

CITY COUNCIL MINUTES

City Council Chambers, 4:00 P. M.
Tuesday, April 9, 1968

Council met in regular session. Present on roll call 7: Banfield, Cvitanich, Finnigan, Herrmann, Johnson, Zatkovich and Mayor Rasmussen. Absent 2: Bott and Murtland.

Mr. Cvitanich moved that the minutes of the meeting of March 26, 1968 be approved as submitted. Seconded by Mrs. Banfield. Voice vote taken. Motion carried.

Permission was granted to the Rev. E. S. Brazill to deliver a eulogy to Dr. Martin Luther King, Jr. whose funeral was held today in Atlanta, Georgia.

HEARINGS & APPEALS:

The City Planning Commission recommending denial of the request for rezoning of the East side of Park Ave. between So. 94th & 96th Sts. from an "R-2" to an "R-3" District, submitted by Ronald E. Wire et al.

The last day to file an appeal was March 18, 1968 and an appeal was filed by the petitioners.

Suggested date for hearing before the City Council is May 14, 1968.

Mr. Finnigan moved that May 14, 1968 at 4:00 P. M. be set as the date for hearing on the above appeal. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

PETITIONS:

a. S. W. Anderson requesting rezoning of the N. E. corner of No. 26th & Starr St. from an "R-2" to an "R-4-L" District.

b. G. A. Boucher requesting rezoning of the S. W. corner of So. 40th & Lawrence St. from an "R-3" to an "R-4-L" District.

c. Rev. Carl Laursen requesting rezoning of the N. E. corner of So. 76th & Sheridan Ave. from an "R-2" to an "R-3-PRD" District.

Referred to the Planning Commission.

COMMUNICATIONS:

Communication from John C. Frai requesting to speak on the matter of the City being in business which is in violation of the City Charter.

Mr. Frai stated the City of Tacoma has been in the appliance business for twenty-five years which is contrary to the City Charter, and the School District should not be allowed to buy their appliances from the City Light Dept. as the prices are not competitive.

Mayor Rasmussen had a letter read addressed to Captain Jack Harkins and Fire-fighter Paul McNail complimenting them on designing, constructing and decorating the City Float, "Sir Arthur", which won the Sweepstakes Award in the 1968 Daffodil Parade.

RESOLUTIONS:

Resolution No. 19657

Fixing Tuesday, May 7, 1968 at 4:00 P. M. as the date for hearing for rezoning of property approximately 560 feet west of Alaska St. between So. 80th and So. 82nd St. (Petition of Richard L. Erdahl)

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

The Resolution was passed unanimously by voice vote.
Ayes 7; Nays 0; Absent 2, Bott and Murtland.

Resolution No. 19658

Fixing Tuesday, May 7, 1968 at 4:00 P. M. as the date for hearing for the vacation of alley between So. 16th & So. 17th Streets immediately east of Walters Road. (Petition of John Bourgaize)

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

The Resolution was passed unanimously by voice vote.
Ayes 7; Nays 0; Absent 2, Bott and Murtland.

Resolution No. 19659

Fixing Monday, May 13, 1968 at 4:00 P. M. as the date for hearing for L I D 6898 for street lighting on State St. from So. 39th to So. 41st Street.

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

The Resolution was passed unanimously by voice vote.
Ayes 7; Nays 0; Absent 2, Bott and Murtland.

Resolution No. 19660

Awarding contract to Chevron Asphalt Co. for the furnishing of Asphalt Products for the calendar year 1968.

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

The Resolution was passed unanimously by voice vote.
Ayes 7; Nays 0; Absent 2, Bott and Murtland.

Resolution No. 19661

Awarding contract to Lige Dickson Co. on its bid of \$45,964.75 for L I D 4823.

Mr. Finnigan moved that the resolution be adopted. Seconded by Mrs. Banfield.

The Resolution was passed unanimously by voice vote.
Ayes 7; Nays 0; Absent 2, Bott and Murtland.

Resolution No. 19662

Awarding contract to Lige Dickson Co. on its bid of \$137,371.00 for W. O. Hill5-Urit "B".

Mrs. Banfield moved that the resolution be adopted. Seconded by Dr. Herrmann.

The Resolution was passed unanimously by voice vote.
Ayes 7; Nays 0; Absent 2, Bott and Murtland.

Resolution No. 19663

Awarding contract to Byron Rockstad Construction Co. on its bid of \$40,941.35 for L I D 3639 and 3655.

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

The Resolution was passed unanimously by voice vote.
Ayes 7; Nays 0; Absent 2, Bott and Murtland.

Resolution No. 19664

Establishing four ten-minute parking spaces in front of the McCormick Public Library on the south side of No. 26th St. and east of Adams Street.

Mr. Finnigan moved that the resolution be adopted. Seconded by Mrs. Banfield.

The Resolution was passed unanimously by voice vote.
Ayes 7; Nays 0; Absent 2, Bott and Murtland.

Resolution No. 19665

Appropriating the sum of \$5,313.00 or so much thereof as may be necessary, from the Cumulative Reserve Fund for Capital Outlay and M. & O. to the Fire Dept. Construction Fund of 1963.

357

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

James Reiser, Fire Chief, explained that this resolution for the appropriation of \$5,313.00 is to be used for a lawn sprinkling system on the north, west and south sides of the new Headquarters building at So. 9th and Fawcett Ave. He added, when bids were called for on the original project and this was included as an alternate bid, due to the lack of funds at that time it was deleted. However, the architect and engineer have recommended if the intent is to have a sprinkling system it should be put in now as there is considerable paving in the plans, otherwise the paving would have to be torn up later. He felt a sprinkling system was necessary to keep the landscaping beautified. If the sprinkling system were not installed a three-quarter inch garden hose would have to be used for sprinkling which would constitute a liability on the part of the City if someone were injured.

Mayor Rasmussen felt this quite expensive for just an outside sprinkling system. Chief Reiser outlined the footage and area which would require the sprinklers. Mr. Finnigan asked if this was the price that was originally submitted.

Chief Reiser said this is approximately \$900.00 higher than the original price. Mayor Rasmussen asked how much was left in the Cumulative Reserve Fund.

Mr. Gaisford, Director of Finance, explained that \$33,820.00 was budgeted for 1968 and if this appropriation is approved, there will be a balance of \$5,800.00.

Mr. Cvitanich moved for a two week's postponement of the resolution as some of the members of the City Council would like to see the building. Seconded by Mrs. Banfield.

Mr. Finnigan felt that any further delay would increase the cost.

Chief Reiser explained that the contractors had advised him that they would like to have an answer today as they would like to start paving in the area as soon as possible.

Mr. Cvitanich withdrew his motion for a two-week's postponement, with the consent of his second.

Mr. Johnson felt since this building will be in use by the public and it is located downtown, a sprinkling system should be in use.

After further discussion, Mayor Rasmussen felt the money would be better spent elsewhere.

The Resolution was LOST by voice vote.

Ayes 3; Nays 4, Banfield, Cvitanich, Zatkovich and Mayor Rasmussen. Absent 2, Bott and Hurland.

Mr. Cvitanich remarked that at last week's meeting of April 2nd, the Council passed Resolution No. 19655 relative to the sale of surplus timber to St. Regis Paper Co. and to Seaboard Lumber Co. He added, he would like to ask for reconsideration of the resolution.

Mr. Cvitanich then moved that Resolution No. 19655 be reconsidered at this time. Seconded by Mr. Zatkovich. Voice vote taken. Motion carried.

Mr. Cvitanich said this resolution pertains to the sale of approximately two and one-half million board feet of lumber in the Green River Watershed for approximately \$200,000.00, and since the Federal Government is making a study in the Green River Watershed, as well as three other watersheds in the nation, to determine the multiple use features, he wondered if the City of Tacoma should sell this timber without knowing the result of the Federal study. The Federal authorities may have some new concept for protecting watersheds. He hoped the Council would postpone this for a short time, before the sale is approved.

Mr. Cvitanich then moved to postpone Resolution No. 19655 for two weeks, until April 23, 1968. Seconded by Mr. Zatkovich. Voice vote taken. Motion carried.

Mr. Cvitanich requested that Mr. Marshall McCormick, City Attorney, notify the Utility Board of the action and obtain information on the Federal watershed study from U. S. Representative Floyd Hicks.

347

FIRST READING OF ORDINANCES:

Ordinance No. 18549

Vacating So. 29th St. between Delin and So. D Street. (petition of Art Stolen)

Mrs. Banfield asked when the City would be charging for vacated land.

Mr. McCormick, City Attorney, explained that he had received a communication from the Planning Commission stating they had considered this problem and had sent it back to their office for further processing. He felt the principal question involved was whether or not the City was going to charge the people when the property

is vacated, since they had dedicated the property to the City in the beginning and received no fee from the City, or whether or not irrespective as how the City acquired it, if the City would charge a fee on the reasonable value of the property. If the Council wishes, perhaps, a discussion can be held during a study session, to obtain the determination of the Council, then the Legal staff can draft an ordinance.

Mayor Rasmussen requested that Mr. McCormick prepare a rough draft of an ordinance and a study session can be held next week on the matter.

The ordinance was placed in order of final reading.

Ordinance No. 18550

Vacating the East side of Union Ave. between So. 18th & 19th Streets. (petition of Automobile Club of Washington)

The ordinance was placed in order of final reading.

Ordinance No. 18551

Amending Chapter 13.06 of the official code and adding a new section 13.06.065-82 to include property on the east side of Woodlawn Street between So. 11th & 12th Streets in an "R-4-L" District. (petition of George G. Tibbits)

The ordinance was placed in order of final reading.

Ordinance No. 18552

Amending Chapter 13.06 of the official code of the City by adding a new section 13.06.065-83 to include property on the west side of Pacific Ave. between So. 76th and Spooner St. in an "R-4-L" District. (petition of Whitson Construction Co.)

The ordinance was placed in order of final reading.

Ordinance No. 18553

Appropriating the sum of \$30,000.00 or so much thereof as may be necessary from the General Fund to the Metropolitan Park Board for the purpose of continuing the summer program of the Metropolitan Park District.

Mr. Rowlands, City Manager, explained that he had received a communication from the Park Board requesting a supplemental amount. The suggestion has been made that \$53,390 be substituted for the \$30,000 figure in the ordinance.

317
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Mr. Glundberg, Director of the Metropolitan Park District, explained that the City of Tacoma had supplemented funds of the Park District since about 1955 to help carry on its program. About a month ago the Park Board voted to request the City Council to appropriate the sum of \$30,000 to expand, extend and strengthen the summer recreation program. In the meantime, however, it was learned that the federal funding of the recreation program of the multi-service centers throughout the City has been curtailed or limited. Therefore, this created another need for the Park District to service. Upon discussions with various interested persons a program was developed to supplement the three multi-service centers, the handicapped program and a winter program with the schools in the City.

Mr. Finnigan moved that the ordinance be amended to substitute the figure of \$53,390.00 in place of \$30,000 throughout the ordinance. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

Mayor Rasmussen asked Mr. Rowlands, City Manager, if it would be his intention to recommend that this amount of \$53,390.00 be included in the budget for the year 1969.

Mr. Rowlands, City Manager, stated he would certainly make such a recommendation to the City Council and the Park Board, as it is a positive approach to re-affirm such a program.

The ordinance was placed in order of final reading.

Ordinance No. 18554

Amending Section 5.22.010 and repealing Section 5.26.086 of the official code of the City relative to the Dog and Cat Leash Law.

Mr. Johnson moved that Ordinance No. 18554 be removed from the agenda. Seconded by Dr. Herrmann. Roll call was taken on the motion: Ayes 3: Nays 4, Banfield, Cvitanich, Zatkovich and Mayor Rasmussen; Absent 2: Bott and Murtland. MOTION LOST.

331

Mr. Rowlands, City Manager, stated just prior to the meeting Mrs. Ray Hinz, who is assistant director of the Capitol City Garden Clubs, representing 3,000 women, wished to inform the Council they favor the leash law, with a greater degree of enforcement.

Mr. Zatkovich remarked that the dog leash ordinance is unconstitutional because of the selective enforcement that is being used.

Mr. Archie Fidler, Executive Director of the Pierce County Humane Society, submitted the Tacoma Animal Ordinance Enforcement Report for the year 1967 to the City Council. He pointed out that most of the problems relative to enforcing the leash law is the lack of help. Often times when the enforcement officer arrives at the residence where the complaint was made, the dog is within his own yard, therefore, they cannot take any action. He added, the public does not realize that the Society employees must witness the dog off the property before they can assess a fine against the owner.

Mr. Fidler read a prepared statement to the Council concerning the operation of the leash law to apprise the Council of the ordinance. He noted that Tacoma has the highest sale of licenses per capita than any other city in the United States comparable in size or larger. He outlined the work of the employees of his department. He felt the leash law was a good law since it places responsibility on the dog owner to take care of his dog without becoming a nuisance to his neighbors.

Mr. Zatkovich stated, if the City cannot have the proper enforcement, there is no need for a leash law.

Mr. Cvitanich asked Mr. McCormick if there is a provision in the Code of the City now, relative to allowing dogs to run astray in the City.

Mr. McCormick, City Attorney, said there is a provision under Section 5.22.010 of the Code which provides that no animals of any kind shall be permitted to run at large during any hours of the day or night within the incorporated limits of the City of Tacoma. This section was passed after the leash law.

After some discussion, Mr. Cvitanich asked that Mr. Fidler submit the budget report for 1961 of the Society at the next Council meeting, as well as a report on their employment status since 1961.

A number of residents of the City spoke pro and con on the leash law.

Mr. Cvitanich wondered if this should not be brought to a vote of the people.

The ordinance was placed in order of final reading.

REPORTS:

Report from the Urban Renewal Dept. for the month of March 1968.

Placed on file.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Tacoma Employees' Retirement System report for the month of March 1968.
- b. Traffic Division report for the month of February 1968.

COMMENTS BY THE CITY MANAGER

Mr. Rowlands, City Manager, informed the Council that the Tacoma Clearing House had donated a \$150 check to be placed in the Community Betterment Trust Fund and to be used to pay for services rendered at a dance held at the Hilltop Youth Activities Center on April 5th, 1968. Mr. Rowlands asked the approval of the City Council to expend the \$150 from the Community Betterment Trust Fund.

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397

Dr. Herrmann moved that the expense be allowed. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

Mr. Rowlands, City Manager, presented a letter from William O. Glundberg, Director of Park & Recreation of the Metropolitan Park District, dated April 9th, 1968, stating that the Park Board Commissioners believed the Camp #6 development at Pt. Defiance was desirable and hoped that the Washington Forest Industries would be successful in its request for the sum of \$5,000 from the City Council to complete the first phase of the Forest Industries Museum.

441

Mrs. Banfield suggested a meeting of the City Council and the Park Board in regard to Camp Six logging museum. She said she had also been in contact with the Park Board, and it was not the understanding of the Park Board that the City of Tacoma would have anything whatsoever to do with the project.

Mr. Cvitanich thought the City Council determined a few weeks ago that they would not expend these funds and did not wish to be involved in the project.

Mayor Rasmussen moved that the communication from Mr. Glundberg, Director of Park & Recreation be placed on file. Seconded by Mr. Cvitanich. Voice vote was taken. Motion carried.

Mayor Rasmussen stated, this does not exclude a meeting with the Park Board, however.

COMMENTS BY MEMBERS OF THE CITY COUNCIL

Mr. Cvitanich hoped that the City Council can take some action locally to insure the people of the community that they will not have to contend with the degree of air pollution which has been experienced for the last fifteen or twenty years.

Mayor Rasmussen remarked that the Puget Sound Regional Air Pollution Board is scheduled to have a meeting soon and their discussion is to determine whether the State takes over the major policing of the smelter, aluminum industry and pulp mills. There are five inspectors working on this problem, he added.

363

Mr. Cvitanich felt the City was beyond the point where the Council can assure the people of the community, verbally, that the Council is attempting to remedy the problem.

He trusts the Mayor will pursue this course vigorously as a member of the committee and protect the City's interests.

Mayor Rasmussen said, anyone having complaints can call FU 3-5851, the Air Pollution control office.

Mrs. Banfield requested that the City Council meet after this meeting to review the first draft of the City's Annual Report. She hoped that it will be ready for publication next Tuesday, if approved this evening.

Mayor Rasmussen stated that the final proof is in the Public Information office and after adjournment the Council can peruse the report and make a final approval. 413

Mayor Rasmussen announced that the National League of Cities Convention was cancelled. Mr. Bott was on his way to the convention, but at Baltimore he was informed of the cancellation, and he is now returning to Tacoma.

62-104

COMMENTS BY THE PUBLIC

Mr. Frank Russell, 1728 Karl Johan Rd., read a statement in regard to a new open housing ordinance that the Council should pass for the best interest of the City.

353

Mr. Raymond Roland of 1624 East Columbia, stated he wished to meet with a committee from the Council in regard to a number of grievances of long standing. He felt he had not been able to obtain satisfactory answers. He requested that a pedestrian operated light be installed at 40th and Portland Ave. instead of the four-way stop light that is there at the present time.

Mayor Rasmussen requested that Mr. Rowlands, City Manager, check into the matter.

38 + 62-173

Mr. Rowlands stated he would be happy to meet with Mr. Roland.

Mayor Rasmussen asked that the members of the City Council read the Model Cities application and submit their suggestions so the application can be completed by Friday.

342

COMMENTS BY THE PUBLIC

A number of citizens spoke for and against any open housing ordinance.

353

There being no further business to come before the Council, upon motion duly seconded and passed the meeting adjourned at 7:15 P. M.

P. L. Rasmussen
MAYOR

Attest: *Josephine Mecton*
City Clerk