed to the sales tax in principle, he is opposed to increased taxes in general, but it is at least a serious and sincere effort on his part to help Cities solve their problems. He further added, there is difficulty in imposing such a tax on a local basis. There are a great number of objections to this type of taxation, but he did emphasize that with all its pitfalls, it at least indicates that Mr. O'Connell is attempting to help the Cities.

Mr. Easterday said, at the convention held in Yakima a year ago for the 1st Class Cities, he advocated direct action from the people - a referendum measure. All these headaches could have been saved by coming out and asking for the 5%, or whatever, of the gross sales tax, but it did not receive any support.

Mr. Murtland said he was wondering, in the event the Council does not come out either for or against this measure of Rep. O'Connell's, if the Legislators will think that we are in favor of it. He said he would like to have the Council's feeling on this matter. He did not think this proposition was feasible or that it would work out.

Mr. Murtland asked where the bill was at the present time.

Mr. Rowlands said he heard it was laid on the table.

Mayor Hanson said he did not see any possibility of its passage.

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Mr. Bott moved that a letter of appreciation be sent to the Governor thanking him for his interest in the betterment of this area by his vetoing the so-called Fidehaven Bill. Seconded by Mr. Murtland.

Mayor Hanson said with reference to that he thought it would be well to have the Governor's veto message read. The Clerk then read the message in full.

Voice vote was then taken on the motion to send a letter of appreciation to Governor Rosellini, resulting as follows: Ayes 9; Nays 0; Absent 0. Motion carried.

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Mrs. Price brought up that at last week's meeting it was mentioned that the Council view the property on 19th and Orchard in regard to a protest registered against L I D 2295. She asked that a date for this tour be set tonight.

The Council decided that they would make such a tour Friday morning at 8:30. Mrs. Price asked that Mr. Rowlands notify Mr. Potter, Attorney for the persons protesting.

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Mr. Bott said members of the Council took a tour of the sanitary fill in the Fircrest area and he was very pleased the way this was being filled in and the progress made.

Mayor Hanson said there was a time when the problem of cover material made it very difficult to handle it properly, but that problem has been resolved and he believed it was being performed according to the best standards established by the U. S. Health Department.

Mr. Easterday said he has been in contact with Mr. Bronow of the Garbage Department and said he agrees with the proposal of the Department to burn combustible waste in a burner to be located in the Port Industrial area. He said this is what he wished to propose previously, but he was erroneously given credit for recommending three garbage cans at that time.

Mr. Murtland said discussion was held previously on a burner, and asked if anything has been done along this line.

Mr. Rowlands said this phase has been discussed, but it was not the intention of proceeding with the burner immediately because there will be a rather substantial investment involved which could result in a slight increase in garbage collection fees in order to finance that phase; but assured the Council that a large sanitary fill with a burner for combustible material would be less costly than any all-out incineration program.

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Put in verbatim at the request of Mr. Cvitanich:

Mayor Hanson said: "I am sure that the Council has noted that I requested the resignation of Marshall Riconosciuto from the Planning Commission. I did that for a number of reasons. One, I felt that this is an issue where the Governor had more, a broader aspect, to consider with reference to the welfare of our community. This is one of those few issues where there is only one reasonable position. The other one was the fact that Mr. Riconosciuto, a short while ago in open Council, indicated that if his policies and

mine radically parted, he would submit his resignation. It was a shock to me to find his name on one of the last messages to the Governor which was regarded by the Governor as urging that he take no action with reference to the veto of Sections 1, 2, and 3 of HB 455. Mr. Riconosciuto's signature appeared as one of several. I was quite shocked and alarmed to find that without any discussion with me as to the reasons for my position, he should take a position that was diametrically opposed to mine. Had it been an issue that I considered to be one where there is reasonable area for differences of opinions, my reaction would have been different, but this is one that is so decidedly coextensive with the welfare of the community that I felt that this was certainly evidence that our policies had come to such a point of conflict that I would accept his offer of resignation when conflict of policies became apparent. Mr. Riconosciuto has indicated that he does not intend to resign. I make this as a report to the Council. I hope that this controversy can come to an end some time. "

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(Amended re insert)

Mr. Sheffield, owner of the Klondike Tavern at 1309 Commerce, said it was his understanding that the Planning Commission and the City Council were trying to help build up the downtown business. He would like to know if they approved of one of the members of the Council and one of our lawmakers going to the extent directly or indirectly of property damage, bodily harm, to put a man out of business because it was requested by one of his competitors. He said the gentlemen he is speaking of is Mr. Porter.

Mr. Porter at this point invoked Council rule 6 and requested that before Mr. Sheffield be allowed to speak any longer he put his statement in writing for this Council to examine.

Mayor Hanson said the rule is, that upon objection, the party seeking to address the Council must be ruled out of order by Council rule and if he has anything further to add he may submit it to writing for consideration at the next meeting.

Mr. Porter said although it is not necessary, he would like to give his reason for invoking this rule. This matter is a matter of Union controversy and he did not believe it a matter to come before the City Council.

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Mr. James E. Claxton, a citizen, spoke at this time complaining of the taxes placed upon the citizens of Tacoma, and claimed that Tacoma is going backward instead of forward.

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Mrs. Olson said she did not want to belabor any issue, but she would like to say that to her knowledge there is not any issue any time any place to which there cannot legitimately be two sides. She thought especially when people are serving in a public capacity, if they think there are two sides to a controversy, they should not only be permitted to express an opposite viewpoint, but they are obligated to do so. In connection with the Tidehaven

controversy, I would like to state from my own knowledge, that for those people who took the opposite viewpoint from mine, I did not know what efforts they made to inform themselves, but I would like to say this, relative to all the industrial land that we have heard discussed, that a good deal of it is as much as 10 feet below sea level, that the estimate of at least one member of the Port Commission is that it will probably take about \$20,000,000 to put it into proper condition for industrial use, that there can be no turning basin built into that area with Federal Funds until there are industries there which can testify to the Federal Government that such a turning basin is necessary for their particular businesses. There will be industry there some day in this area. There is some controversy perhaps as to which is the best way to develop this area, or how it might best be developed for the good of all of Pierce County. There is a great, big, wonderful world beyond the City limits of Tacoma, and beyond the extent of Pierce County, and beyond the boundaries of the State of Washington, and she thought it would be very well if we would attempt to walk with the rest of the world.

Mrs. Olson said, in connection with Mr. Riconosciuto, she would like to say that he has given seven years to the City for which he has received no pay. He has devoted endless hours of work on the Planning Commission. His policy has not always been in agreement with members of the Council, she did not want to take issue with the Mayor on this particular thing, but she did think that we must recognize a dedicated public servant for what he is, and for that reason she urged the Mayor to modify his stand in regard to Mr. Riconosciuto.

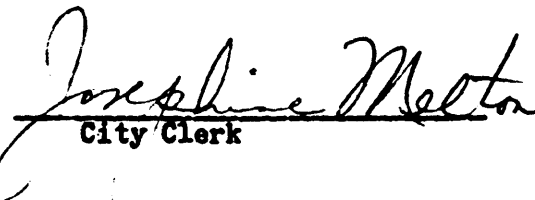
Mayor Hanson said he believed that he neglected to mention that at the expiration of Mr. Riconosciuto's first 6-year term, he decided to ask him to serve an additional term. The announcement created a great deal of controversy. In fact, he did battle in order to obtain the Council's approval of Mr. Riconosciuto. For that reason, he felt doubly responsible for what he considered to be a serious error. He said that the statement just made indicates the foundation for it, because the taking over of this property would indeed be an ambitious project for the whole of Pierce County, a much more ambitious project for a community of between 300 and 800 people.

Mr. Murtland said he would like to make some answer to Mrs. Olson's remarks. He said, as far as her right to hold an opinion, certainly that is our individual right, our individual liberty, and it certainly should belong to a Council member. However, I do take opposition to the manner in which certain of the minority group voted against the recommendation to the Governor asking for the veto. I do not believe that a Council member when leaving the Council chambers automatically becomes a common citizen. When a Council member appears before a public group and asks for some particular action taken by that group, and when the majority of the Council has acted in opposition to the stand of the individual Council member, then I feel that he is wrong in principle. I feel that in doing so it can bring nothing but trouble as far as the citizens of Tacoma are concerned in their attitude toward the Council and their attitude toward the manner in which the City is being run. I feel that once the majority of the Council has acted in a certain way, particularly on a matter such as last Monday night, the minority are entitled to their opinions, but I do not feel that they have the right to go out as a Council member - and, as I say, they cannot

divorce themselves from that position - and attempt to influence something to the contrary of what the Council has determined. I have been in the minority on a couple of matters and which I have attempted to voice as loudly as I could. Once those matters were determined by a majority of the Council, then I would, and I hope I will continue to in the future, go along with the majority opinion. I believe that is the basis of our democratic government. I believe that is certainly the basis of our Council, and it can cause nothing but dissension in the Council itself and in the City of Tacoma, and we cannot help by going out and tearing down what has been determined as Council action.

There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 10:00 P. M.


Mayor of the City Council

Attest: 
City Clerk