

SEP 27 1960

City Council Chambers, 7:00 P.M.
Tuesday, September 27, 1960

Council met in regular session. Present on roll call 7: Cvitanich, Easterday, Murtland, Olson, Price, Steele and Mayor Hanson. Absent 2, Bott and Porter. Mr. Bott coming in at 7:10 P.M.

It was moved by Mr. Steele that the minutes of September 13, 1960 be approved as submitted. Seconded by Mrs. Price. Voice vote on the motion resulted as follows: Ayes 7; Nays 0; Absent 2, Bott and Porter.

PETITIONS:

Petition from Mrs. Gertrude M. Southard, Joseph M McCaffrey and Louise A McCaffrey, requesting the rezoning of property located at the Southwest corner of So. 38th and J Streets from an "R-3" District to a "C-1" District.

Referred to the Planning Commission.

Petition from William T. Good, requesting the rezoning of property located at the Northeast corner of So. 9th and G Streets from an "R5T" District to a "C-1" District.

Referred to the Planning Commission.

The City Planning Commission requesting that the City Council, by motion, initiate proceedings for the vacation of Wright Avenue between Fife Street and the alley between Prospect and Steele Streets.

Mr. Rowlands said the letter from the Planning Commission explains that this will be to the City's advantage in that the party benefitting from the vacation has stated his willingness, at no expense to the City, to dedicate this right of way for realigning Wright Avenue and Steele Street to conform with the topography of the area and to provide necessary access for the development of abutting property.

Mr. Easterday moved that proceedings for this vacation be initiated by the Planning Department. Seconded by Mr. Steele. Voice vote on the motion resulted as follows: Ayes 7; Nays 0; Absent 2, Bott and Porter.

COMMUNICATIONS:

Communication from the Planning Commission regarding the American Manufacturing Co.'s petition to vacate Court "A" between So. 21st and So. 22nd Streets, which the City Council had referred back to the Commission on August 30, 1960.

Mr. Bott coming in at this time.

Mr. Cvitanich moved that the Council accept the recommendation of the Planning Commission and deny the petition. Seconded by Mr. Easterday.

Mr. Robert Hamilton, Assistant City Attorney, explained that according to State Law another hearing must be set up on this petition before final determination can be made, which should be done by Resolution.

Mrs. Price then moved that a Resolution be drafted setting up a date of hearing on the American Manufacturing Company's vacation petition. Seconded by Mr. Steele. Voice vote on the motion resulted as follows: Ayes 8; Nays 0; Absent 1; Porter.

RESOLUTIONS

Resolution No. 16290

Authorizing the proper officers of the City to execute an agreement

with Pierce County establishing a formula to cover the costs of the operation of the jail kitchen.

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

Mr. Rowlands explained that under the present agreement the jail kitchen is operated by the City jointly for the City and County. It was determined after a year's experience that about 56% of the expense should be borne by the City based on the number of jail inmates and 44% by the County.

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

Ayes 8; Nays 0; Absent 1, Porter.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16297:

Authorizing Off-Street Parking Garages and directing the City Attorney to prepare and submit to the City Council all necessary Ordinances and Resolutions necessary therefor.

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Mrs. Price said due to the fact that Mr. Porter is not in attendance at this meeting he has requested that this Resolution be postponed for one week. Mrs. Price then moved that Resolution No. 16297 be postponed until October 4, 1960. Seconded by Mr. Steele. Voice vote was taken on the motion resulting as follows: Ayes 8; Nays 0; Absent 1, Porter.

Resolution No. 16298:

Authorizing the Director of Public Works to enter into agreements with various property owners for the repair and replacement of sidewalks.

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

Voice vote was taken on the Resolution resulting as follows:

Ayes 8; Nays 0; Absent 1, Porter.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16299:

Authorizing the execution and delivery of a certain Project Temporary Loan Note in connection with Project No. Wash. R-1. (Center Street Urban Renewal Project.)

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

Mr. Rowlands said this loan has been authorized by a previous Resolution to expend funds for the acquisition of property and other incidental expenses in connection with the Center Street Program.

Mr. Murtland asked what action was taken before.

Mr. Rowlands explained that a Resolution was adopted on the 21st day of June, 1960 approving and providing for the execution of a proposed Loan and Capital Grant Contract between the City and the United States Government.

Mr. Robert Jackson, Urban Renewal Director, said at the time the Resolution was passed providing for this loan, it was pointed out to the Council that until

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such time as the test suit was consummated it would be necessary to request funds every three months to carry out the project. He said within six months they expect to be eligible for a capital grant when the Yakima Avenue Bridge is completed, to write off the loan.

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

Ayes 8; Nays 0; Absent 1, Porter.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16300:

Appropriating \$246.88 from Project Expenditure Fund R-3, No. 1410-5 for payment of moving expenses of Thomas M. Cook, Senior Redevelopment Technician of the Urban Renewal Staff, from San Francisco to Tacoma.

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

Mr. Rowlands explained that there is no local qualified experienced Technician in this particular area. He said the City is extremely fortunate to obtain the services of Mr. Cook who has been previously the field representative of the Urban Renewal Regional Office for western area of Oregon, Washington and California. He added that Mr. Cook will be paid out of the Federal Budget and is not on the City payroll.

Mr. Steele said he felt it would be well to mention at this time that a luncheon will be held at the Towers Restaurant, September 28th at 12:00 P.M. at which Mr. David Walker, Commissioner of Urban Renewal of Washington D.C., will be the guest.

Mr. Cvitanich asked Mr. Jacobson the total number of employees to be retained for the Urban Renewal Center Street Project.

Mr. Jacobson answered there will be an estimated total of 14 employees. However, only three will be paid out of the General Fund Budget and the remaining eleven will be paid out of the Federal Budget.

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

Ayes 8; Nays 0; Absent 1, Porter.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16301:

Awarding the contract for the sale of surplus vehicles to the 8 highest bidders in the amount of \$3,026.00.

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

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

Ayes 8; Nays 0; Absent 1, Porter.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16302:

Rejecting all bids received for Imp. 3106-F, Improvements to Existing Trunk Sewer - Sewage Treatment Plant No. 1.

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

Mr. Rowlands said Mr. Schuster and his staff felt the bids received were too high and that a better bid might be obtained next year.

Voice vote was taken on the Resolution resulting as follows:

Ayes 8; Nays 0; Absent 1, Porter.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16303: BY REQUEST OF BOTT:

Amending the rules of the City Council to provide that the regular meetings be held at 8:00 P.M. on Tuesday of each week, instead of 7:00 P.M.

Mr. Rowlands explained according to the Council rules this Resolution cannot pass tonight and would be placed on the agenda for next week's meeting.

Mr. Bott said he thought that evening meetings are more convenient for the people at large, as indicated by the number of people in attendance. Inasmuch as most evening meetings do begin at 8:00 P.M. and since it does seem desirable to have Study Sessions prior to the regular Council meeting, he has requested this change to 8:00 P.M. which would allow for Study Session to be held at 7:00 P.M.

Mr. Steele moved that the Resolution be amended to read 3:00 P.M. in place of 8:00 P.M. Seconded by Mr. Murtland. Roll call was requested by Mr. Cvitanich and taken, resulting as follows: Ayes 3; Nays 5, Bott, Cvitanich, Easterday, Price and Mayor Hanson; Absent 1, Porter. Motion Lost.

Mayor Hanson said the Resolution will appear on next week's agenda.

FIRST READING OF ORDINANCES:

Ordinance No. 16645:

Vacating that portion of the Southeast corner of North Alder and Ruston Way where the North 36th Street extension intersects with Ruston Way. (Petition of John Wiborg. Read by title, and placed in order of final reading.

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Ordinance No. 16646:

Authorizing and directing the proper officers of the City to modify Appendix "A" to the "Lease and Agreement of Occupancy of County-City Building," authorized by Ordinance No. 16133 and repealing Ordinance No. 16546. Read by title.

Mr. Rowlands said this action results from the modification in space requirements for the City. Changes were made on the 11th floor and in the basement and this Ordinance reflects accurately the percentage of space occupied by the City as compared to the County. The Ordinance was then placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 16638:

Providing for the improvement of L I D 2308 for grading and storm drains in Bell Street from So. 74th to 76th, from Bell to Pacific Avenue. Read by title.

Mrs. Edward Zimmer residing at 7409 Pacific Avenue protested the storm drains. She asked if it were necessary to include storm drains in the improvement

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as there has been many protests against them.

Mr. Schuster explained that the property owners requested grading and oil mat on Bell Street. The storm drains on 74th and A Street were added to the project because the available outlet for storm water is now located at the 72nd and A Street intersection. He said the water on Bell Street drains to the intersection at 74th, and storm drains are necessary to pick up the storm drainage at this intersection to carry it on out to 72nd where there is a storm drain line. The storm water in this area is already a problem and will increase when the oil-mat is installed. The only other possibility is using open ditches in the area.

Mr. Bott said he was a member of the L I D Committee when this improvement was heard. A vast number of people involved objected to the storm drain assessment as far as the occupants are concerned. However, the overall area percentage wise did not substantiate a protest of 60%. He felt that the oil mat could be put in at this time without the storm drains.

Mr. Steele said the drainage situation in this area is such that something will have to be done to dispose of the water. If this were done at this time, the property will be benefited and will increase in value.

Mrs. Price remarked that if this area were developed there would be considerable more drainage to contend with.

Mr. Bott suggested that the street be graded as originally requested by the property owners and that the storm drainage be considered at a later date.

Mrs. Olson said Mrs. Price, Mr. Bott and she were on the Committee when this L I D was heard. Both she and Mrs. Price voted to recommend the approval of the district to the Council because there were less than 60% protests. She said this is a growing area and they felt the storm drains should be provided for.

Mayor Hanson said it seemed to him this is largely an engineering problem and if this is necessary in order to take care of the water perhaps it would be better to put it in now.

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

Ayes 6; Nays 2, Civtanich and Bott; Absent 1, Porter.
The Ordinance was then declared passed by the Chairman.

Ordinance No. 16640:

Amending the Official Code of the City in reference to zoning and adding a new section 13.06.112 to include property located on the east side of East Sprague Frontage Road from So. 76th to So. 80th Street. (Oscar Hokold Inc., petition) Read by title.

Mr. Rowlands said last week Ordinance No. 16636 which creates this "C-F-V" District was postponed for two weeks until October 4th. He suggested that Ordinances No. 16640, 16642 and 16643 be held over until October 11th for further consideration, pending the Council's decision on Ordinance No. 16636. He said these three Ordinances cannot pass until the zoning district is created.

Mr. Steele moved that Ordinance No. 16640 be postponed until October 11, 1960. Seconded by Mrs. Price. Voice vote on the motion resulted as follows: Ayes 8; Nays 0; Absent 1, Porter. Motion carried.

Ordinance No. 16641:

Amending the Official Code of the City in reference to zoning by adding a new section known as Sec. 13.06.115 (2) to include property adjacent to the southeast corner of So. 72nd and the East Sprague Frontage Road in a "C-F-N" Planned Neighborhood Shopping Center District. (Oscar Hokold Inc., petition) Read by title.

Mr. Rowlands said this Ordinance can be passed this evening.

Mr. Steele asked in what way this differed from the other three mentioned previously by Mr. Rowlands.

Mr. Rowlands said the provision for "C-P-N" Districts was created about two years ago. The required market analysis was received by the Council last week when the Ordinance was presented for first reading. This particular "C-P-N" zoning ties in with the Freeway area but it could be located anywhere in the City. The other three Ordinances previously mentioned are designed principally for "C-F-V" Freeway zoning.

Mr. Buehler said the applicant had originally requested the classification of approximately 10 acres of land, the maximum allowed for a "C-P-N" category. However, after receiving the Planning Department's written analysis of the market potential of the site, the Planning Commission felt that a maximum of 7.5 acres would be adequate to provide necessary room for expansion, taking into consideration the maximum market that could reasonably be expected.

Mr. Rowlands said the market analysis indicated this zoning will be logical and will not be too near an adjoining shopping center.

Mr. Cvitanich asked Mr. Buehler what plans have been worked out for the one way traffic, discussed at the Planning Commission hearing.

Mr. Buehler said the Public Works Department has recommended that they be placed on record that property owners on frontage roads be notified that in the future the Public Works Department will make one way couplets out of east and west Sprague if it is found necessary.

Mr. Cvitanich said the matter that concerns him about this "C-P-N" zoning is the effect it may have on the South Tacoma Shopping.

Mr. Buehler said the site proposed for the center is well spaced between existing business districts. This is a neighborhood type of unit to serve the adjacent neighborhood which is one of the City's faster growing residential areas.

Mr. Bott asked if this did not constitute spot zoning.

Mr. Buehler said this is a floating type of a zone which is planned to give the Council control over traffic regulations, etc. Much higher standards are required than on a regular district.

Mr. Art Paulsen representing the Pierce County Motel Association and the South Tacoma Businessmen Association, said these people who are dependent upon the tourist traffic to a certain extent, are interested in keeping free access to this Freeway system which has so recently come to the City limits. These people have been taxpayers and have participated in financing this highway to date and are alarmed that the City of Tacoma is contemplating the creation of a "C-P-N" District right on the access road of the Freeway. He said this will be moving the congestion from South Tacoma right on to the Freeway. The people that have the tourist restaurants, etc. feel that it is important to a good Freeway system to have access to the Freeway. The City will not benefit if traffic generating areas are placed along the Freeway system. The experts advocate that a logical place for a shopping center is on the fringe area along the Freeway access road and not in the center of a shopping area; his clients do not agree with this.

Mr. Buehler said the Traffic Engineer's report indicated that under the provisions of the "C-P-N" zoning district necessary traffic control precautions can be taken to insure that the integrity of the adjacent frontage road and interchange to move traffic can be maintained.

Mr. Murtland asked why the shopping center is being located at this site?

Mr. Buehler said a petition has been submitted for the location and the market analysis shows that if the shopping center is shifted to some other area they will be taking more from the existing centers in the general area. The location and spacing was considered and deemed to be appropriate.

Further discussion resulted in Mayor Hanson stating that it was apparent the questions raised on this matter tonight would indicate that continuance on this matter is desirable in order that more study can be given.

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Mr. Steele then moved that the Ordinance be postponed for one week until October 4, 1960. Seconded by Mrs. Price. Voice vote on the motion resulted as follows: Ayes 8; Nays 0; Absent 1, Porter.

Ordinance No. 16642:

Amending the Official Code of the City in reference to zoning by adding a new section known as Sec. 13.06.113 (1) to include the southeast corner of realigned So. 72nd and the East Sprague Frontage Road. (Arthur Munson petition) Read by title.

Mr. Steele moved that the Ordinance be postponed for two weeks until October 11, 1960. Seconded by Mr. Cvitanich. Voice vote resulted as follows: Ayes 8; Nays 0; Absent 1, Porter.

Ordinance No. 16643:

Amending Chapter 13.06 of the Official code of the City in reference to zoning and adding a new section known as Sec. 13.06.113 to include property located in the southeast corner of So. Sprague Avenue and So 84th thence southerly along So Sprague Street 481 feet more or less in a "C-F-V" District. (Mike Nicholic petition) Read by title.

Mr. Cvitanich moved that the Ordinance be postponed for two weeks until October 11, 1960. Seconded by Mr. Steele. Voice vote resulted as follows: Ayes 8; Nays 0; Absent 1, Porter.

Mr. Bott said he thought it would be helpful if the Council members were taken out to the areas involved before these Ordinances are taken up again.

Mr. Rowlands said such a tour could be arranged.

Ordinance No. 16644:

Authorizing the condemnation of property near the Lidford Road and Pioneer Way for the purpose of constructing, operating and maintaining the Riverside Distribution substation. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Porter.

The Ordinance was then declared passed by the Chairman.

Mr. Cvitanich moved that Resolution No. 16290 pertaining to the increase in rates per front foot on sanitary sewer assessments be reconsidered. Seconded by Mr. Bott.

Mr. Rowlands explained that this particular Resolution involves the increase per front footage for sewer assessment from \$3.25 to \$3.75 and provides that the cost for sewers which serve only one side of the street will be \$4.75 per front foot.

Mr. Cvitanich said he realizes this is an excellent solution to the one particular problem; however, he said, as far as the increase in rates is concerned no figures have been presented to substantiate raising the costs.

Mr. Schuster said a study was made of the sewer projects over the past year and the Department came up with a figure of what it was costing the City per front foot. He said he did not remember the exact figure but it was approximately the figure of \$3.25 per front foot. Therefore it was thought it was justifiable to ask for a maximum of \$3.75 per front foot. However, if the cost still figures at \$3.25 per front foot that would be the amount the property owner would be assessed. The \$3.75 figure is merely a guarantee to the property owners that the maximum

charge could be \$3.75 per front foot.

Voice vote was then taken on the motion to reconsider resulting as follows:

Ayes 1, Cvitanich; Nays 7; Absent 1, Porter. Motion lost.

UNFINISHED BUSINESS:

The Director of Public Works submitting Review of Assessments on L I D 2255, as requested by the City Council on August 8, 1960.

It was the opinion of the Public Works Department in reviewing this L I D that no adjustment of the assessment for sidewalks should be allowed.

Mr. Steele then moved that the Public Works' Department's recommendation be approved and that the proper Ordinance be drawn approving and confirming the assessment roll. Seconded by Mrs. Price. Voice vote on the motion resulted as follows:

Ayes 8; Nays 0; Absent 1, Porter.

The Director of Utilities submitting a report on the policy of the Water Division in requesting deposit for installing a permanent water main, which the City Council requested on September 20, 1960.

Mr. Naccarato again appeared before the Council. He said he had received a copy of the communication from Mr. Dean Barline, Director of Utilities, but was still not satisfied that the policy of requiring a \$200 deposit for installing of permanent water mains was fair. He felt the property owners should not be assessed until the improvement is made.

Mr. Bott said this matter must also be considered from a fire and health angle. He said these shoe string water mains provide sufficient water force, as long as there are only two or three people connected, but as soon as the area begins to develop the water pressure is cut down.

Mr. Bott explained that the Council sympathizes with Mr. Naccarato's problem. However, even if the property owners before 1954 were not required to pay a \$200 deposit they are protected by what is called a "grandfather clause" and the rest of the property owners have to abide by what has gone on since that time.

Mr. Naccarato said he felt he should have been informed of this assessment before he bought the house. The deposit should be required when a building permit is issued for the home.

Mr. Schuster, Public Works Director, said that the Public Works Department does not have all the Water Department's records in their office, and it is necessary for the builder to go to the Water Department to obtain a permit to hook-up to the water mains, he added.

Mr. Murtland said then the builder who obtained the permit was notified and not Mr. Naccarato. He, in turn, should have notified Mr. Naccarato when he purchased the home, he added.

Mr. Cvitanich said in that event he did not think the contractor should be allowed to build in the City of Tacoma. He did not think any member of the City Council if they were moving into a house would assume that they would have to pay an extra \$200 for a separate type water line. He said that if anyone buys something in good faith they assume these facilities are provided.

Mr. Naccarato said he did not blame the contractor.

Mr. Murtland said he felt the contractor was to blame and thought Mr. Cvitanich had a good point, as the contractor was the only one who knew about the assessment.

Mayor Hanson said there seems to be an indication that perhaps there was a failure on the part of the contractor in not notifying Mr. Naccarato, but he did not feel that this indicated any reason for a basic change in policy. He said the Council can re-examine the methods to see that proper notice is given at the outset,

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but he felt this does not alter the basic responsibility of the property owner to make payment.

REPORTS:

MC - 318 - Manning of High-Value Fire Companies

Mr. Rowlands said this MC-318 indicates what happens to the coverage when the full complement is not available. He said it is obvious why at times there are only three men on duty instead of four, and at times four instead of five. The personnel is distributed as effectively as possible, he added. It should be stressed that the Board of Underwriters wish to have most of the central business district Companies well-manned, that is not to say that the residential areas should not also be up to complement if possible. However, it is felt that it would be more essential to have the larger equipment and man power in the downtown area as most of the apartments, homes for the aged and hospitals are located there.

COMMENTS:

Mr. Steele said at last week's meeting the Council denied Rev. Durham's request to delete his property from L I D 2314, and since he voted on the prevailing side he would like to move at this time to reconsider the action of the Council on LID 2314. Seconded by Mr. Cvitanich. Voice vote: Ayes 8; Nays 0; Absent 1, Porter.

Mr. Steele pointed out that it came to his attention through the City Attorney's Office that the matter of remonstrance with reference to sidewalks is somewhat different than other L I D's. A situation such as this in which Rev. Durham's property faces other property which has no sidewalks and that the block wherein he is situated constituted a particular unit, his objection represented 100% remonstrance. Mr. Steele therefore thought the Council should grant the request of Mr. Durham to delete his property from the L I D.

Mr. Cvitanich said he has had numerous complaints of L I D's being formed in small segments in different sections of the City. During the L I D hearing on July 25th it was specifically requested that a definite policy be formed in regard to the creation of L I D'S so there would be some equalization rather than spreading them out all over the City. This was again brought up at the Council meeting on August 9th. To date nothing has been done to solve this problem, he added.

Mr. Rowlands said he would like to arrange a study session with the Council after the adoption of the final budget to discuss this matter.

Rev. Durham was again present requesting the deletion of the Parkside Church property from the sidewalk local improvement district. He contended the district had been formed as the result of a petition two miles away. He said he could not afford the \$1100 assessment but would be able to install the sidewalks, himself, in two years.

Mayor Hanson said the motion to reconsider brings the Ordinance No. 16631 before the Council so that it can be amended if the Council so desires.

Mr. Easterday moved that the area around the Parkside Church at 4211 So. Pine be deleted from the L I D. Seconded by Mr. Steele.

Mr. Hugo Metzler, Attorney representing Rev. Durham, presented a petition containing the signatures of eleven other nearby property owners protesting the sidewalks in the immediate area and suggested the Council delete the entire area bounded by 40th, 43rd, Lawrence and Pine Streets from the L I D.

Mr. Metzler said he also spoke with Mr. Hopkins, Supt. of School Districts who advised him that it was not the policy of the School Board to protest against the majority. Mr. Hopkins said it was the Board's opinion that the soil was such in this area that it was not necessary to have sidewalks at this time.

Mr. Cvitanich asked who started the petition in this particular area.

Mr. Schuster said there was no petition for the area. He said telephone calls were received from various people in the area interested in having sidewalks because of the school, and was initiated on that basis. He said this was not an uncommon practice as the City does not rely entirely on the petition method for initiating L I D's.

Mayor Hanson said perhaps the Council could take action upon Mr. Easterday's motion to delete that portion of property requested by Rev. Durham and then before disposing of the Ordinance consider postponing it until the remonstrances that have just been presented are figured.

Mr. Murtland said he would prefer to consider both actions at the same time.

Mr. Bott then moved that all action be postponed until such time as the remonstrances are figured. Seconded by Mr. Cvitanich. Voice vote was taken on the motion resulting as follows: Ayes 7; Nays 1, Steele; absent 1, Porter. Motion Carried.

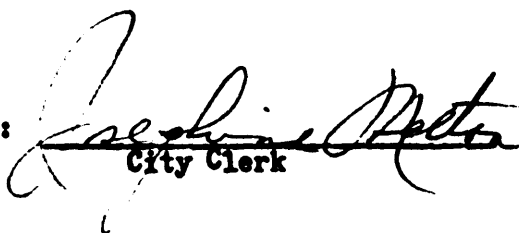
Mr. Rowlands said inasmuch as the State Law requires that the first Monday in October be set aside for budget hearing and since the Council does not regularly meet until Tuesday, he thought it would be well to recess until next Monday. Then the proper notice that has to be made to radio and T.V. and newspaper will have been made in this manner.

Mr. Steele then moved that the meeting be recessed until Monday, October 3, 1960. Seconded by Mr. Easterday; Voice vote: Ayes 8; Nays 0; Absent 1, Porter.

Meeting recessed at 9:30 P.M.


Mayor of the City Council

Attest:


City Clerk