

CITY COUNCIL MINUTES

City Council Chambers, 7:00 P. M.
Tuesday, October 31, 1961

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

Mrs. Price moved that the minutes of October 5, 1961 be approved as submitted. Seconded by Mr. Steele. Voice vote. Motion carried.

Mr. Bott called attention to a correction to be made on Page 20 of the Minutes of October 17, 1961, half way down the page where it states "with psychic powers of those." It should read "psychic powers or those." Also a correction two lines down, the word "represented" should be changed to "representatives." Mr. Bott then moved that the minutes be so amended. Seconded by Mr. Murtland. Voice vote. Motion carried.

HEARINGS AND APPEALS:

a. This is the date fixed for hearing on the petition submitted by Emanuel T. Muntz for the vacation of No. 42nd St. between Waterview Drive and Forest Street. 103
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Mayor Hanson stated, this is the date for the hearing on the petition of Emanuel T. Muntz, and the Planning Commission has recommended the approval of this petition. He asked if there was anyone present objecting to the vacation.

Mr. Easterday moved that the Council concur in the recommendation of the Planning Commission. Seconded by Mr. Cvitanich. Motion carried.

b. This is the date fixed for hearing on the petition submitted by the Immanuel Baptist Church for the vacation of the alley from the north right of way line of So. 94th St. to a point 272 feet north lying between Pacific Avenue and So. "D". 103
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Mayor Hanson stated the Planning Commission also recommends the approval of the petition of the Immanuel Baptist Church. He asked if anyone was present to object to the granting of this petition.

Mr. Bott said the reason this was held up was to make sure that the sewer easements were retained, and that had been accomplished.

Mr. Easterday then moved that the Council concur with the recommendation of the Planning Commission. Seconded by Mr. Bott. Motion carried.

PETITION:

Petition submitted by the Commercial & Industrial Development Corp. requesting the City Council initiate an L I D for sewers on 6th Ave. west of Pearl Street.

Mr. Steele explained that this is a group of property owners along 6th Avenue who wish to obtain a sewer LID. The property affected is in the area of the Tower Lanes and Ben Dew's restaurant and property south of Sixth Avenue. He said he is sure that there is incorporated ownership on some property south of Sixth Avenue, and they are unable to get those people to agree on an L I D. Therefore they have petitioned the Council to initiate an L I D. Mr. Steele suggested that the matter be referred to the Public Works Dept.

Mr. Murtland asked if there were any sanitary sewers in the area at present.

Mr. Steele said there were only septic tanks and he moved that the Petition be referred to the Public Works Department for their investigation and report. Seconded by Mrs. Price. Motion carried.

RESOLUTIONS:

Resolution No. 16751:

Approving the Urban Renewal Plan and the feasibility of relocation for Project No. Wash. R-3 of the Fawcett Urban Renewal area.

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

Mr. Porter stated inasmuch as this was referred to the Planning Commission and by the Planning Commission to the Urban Renewal Subcommittee for a report on December 4th, he objected to this being on the Agenda.

Mayor Hanson stated, according to the rules, it is a matter for the chair to decide subject to an appeal to the body. He stated, anticipating an objection, he made inquiries of the legal staff with reference to the propriety of this matter coming before the body at this time. He is satisfied that the City Council as a legislative body created by act of the legislature cannot divest itself of its ability to act even on a temporary basis. Also with reference to this particular question, it refers to only a portion of the Urban Renewal matter which is in one specific area. The inquiry has since been answered. Mayor Hanson added that it was his ruling that this matter is properly before the body at this time.

Mayor Hanson stated that Mr. Porter has challenged the ruling of the chair. An "Aye" vote will support the chair and a "Nay" vote will be to the affect that it is not properly before the Council at this time.

Mr. Cvitanich asked Mr. McCormick if he concurred in that statement.

Mr. McCormick said, Mayor Hanson was given an opinion on the matter.

Mrs. Olson said inasmuch as there has been an opinion on the matter, and since the Council has not had an opportunity to read it, she

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requested that it be read at this time.

Mayor Hanson explained that the essence of the opinion has been presented by the City Attorney which indicates that it is proper for them to proceed. They have the matter of the challenge of the ruling of the chair and asked for a roll call: Ayes; Bott, Cvitanich, Easterday, Murtland, Olson, Price, Steele and Hanson. Nays: Porter. Mayor Hanson said the ruling of the chair has been recorded and Resolution No. 16751 is now before the Council.

Mr. Easterday said an amendment to the Resolution was prepared by the Attorney's office and the boundary changes of the district made by the Urban Renewal staff and these were filed with the City Clerk. He asked if he could see the plans.

Mr. Rowlands stated that the last two pages of the Urban Renewal Plan indicate the area that has been excluded. This is the area of the Emerson Apartments.

Mr. Easterday said an amendment has been submitted with the agenda deleting the Emerson Apartments and he moved that the Resolution be amended by deleting the Emerson Apartments. Seconded by Mr. Steele.

Mrs. Price said she would like to amend Mr. Easterday's motion which was submitted with the Agenda by deleting from the first "Whereas" clause in Mr. Easterday's proposed amendment, that part of the last sentence thereof which reads as follows: "which plans as revised are designated as the 'Urban Renewal Plan' and by this reference incorporated herein as though fully set forth," and by adding thereto a new paragraph to read as follows: "and to further amend such revised plans in reference to the Floor area, Parking area, etc. Seconded by Mr. Steele. She said these amendments will not affect Mr. Easterday's amendment.

Mayor Hanson stated, these are matters that have been discussed during study sessions, and he suggested that the two amendments be read in full by the Clerk. The two amendments were read in full.

Mr. Porter mentioned that many times in the past Council members have mentioned that when amendments like these were brought before the Council at the last minute, and not submitted with the agenda, there is not an opportunity to assimilate the material. He said he has not had sufficient time to study these amendments, therefore, he would move at this time that this matter be set over for one week to give him an opportunity to review the matter. Seconded by Mrs. Olson.

Roll was taken on the motion resulting as follows: Ayes: Olson, Porter, Nays, Cvitanich, Easterday, Murtland, Price, Steele, Bott and Hanson. Motion lost.

Mr. Porter asked for clarification. He said Mayor Hanson mentioned that these matters have been before the Council for some time, however, he said he does not recall that these amendments have been before them previously.

Mrs. Price explained that these matters have not been before the Council as amendments, however, they have been discussed on two or three different occasions. One was at noon today, and also discussion was held on this matter last week. These amendments presented tonight are the result of discussions held previously.

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Mrs. Olson said she attended the noon luncheon and did not discuss the amendments in detail. She said she had not made a comparison as far as the parking area amendment is concerned and would like an explanation on how this differs from the parking area portion of the plan itself, in reference to the 390 square feet per space.

Mr. Rowlands explained these particular changes regarding parking space will reduce the requirement to the developers approximately 20%, they will need 20% less parking area to meet the requirements and that is basically the change as far as the parking is concerned. He added this particular sheet was distributed and discussed on October 16th and to bring it up to date, it was re-dated.

Mrs. Olson said she was sorry, she failed to see it at that time and does not believe she had it in her possession before. She asked if this change conformed with the planning requirements for the rest of the City.

Mr. Rowlands explained from the standpoint of the Urban Renewal area, this provides even more parking with the 20% reduction that is required by the zoning ordinance.

Mr. Murtland asked if he might be excused before vote is taken on the amendment for the reason previously stated in the record, as the City Attorney has advised that he cannot vote on any matter to do with the establishment of the plan. He assumed this amendment would be within that category.

Mr. Murtland was then excused.

Roll call was taken on the amendment to the amendment.

Ayes; Easterday, Olson, Price, Steele, Bott, Cvitanich and Hanson.

Nays; Porter. Absent; 1, Murtland. Motion carried.

Roll call was taken on the amendment as amended.

Ayes: Olson, Porter, Price, Steele, Bott, Cvitanich, Easterday and Hanson.

Nays; 0. Absent 1, Murtland. Motion carried.

Mr. Easterday said he would like to make a statement before voting on the Resolution as amended. He said that all legislation on a City, State or Federal level is based on "giving and taking." He said that while he doesn't necessarily approve of sending tax money to Washington, D. C. and getting it back with handling charges removed and red tape added, nevertheless, "we pay our portion of the cost of Urban Renewal throughout the nation whether we take it or not."

Mr. Cvitanich stated he has gone along with all the amendments because he knew this is as certain as death or taxes, that the proposition would go through, however, he is not changing his vote at all. For the Council's indulgence and for the record he wants to repeat his statement. At a prior Council meeting it has been charged that he is opposed to slum clearance, and this is completely baseless. He has serious doubts about investing public money to buy real estate and commercial buildings to improve Tacoma Avenue between 9th and 11th for private property. First of all, he said, the City cannot afford the project, this is his personal feeling. The City is having difficulty even in paying their light bill as the Utility Board can well attest. He thinks if the buildings are very dangerous there are laws to take care of them without spending public money. If the buildings are a fire hazard or a health menace because of rats or other conditions, there are laws for that

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particular situation without spending public funds. Indeed, if conditions are as bad as they have been pictured by the City Manager and his staff, he feels that they have been derelict in their duty in not enforcing the laws and not informing the City Council of this blighted condition. Secondly, the plan is not fair and equal to all, and as the plan is submitted here, it is not fair and equal to all because it requires far less of the owners of buildings which are being remodeled than it does of owners of new buildings which will have to be constructed at a later date. It is his understanding that Urban Renewal is trying to persuade owners to build new buildings rather than patchwork eye-appealing remodeling. Therefore he said he will vote against this Resolution.

Mr. Porter stated although it has been reported in the Press once or twice that he has intimated that he opposed Urban Renewal, he recalls that in 1959 he was lobbying for the City in relation to the passage of some bills which at the time he felt were beneficial or were related to the Urban Renewal project. Urban Renewal is the matter they are concerned with tonight. Whether this Hawcett Street Urban Renewal is a good plan or not, or whether they feel that all the facts have been brought out or not, since the matter was referred to the Planning Commission and the Urban Renewal subcommittee of the Planning Commission, and in just one brief week, he believes what has developed, has proven the wisdom of the investigators. In that time, one man of the Planning staff has been able to bring up numerous questions which have been asked by five different members of the Council, some of which have been answered and some of which have not been answered at all, and some have been answered in a different manner. He felt it would be much better to let the Planning Commission be allowed to go ahead and make its full investigation and try to get all answers, questions and reports at their December meeting which the Subcommittee and the Planning Commission had planned to do. Then as much information as possible would be available to the Council before voting on this matter. He stated the brief delay has proven the wisdom of waiting because of the amendments tonight, some of which he agrees are good and some on which he does not agree. He feels a delay for another 4 to 6 weeks would prove worthwhile for further amendments to this project. He said he is rather amazed having had a ruling that the Urban Renewal requirements did not permit the changing to exclude the Emerson Apartments, that our administrative staff would go to the trouble to have the Federal rules changed just in order to acquire one more Councilman's vote. He wonders how far they would go in order to get the votes to pass the matter rather than have it examined fully within the next 4 to 6 weeks.

Mr. Porter continued, he would like to have the opportunity to investigate this thoroughly and bring it to the point where, perhaps, it could be a good project, however, it is apparent that this opportunity will not be arrived at tonight, as it stands, he will still have to vote against the project.

Mrs. Olson stated, inasmuch as she favors Urban Renewal as a tool, which if properly handled, can be utilized as an aid to Tacoma's orderly future growth and development, she shall vote favorably on the Fawcett Street Plan as amended. These amendments do not answer all the questions that she has raised relative to Urban Renewal to Tacoma or to the Fawcett Street Project as such. She said she will continue to ask questions, and as long as she remains on the Council will observe each phase of this project very closely. She said she is not satisfied with the way the Urban Renewal program is presently being handled. There are specific questions which she will raise at a later date. She added, however, these objections are aside from the project itself. An Urban Renewal Program in Tacoma should not be jeopardized because of the action of certain persons. She regrets they are not giving the Planning Commission an opportunity to report back to the Council and she regrets being a part of it. The Planning Commission members are dedicated and sincere citizens and she thinks they deserve better treatment. Mrs. Olson felt that Tacoma deserves its share of federal funds, money which the people have paid in the form of taxes to their government and while she questioned local Urban Renewal Administration and lack of coordinated Urban Renewal Planning as it relates not only to the Fawcett Street Project but to other projects, she will vote in favor of the amended plan.

The roll call on the Resolution as amended was taken:

Ayes: Price, Steele, Bott, Olson, Easterday, and Hanson.

Nays: Portz, Cvitanich. Absent: Murtland.

The Resolution was then declared adopted by the Chairman.

Mr. Bott said he would like to clear a false impression that evidently was gathered from a statement he made here on the 17th of October. He quoted, "now the only pressure that I have been exposed to has been concerted effort by a group of highly respected women who violently oppose Urban Renewal in any of its forms." He received a telephone call from one of the ladies who is a member of this group and she stated that an injustice had been done and that this group was not opposed to Urban Renewal, per se, but their only opposition to Urban Renewal was where government funds were employed. He said he welcomed any criticism for the injustice he might have done.

Mayor Hanson explained that they have taken action prior to a report from the Planning Commission, in no way should it be construed as a slight or insult to that very fine body; but it was referred to the Planning Commission for a very specific purpose, in that it was in reference to methods that would be required to eliminate an apartment dwelling, and since that method is clarified, it is no longer necessary to wait for that report.

Mr. Rowlands stated, for the record, he would like to straighten out two things which he thinks are important. No. (1). In reference to the exclusion of the Emerson Apartments; the legal staff has been working on this very carefully and it was not until a week ago that the legal staff received information from the legal staff and the planning staff of San Francisco, that the Urban Renewal Agency in San Francisco had the right to waive certain regulations, so our Legal Staff might be acting in perfect good faith by saying that it would be exempt by looking at their own regulations. He added, Mr. Thompson, Acting City Attorney, prepared a

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rather detailed memorandum which has been passed out to the Council for their perusal. No. (2), with regard to the rights to raze certain buildings, under our various codes, it would be impossible to clear certain buildings that might be substandard but not substandard to the extent of actually constituting dangerous buildings. He thinks the City has proceeded very expeditiously, especially within the last 3 to 4 years, removing dilapidated buildings throughout the City. As a matter of fact, approximately 300 buildings have been eliminated either by razing or by having the Fire Department burn them for training purposes. Therefore, he thought much improvement has been made in that direction by the building department, Fire Department and also the Health Department.

Resolution No. 16789: (postponed from the meeting of Oct. 24, 1961)

Directing the firm of Knight, Vale & Gregory, certified Public Accountants, in accordance with Section 7.14 of the City Charter to audit all of the accounts and books of the City of Tacoma, and further provide a comprehensive report of the financial conditions of the City for the year 1961. 169

It was moved by Mr. Porter that the Resolution be adopted. Seconded by Mrs. Olson.

It was moved by Mr. Bott that the Resolution be tabled. Seconded by Mr. Steele.

Voice vote was taken to table the Resolution.

The Resolution was then declared tabled by the Chairman.

Resolution No. 16790: (postponed from the meeting of October 24, 1961)

Establishing (7) standing Committees of the City Council to aid the Council in its responsibility of determining and fixing policies on a multitude of important and complex subjects.

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

Mr. Porter stated the matter has been discussed quite thoroughly and felt that everyone has made up his mind and he thought there was no point in discussion this Resolution further.

Voice vote was taken on the Resolution.

Ayes 0; Nays 9.

The Resolution was declared lost by the Chairman.

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Resolution No. 16792: (As amended)

Authorizing the proper officers of the City to execute an agreement with the Port of Tacoma in connection with the acquisition, maintenance and operation and financing of the Peninsula Airport and rescinding Resolution No. 16784 .

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

Mr. Murtland stated that this was the best agreement the City can achieve at this time and for that reason he will vote in favor of the Resolution.

Mr. Easterday said, he knows the Resolution will pass but he will still vote against it, and his reason being we should take care of government expenses to meet the cost of financing, and for that reason alone, he does not think we should have an airport without a bond issue. Without additional funds the City of Tacoma will find itself in a position where it would have to curtail further services to the extent of jeopardizing public safety. Fire services, Parks, etc. in order that it might operate an airport. He said he has since found that the operation of an airport is considerably more than is outlined by Mr. Buckley. He said, he shall vote against any move to construct this airport at this time.

Mr. Cvitanich stated that he still opposes the Airport and feels that the City cannot afford it. He said he would like to refer to a statement made by Mr. Rowlands that the City wouldn't break even in 10 years and it will be a drain on the general fund to try and retire the bonds next year in the amount of \$55,000. He asked how much personnel do they expect to employ the, such as fireman, etc.

Verbatim as requested by Cvitanich.

Mr. Rowlands: "naturally you would have to be an airport manager but often times the airports, small airports, they have for example, if there is a mechanic or several mechanics at the garage, of these people of private hangers, if not, it will probably be people available. Its only at the really large airports that you would have to have a full time complement. I might add too, Mr. Cvitanich, that I don't know where the figures break even in ten years, but if you are going to talk about depreciation paying off the debt, that is one thing, but it normally will take some time; I don't know whether it will be two years, four years or six years before you break even operating cost-wise. Many of your airports break even on the standpoint of operating costs, none to my knowledge have broken even from the standpoint of amortizing the debt plus the operating costs."

End of verbatim.

Mrs. Olson explained that it was mentioned last week that the fire-fighting equipment was included in the basic bid. She wanted to know if that was correct.

Mr. Rowlands explained the standard fire-fighting equipment was in the supplementary contract which will be let at a later date, but for which funds have been earmarked.

Mrs. Olson asked, according to the present agreement, is the Port participating with the City on the bid of \$1,000,000?

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Mr. Rowlands said that is correct.

Mrs. Olson asked who is to determine whether we call for the alternate bids which include \$14,700 for additional taxi way, \$13,400 for resurfacing side strips, \$11,600 for guard rail materials, \$90,400 for grass seeding, \$33,253 for taxi way widths plus all these supplemental ones that come to an additional \$55,000.

Mr. Rowlands stated at the meeting with the Port Commissioners approximately 3 weeks ago the Port Commissioners at that time said when the bids are opened they would again take another look at the alternates. He further stated these items are desirable, particularly the alternates since the money would be available, but they are necessarily an integral part of making it a usable air port, so at that time we will have to see what additional matching funds will be available. As far as the supplemental contracts are concerned, the City will be in a position to finance those.

Roll call was then taken on the Resolution.

Ayes 7; Nays 2. Cvitanich and Easterday.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16793:

Fixing Monday November 27, 1961 at 4:00 P. M. as the date for hearing on L I D 4696 for paving within an area bounded by No. 38th, Highland, So. 19th and Alder St; also including storm drainage where required.

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

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16794:

Fixing Monday, November 27, 1961 at 4:00 P. M. as the date for hearing on L I D 5334 for cast iron water mains in 58th Ave. N. E. from 29th St. N. E. to a point 730 feet south of the center line of 25th St. N. E.

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 declared adopted by the Chairman.

Resolution No. 16795:

Fixing Monday, November 27, 1961 at 4:00 P. M. as the date for hearing on L I D 5339 for cast iron water mains in Cedar, Alder & Lawrence Sts. from So. 56th St. to So. 54th St.

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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 declared adopted by the Chairman.

Resolution No. 16796:

Fixing Tuesday, November 28, 1961 at 7:00 P M. as the date for hearing for the vacation of the alley north of So. 30th between Gunnison and Madison Sts. (petition of Harvey R. Cofield.)

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

Voice vote was taken on the Resolution.

The Resolution was declared adopted by the Chairman.

Resolution No. 16797:

Authorizing the proper officers to execute an agreement with Bonneville Power Administration for the installation of communication cable, poles and other telephone equipment between the City's Tideflat Substation and the Northeast Substation.

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

Mr. Easterday asked Mr. Benedetti, Acting Utility Director, to explain the Resolution.

Mr. Benedetti said this agreement is in connection with the operation of the City's Tideflat Substation and the Northeast Substation which is necessary to run communication cable from the substation. This agreement will transfer to the City pole line now owned by the Bonneville administration, in return for which we will allow them 25 pair of telephone extension cable; and will allow them to use these facilities for a period of 2 1/2 years, after which time, they will have used the entire 25 pair. He said this appears to be the most feasible and economical way of accomplishing their part in establishing an intercommunication link with Bonneville Power Administration.

Voice vote was taken on the Resolution.

The Resolution was declared adopted by the Chairman.

Resolution No. 16798:

Authorizing the proper officers of the City to execute a lease with the Allied Arts of Tacoma, Inc. for the Public Safety Building for use as a fine arts center.

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

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Mr. Rowlands stated that as a result of a meeting with the City Council and Allied Arts representatives, the changes were made by the legal staff for this proposed agreement. Basically, the period of time for the lease will be for 15 years and the City Council will have the right at the expiration of each 5-year interval to re-evaluate the situation as far as rental is concerned. It is also agreed that \$3,000 will be the maximum rental for any calendar year until it is re-evaluated at the end of each year, or whenever there will be additional occupancy in the upper floors of the old Public Safety building. The provisions also state that the City can terminate the lease on notification of a year's notice and can be terminated for any public purpose or public use.

Mr. Murtland said, according to section 13 where it reads, "public purpose or public use such as additional street right of way, etc.:", the Allied Arts wanted it restricted only to street right of way. He wondered if the fact that it states, "street right of way, etc.", if they would be able to open it up for some other public use.

Mr. Hamilton explained the terms of the lease as drawn were at their request; however, it was left as a broader public use although conceivably the thinking of all concerned is that the street right of way was the only reason it would be required. Mr. Hamilton further stated he thought the discussion at that time was that if they took it for street right of way they would receive no compensation at all for that improvement. He said he believed the Council indicated that no matter what the City reclaims the property for, they would receive an equal unamortized portion of the improvement.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16799:

Awarding contract to Morris Construction, Inc. for Improvement No. 3030-E-2 Unit A on their bid of \$58,700.05 which was determined to be the lowest and best bid.

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. 16800:

Awarding the contract for the sale and removal of the iron in the Old City Jail for the sum of \$400.00 to Glen Currah, Jr.

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

Mr. Easterday remarked that Mr. Currah was getting a lot for his \$400.00

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Mr. Rowlands explained it will be quite a tedious job to remove those bars. They will either have to be removed down the stairway or through the window. The work will have to be supervised very carefully so that no damage will be made to the Building, if not, it will take more money.

Mr. Murtland asked, in line with what Mr. Rowlands just said, would Mr. Currah be required to put up a bond because they could create a great deal of damage.

Mr. Rowlands explained that a bond could be required in the contract.

Mayor Hanson says, it was his understanding that they wanted this removed prior to any renovation because it is conceivable that it could interfere with some of their work.

Mr. Bott asked if Mr. Currah was the only bidder.

Mr. Rowlands said 11 bids were sent out and they were advertised in two magazines and two newspapers; Mr. Currah was the only one who responded.

Mr. Bott asked if they advertised in magazines that would reach other Cities or Towns.

Mr. Rowlands said it reached the whole Western Coast, Idaho, Washington, Oregon and California.

Mr. McCormick suggested that before the Resolution is adopted, that the party post a \$10,000 bond.

Mrs. Price moved that the Resolution be amended whereby Mr. Currah will be required to post a \$10,000 bond before the bid is accepted. Seconded by Mr. Bott.

Mr. Bott stated he happened to know Mr. Currah when he had other large jobs, as a matter of fact, he has taken one of the ships that was beached and salvaged and he felt he was a very capable individual.

Mayor Hanson stated, they have a motion before them to amend, making the bid subject to the posting of a bond of \$10,000. 210

Mr. Bott wondered since the bond wasn't called for in the first place and it would increase the cost \$100, if Mr. Currah would still be obliged to go through with that bid.

Mr. McCormick, City Attorney, said, he would not.

Mr. Bott said inasmuch as it did not indicate in the original Resolution that Mr. Currah had to post a bond, he thought that the Resolution should be continued for one week so that Mr. Currah will be advised of the amendment inasmuch as it will increase his cost by \$100.

Voice vote was taken on the motion to amend. Motion carried.

Mr. Murtland then moved that the Resolution be postponed for one week until November 7, 1961. Seconded by Mr. Bott.

Voice vote was taken on the motion to postpone the Resolution until November 7, 1961. Motion carried.

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Resolution No. 16801:

Recommendation of the Board of Contracts and the Director of Public Works that the bid of Morley Studios, Inc. for the purchase of a parcel of land located on the north side of So. 19th St. across from Heidelberg Field, be rejected.

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

Mr. Rowlands stated that they have had further discussion with Mr. Brotman, and he knows Public Works has had further discussion with Mr. Brotman. Although his bid has been rejected, he will negotiate on his previous figure which was \$4,000, plus the fact that the City would have provided the equivalent of 2,000 cubic yards of treated or processed peat ready to use. That was the original proposition and if it's the Council's wish after rejecting this bid to proceed, he would appreciate authorization to negotiate with Mr. Brotman on this previous basis.

Mr. Murland asked if 8,000 cubic yards is untreated, and after it is treated you reduce it down to a lesser amount.

Mr. Rowlands said about 25% of what was treated would be equivalent to 2,000 of the 8000 cubic yards of what would already be set to go

Mr. Hanson stated, you could also negotiate on the 4,000 plus 8,000 untreated.

Mrs. Olson asked what was the total amount of land involved.

Mr. Rowlands said, about two acres.

Mrs. Olson asked what was land selling for in that area.

Mr. Rowlands stated, there have been a couple of appraisals made for the property and the sight without the peat ran about \$7,500 to \$8,000. He said one of the appraisals had in mind the possibility that it might be used for a higher use from the standpoint of the developer. At the present time it is zoned residential.

Mrs. Olson asked if appraisers were accustomed to appraising on potential value of land if it were rezoned to be something else.

Mr. Rowlands stated, normally they should go out there and appraise on the basis of this rezoning.

Mrs. Olson stated, that is the reason she raised the question, because the City has purchased 12 acres of land recently for garbage disposal site; not in this immediate vicinity, but at least in a reasonable distance of this property, and she said the City may want to negotiate for other lands and might be cutting off their nose by demanding the last "pound of flesh" on the particular piece of property if it might be cited back to the City later as a land value and may raise the price on land which we may purchase eventually out in this area. She asked if this could be possible.

Mr. Rowlands explained, under the circumstances, he doesn't believe so, because this property does abut 19th Street and anything contemplated for sanitary land would be more or less undeveloped terrain and the roads would have to be put in to get there. He said, he would again like to point out that Mr. Brotman is willing to negotiate on that other figure.

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Mayor Hanson asked if there were any further questions.
Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16802:

Authorizing the proper officers of the City to execute a local improvement assessment deed to Douglas D. and Arlene R. McArthur for the sum of \$10.00 for unimproved property located on the east side of Whitman between No. 42nd and No. 40th Streets.

It was moved by Mr. Steele 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. 16803:

Reappointing W. E. Evans for a 5 year term to the Elevator Safety Board, beginning November 1, 1961 and expiring October 31, 1966.

It was moved by Mr. Steele that the Resolution be adopted. Seconded by Mr. Easterday.
Mayor Hanson said the Council is very fortunate in having Mr. Evans consent to serve again on the Elevator Safety Board.
Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16804:

Appointing Leo A. McGavick as a member of the Public Utility Board to a five year term expiring June 30, 1965 to fill the unexpired term of Albert E. Farrar.

It was moved by Mr. Steele that the Resolution be adopted. Seconded by Mrs. Olson.
Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16805:

Authorizing the proper officers of the City to execute a contract with the Tacoma Housing Authority in connection with certain relocation planning and surveys of the General Neighborhood Renewal Plan.

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165

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

Mr. Rowlands explained that this is somewhat comparable to the agreement which was entered into with the Housing Authority by the City in regard to Center Street and the Fawcett Street area. It will be the responsibility for the Housing Authority to more or less figure out the rate of turnover in the various categories of downtown housing over a period of the next 8 years. The amount to be expended for this purpose will not exceed \$1,500 which is spelled out in the contract; also the study of such things as the estimated change of rental rates, the quality of housing, location change of use, etc. The period being discussed is probably from October 1963 to October 1971. He says this will not involve making a house to house inventory, but they will have a date available when they can come up with some recommendations.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

FIRST READING OF ORDINANCES:

Ordinance No. 16919:

Amending the Official Code of the City relating to zoning by adding a new section 13.06.051-1 to include property on the N. E. corner of 6th Avenue and Orchard Sts. in an "R-3-T" Residential-Commercial Transitional District. (petition of Allen Ward.) Read by title.

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Mr. Rowlands stated as the Council will recall, a few months ago that changing the type of zoning with a lower use was rejected, and at that time, the petitioner thought it might be possible for him to come in with the "R-3-T" Zoning. This was recommended by the Planning Commission.

The Ordinance was then placed in order of final reading.

Ordinance No. 16920:

Amending the Official Code of the City relating to zoning by adding a new section 13.06.160-5 to include property on the south side of So. 35th St. between Steele and Sprague Avenue in the "M-1" Light Industrial District. (petition of Mrs. Jessie Bell) Read by title.

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Mr. Rowlands said this property does abut an "M-1" zone and it is opposite a large retail establishment.

The Ordinance was then placed in order of final reading.

Ordinance No. 16921:

Setting forth the land disposition policies and procedures for Center St. Wash. R-1 Project and authorizing a review board to approve proposals. Read by title.

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The Ordinance was then placed in order of final reading.

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FINAL READING OF ORDINANCES:

Ordinance No. 16892: (postponed from the meeting of October 3, 1961)

Amending Section 5.46.070 of the Official Code of the City relating to Housing Code on Right of Entry. Read by title and passed.

Mr. Porter stated, he asked that this be continued until he had an opportunity to document a brief submitted by Mr. Rowlands. He said he studied that and also the legal opinion given by Mr. Lowry which he refers to the case of Frank vs the State of Maryland in which the Supreme Court of the United States upheld the conviction of a similar situation - 5 to 4. One other case, reported by Mr. Lowry, which was referred to, had no decision because it was a 4 to 4 split. He has also tried to document the various statements made by Mr. Rowlands, other than those , and he has been unable to document the statements. He said he would like to refer to No. 4 in which he states among other things, one of the more than 500 housing codes throughout the Country, none require that a warrant be obtained prior to inspection. He would like to state that this Ordinance now before them, does not require that a warrant be obtained before inspection, it merely requires that it be obtained in case the property owner objects to entry without a warrant. He said he sees very little difference between this and the existing situation except that the property owner does have the right, if he wishes of having a person entering their home against their will to obtain a warrant, which makes it a matter of record as to whom when and how they enter.

He further stated that he understands that the Housing Code of the City of Springfield, Oregon has a similar provision, which is not in our Housing Code at present, and that is one of the reasons why people had objected to it, that is why their entire Housing Code was thrown out. He said he would like to ask Mr. Rowlands to document the statement that he has made in this 3 page brief, such as how many organizations support this program, what knowledge he has that all the organizations do support the program and that the minimum Housing Code is not a radical departure and that the right of entry has been sustained for the purpose of protecting the general Health and Welfare and the police power in this municipality is the regulation designed to eliminate positions which had been detrimental upon the health and limitations on the power of inspection. He said these are all things that may be true, but stated, they are one man's opinion. He said he would like for Mr. Rowlands to document this.

Mr. Rowlands said that the status of the memorandum was prepared after consultation with the Legal and the Urban Renewal Staffs. In fact, the Urban Renewal Staff did check with the San Francisco office trying to run this down. He said, Mr. Cook stated that the last compilation referred to recently is some years out of date, but he was not able to ascertain any Code even with the provision of having to secure a warrant if refusal is made. As far as these other things are concerned, he was just pointing out that this was mentioned to the Council in a report given to them this past weekend, that this particular provision has been included in many of our other ordinances which

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come under the public Police and Safety requirement. He asked Mr. McCormick to elaborate on this.

Mr. McCormick said he thought the Council was supplied with that copy.

Mr. Bott said he is opposed to this right of entry without a warrant inasmuch as he thinks it gives to any department, not only the building department, but any department, because he thinks that it flaunts one of the very basic principles that was given to us by the Constitution that is the right to protect the sanctity of our homes. Again, someone would say that they haven't been refused entry, that through the years it has been stated there hasn't been any trouble and a warrant wouldn't be necessary. Therefore, he doesn't think that it should be of such great concern, to make it so that one of the department inspectors can go in without a warrant if necessary, because it could conceivably happen that somebody could come to your house when you were not at home; you could have a baby sitter there, and they would be given entry to your place without your knowledge whatsoever. He thinks it is a basic principle that we have to protect this sanctity of our home.

Mayor Hanson said it wasn't too long ago that this matter came up at the time the Housing Code was adopted. He grants there is just as much logic in what Mr. Bott points out, to argue in favor of excluding this as one of the powers, when we say there has been no trouble, he feels the logic is just as strong that way as it is to say that it should be included because there has been no trouble. If this will not emasculate the inspection program, he is not vigorously opposed to deleting this, however, he thinks it certainly should not be construed as having arisen because of any improper usage of this power because such is not the case.

Mr. Porter said, he would like to state if this is changed, which he hopes it will be and it should be proven afterwards that the change is unwise, he would certainly vote the other way when the matter is brought up in the future.

Dr. Fargher says, since being in charge of this inspection program, he would like to have a free hand, as near as possible. He said they are not asking for a lot of undo power. Practically every County Inspection Agency in the U. S. has its authority and if it isn't granted to our Health Department this right of entry, we will be one of the very few places in the nation who cannot make reasonable entry. The amendment to this Resolution provides that we may gain entry by a warrant. If somebody would force them to obtain a warrant, it would mean a lot of time spent by the staff. It would also cost the taxpayers money. He urged the Council to reject the amendment.

Mr. Bott said, Mr. Murtland brought the matter up at noon today and he didn't think it would take very long in the event that you needed a warrant and wouldn't require a great deal of evidence to obtain one. He thought for the little time that it would take to obtain one, it would be well worth preserving the peoples rights and privileges.

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

Ayes 7; Nays 2; Absent 0.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16912:

Providing for the improvement of L I D 4682 for paving on So. 54th Street; Fawcett Ave. to Park & Grandview St.; and East 78th to East 73rd St. Read by title and was postponed for two weeks.

Mr. Easterday stated that a petition was submitted protesting the improvement on South 54th between Fawcett and Park Avenue which he felt would be a 60% remonstrance. Mr. Easterday moved that the Ordinance be amended at this time deleting the paving on South 54th from Fawcett to Park Avenue.

Mr. Rowlands suggested the petition be sent to the Public Works Department so that the remonstrances can be checked before the area is deleted.

Mr. Easterday amended his motion to delay any action on the Ordinance for two weeks. Seconded by Mr. Cvitanich.

Ayes 9; Nays 0.

The Ordinance was then declared postponed for two weeks.

Ordinance No. 16913:

Amending the Official Code of the City of Tacoma relating to the Uniform Building Code by adding (4) new sections known as Sec. 2.02.281 thru 2.02.284 pertaining to exterior walls, inner court walls and openings in walls and the space requirements pertaining to openings in exterior walls. 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. 16914:

Providing for the improvement of L I D 4687 for alley paving between No. 28th to No. 29th from Lawrence to Warner; No. 17th & No. 19th from Lawrence to Alder; also sidewalks on the north side of No. 11th near Lawrence and the south side of North 11th near Lawrence, and the south side of No. 46th from Baltimore to Bennett; also paving on So. 17th from L to M and from Sheridan to Cushman. 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. 16915:

Providing for the improvement of L I D 6788 for street lighting on North 15th from Pine to Lawrence. 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. 16916:

Providing for the improvement of L I D 6789 for modern street lights on existing wooden poles on No. 12th from Proctor to Mason Avenue. 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. 16917:

Approving and confirming the assessment roll for L I D 5325 for cast iron water mains in Pearl St. from No. 35th to 37th; No. 37th from Pearl to Whitman; No. 42nd from Vassault to Whitman and in Vassault from No. 37th to No. 42nd. 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. 16918:

Approving and confirming the assessment roll for L I D 6780 for street lighting at intersections on existing wooden poles in the vicinity of No. 17th and Skyline. 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.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Personnel report for the month of Sept. 1961.
- b. Tacoma Police Dept. report for the month of Oct. 1961.
- c. Tacoma employes' Retirement System report for October 1961.
- d. Tacoma Police Dept. -Traffic report for the month of Sept. 1961.
- e. Director of Finance report for the month of September 1961.
- f. Report from the Light Division, Belt Line & Water for the 6 months of Sept. 1961.

COMMENTS.

Mr. Steele stated he would like to bring up the matter of taking up the advertising for bids for the two buses. He said, the Council has authorized Mr. Bond or Mr. Lee or whoever is involved in that acquisition, to advertise for the two buses that were discussed in the noon Study Session. 222

Mr. Rowlands stated, there is money available out of the \$100,000 that the people voted for on a special millage for buses. He said they would like to order two new buses which will take approximately 3 to 4 months for delivery and will become part of the new fleet which will be developed over the years and will also be diesel powered. Mr. Rowlands said within the next two weeks he would like to have a meeting with the Council to discuss the color scheme of the new buses and also the repainting of the existing old buses. 53-36

It was acceptable to the Council that the Manager go ahead and call for bids.

Mr. Murtland wondered if any consideration has been taken in the way of purchasing a smaller bus instead of the now 40 passenger buses.

Mr. Rowlands said this will be discussed with the Council in the next two weeks.

Mrs. Price stated two years ago the City granted a lease to the Tacoma Youth Center Organization for the old Fire Station. She said this group has considerable funds now to go ahead, and also the plans for rebuilding the station. She said they have \$10,000 worth of material donated to them and an offer of labor. The lease expires Nov. 1, 1961 and she said she would like to request that a Resolution be brought in extending the lease to them. The terms have been on a yearly basis, however, inasmuch as they have raised the amount of money and have contracts to proceed with the building, she thought, perhaps a three-year lease would be more suitable to them. 52-254
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Mr. Porter said he would like to bring up the Urban Renewal matter again. At a meeting held, the Planning Staff was able to pick up over fifty questions asked by (4) Council members, Planning Commission and by the public, and these questions were not fully answered. In the future, he added, he would like to urge, especially Mr. Rowlands and his staff, to make an effort to avoid situations like this in the future. He thought the reason for this was the fact that full information on this project, and others, has not been given to the Planning Commission and to the Council. He thought the information given has been very scant and one-sided. He believed if full information had been given at all times, that the matter of the Fawcett Urban Renewal problem would have been solved weeks or months ago, and would have avoided a lot of unpleasant feelings. 149

Mayor Hanson said in that regard, he would like to point out that meetings after meetings are scheduled and it is difficult to have a 100% attendance and it is sometimes difficult to have a quorum. If they can pin point a quorum to attend meetings at a specific time to discuss and resolve questions, it would be much better. However, he said this is not a criticism of those members who haven't been able to attend all meetings, it is quite evident this is impossible, but this does point out one of the problems. He said, he thought in the future, meetings such as mentioned, will be had early on projects.

Mr. Cvitanich complemented Mr. Munsey of the Labor Advocate on the excellent editorial that was written last week.

Mr. King read a statement listing several items that he wished the Council would follow up.

Mr. Bott suggested that inasmuch as Mr. Carlbom seems to have a number of statistics to be answered by Council members, he suggested that he submit them in writing to the Council. He then moved that any information that Mr. Carlbom requests, be submitted in writing to the Council. Seconded by Mrs. Price. Motion carried.

There being no further business to come before the Council upon motion duly seconded and passed, the meeting adjourned at 9:30 P. M.