

CITY COUNCIL MINUTES

City Council Chambers, 4:00 P. M.
Tuesday, April 19, 1966

Council met in regular session. Present on roll call 9: Bott, Cvitanich, Finnigan, Haley, Herrmann, Johnson, Murtland, Price and Mayor Tollefson.

Mr. Haley moved that the minutes of the meeting of April 5, 1966 be approved as submitted. Seconded by Mr. Finnigan. Voice vote taken. Motion carried.

HEARINGS & APPEALS:

a. This is the date set for hearing on the appeal filed by Robert F. Johnson on the denial of the request for the rezoning of property located south of So. 49th St and west of Manitou Way from an "R-2" to an "R-3" District.

Mr. Johnson, petitioner, explained that he did not agree with the Planning Commission's recommendation to deny his request. He felt that a triplex construction would not slow residential development. The City had allowed a nursing home at So. 48th in an area that could have been built up with new homes, also a multiple unit at So. 48th and Orchard had been allowed. Most of this property has been in the same family as far back as 1917 and is not for sale. He felt that the Planning Commission had erred in every point in refusing the proposed rezoning.

Mrs. Price said that in any new development, some section of the area should be set aside for at least two duplex developments. She added, there are very few in the City and felt more should be constructed.

Mayor Tollefson felt this would be in order. He also stated that, perhaps, a meeting should be held by the Planning Commission with various departments of the City interested in future City Planning.

Mrs. Price suggested if Mr. Johnson wishes to resubmit his request at a later date that he not be charged the \$100.00 rezoning fee.

Mr. Haley asked Mr. Stan Wiley, Assistant Planning Director, if the plans for Stevens Street to be cut through to So. 50th St

Mr. Wiley explained, in all probability any cross street would be 800 to 1200 feet west of the area. He added, that the underground utilities have recently been placed in So. 29th St. and the area has not as yet been given an opportunity to develop under the present "R-2" zoning classification. A triplex zoning of the size proposed would tend to discourage future single-family construction. The City's subdivision ordinance states that the minimum dimensions for lots should be fifty feet in width and one-hundred feet in depth and this is one foot below the minimum depth required. Within the past five years small lots of this size generally have not been platted. The nursing home site mentioned is 1500 feet west of the applicant's site. Contrary to the applicant's remark, no apartment zoning has been granted within the city at this general location. He felt the Planning Commission has attempted to judge each reclassification request on its own merits, and since a large undeveloped "R-3" Two-family dwelling district exists

to the east along So. Manitou Way, they felt construction should be confined to that area until an additional need can be shown.

Mr. Cvitanich moved that the Council concur in the recommendation of the Planning Commission to deny Mr. Johnson's rezoning petition. Seconded by Mr. Haley. Voice vote taken. Motion carried.

b. The City Planning Commission recommending denial for the rezoning of property located on the west side of Proctor between So. 9th and So. 10th extended from an "R-2" to an "R-4-L" District, submitted by Lyle M. Haverly.

The last day to file an appeal was April 18, 1966.

An appeal has been filed by the petitioners and the suggested date for hearing is May 24, 1966.

Mr. Johnson moved that Monday, May 24, 1966 at 4:00 P. M. be set as the date for hearing. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

PETITIONS:

a. Petition submitted by Safeway Stores Inc. requesting the rezoning of property on the N. E. corner of No. Proctor & No. 24th Sts. from an "R-2" to a "C-1" District.

b. Petition submitted by E. Albert Morrison requesting the rezoning of property located in the vicinity of No. 26th and Narrows Drive from an "R-1" to an "R-4-L" District.

c. Petition submitted by Oscar T. Hokold requesting the rezoning of property located at So. 72nd St. to So. 76th St. on the east side of So. Hosmer St. from a "C-P-N", "R-2" and "R-4-L" District to a "C-P-C" District.

Referred to the Planning Commission.

RESOLUTIONS:

Resolution No. 18676

Fixing Tuesday May 17, 1966 at 4:00 P. M. as the date for hearing for the vacation of So. 17th St. and the north 20 feet of So. 18th St. between Puget Sound Ave. and Warner Street. (petition of the First Assembly of God Church)

Mr. Finnigan moved that the Resolution be adopted. Seconded by Mr. Johnson.

The Resolution was passed unanimously by voice vote.
Ayes 9; Nays 0; Absent 0.

Resolution No. 18677

Fixing Tuesday, May 17, 1966 at 4:00 P. M. as the date for hearing on the vacation of the west 125 feet of the alley lying between 6th Ave. and So. 7th Street from Puget Sound Ave. to Warner St. (Zion Lutheran Church)

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Dr. Herrmann moved that the Resolution be adopted. Seconded by Mr. Haley.

The Resolution was passed unanimously by voice vote. Ayes 9; Nays 0; Absent 0.

Resolution No. 18678

Fixing Monday, May 23, 1966 at 4:00 P. M. as the date for hearing on L I D 2376 for grading and oil-mat surface and storm drains on Shirley from No. 37th to No. 42nd Street.

Mr. Haley moved that the Resolution be adopted. Seconded by Mr. Finnigan.

The Resolution was passed unanimously by voice vote. Ayes 9; Nays 0; Absent 0.

Resolution No. 18679

Fixing Monday May 23, 1966 at 4:00 P. M. as the date for hearing on L I D 6881 for street lighting on ornamental standards on So. 52nd from Fawcett to D Street.

Mr. Haley moved that the Resolution be adopted. Seconded by Mr. Finnigan.

The Resolution was passed unanimously by voice vote. Ayes 9; Nays 0; Absent 0.

Resolution No. 18680

Awarding contract to Walker Chevrolet Company on its bid of \$6,360.39 plus tax less trade-in for three 1966 Chevrolet one-ton panel trucks.

Dr. Herrmann moved that the Resolution be adopted. Seconded by Mr. Haley.

The Resolution was passed unanimously by voice vote. Ayes 9; Nays 0; Absent 0.

Resolution No. 18681

Authorizing the sale of salvage items to (4) bidders.

Dr. Herrmann moved that the Resolution be adopted. Seconded by Mr. Haley.

The Resolution was passed unanimously by voice vote. Ayes 9; Nays 0; Absent 0.

Resolution No. 18682

Authorizing the sale of Surplus Wire to the Clallam County P. U. D., Port Angeles, Washington, for the total sum of \$2,014.90 plus tax.

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

The Resolution was passed unanimously by voice vote. Ayes 9; Nays 0; Absent 0.

Resolution No. 18683

Authorizing the Dept. of Public Utilities to acquire property by emergency purchase for the Blue Creek Game Fish Hatchery site.

Mr. Haley moved that the Resolution be adopted. Seconded by Dr. Herrmann.

Mr. Haley asked Mr. Benedetti, Assistant Director of Utilities, upon what basis was this emergency purchase requested.

Mr. Benedetti explained, this is at the site of the acquired land in connection with the construction of a game fish hatchery approved under Ordinance No. 18015, passed on February 23, 1966, downstream from Mayfield Dam. During the preliminary engineering and exploratory work in the field, it was revealed that additional property was needed. Therefore, the property was appraised, its fair market value determined and an emergency purchase consummated.

Mr. Haley asked when the Blue Creek Game Fish Hatchery would be built.

Mr. Benedetti stated they hoped to start construction in June of this year.

The Resolution was passed by voice vote. Ayes 8; Nays 1, Haley; Absent 0.

Resolution No. 18684

Authorizing the partial release of an easement held by the Light Division which is a portion of the Tacoma-Cushman transmission line right of way, which is no longer needed.

Dr. Herrmann moved that the Resolution be adopted. Seconded by Mrs. Price.

The Resolution was passed unanimously by voice vote. Ayes 9; Nays 0; Absent 0.

Resolution No. 18685

Authorizing the proper officers of the City to execute for and on behalf of the City an agreement with the Department of Highways for the construction and cost distribution between the State & City of Primary State Highway No. 5 (SR 7) east 34th to East 40th Sts. for construction and relocation of certain storm and sanitary sewer facilities.

Dr. Herrmann moved that the Resolution be adopted. Seconded by Mr. Murtland.

The Resolution was passed unanimously by voice vote. Ayes 9; Nays 0; Absent 0.

FIRST READING OF ORDINANCES:

Ordinance No. 18054

Amending Sections L 12, 510, 520, 530, 590 and 640 of the official code relative to the pay and compensation plan to reflect the rate changes approved by the City Council for the Electrical Workers Agreement.

The Ordinance was placed in order of final reading.

Ordinance No. 18055

Authorizing the condemnation of property located in the vicinity of So. 78th St. between So. Tacoma Way and Bridgeport Way to acquire easement rights for the Southwest Substation.

Mr. Benedetti explained that authorization is now requested for approval to acquire by purchase and /or condemnation transmission and distribution rights of way from the Northern Pacific Railway right of way east to South Tacoma Way; and from Villard Street West to Bridgeport Way. He added, this land is required for the City's electrical distribution system in Pierce County.

The Ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 18045

Amending Chapter 13.06 of the official code by adding a new section 13.06.065-53 to include property between Pacific Ave. and Bell St. extended approximately 400 feet south of So. 84th St. in an "R-4-L" District. (petition of Television Service Center, Inc.)

Roll call was taken on the ordinance, resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18046

Providing for the improvement of L I D 5412 for water mains in No. Pearl St. from 6th Ave. to No. 21st and in No. 14th St. from Pearl to Woodlawn Street.

Roll call was taken on the ordinance, resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18047

Providing for the improvement of L I D 3621 for sanitary sewers in No. Villard St. from No. 14th to No. 21st St.

Roll call was taken on the ordinance, resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18048

Providing for the improvement of L I D 3624 for sanitary sewers in East 56th from East N to 300 feet east.

Roll call was taken on the ordinance, resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18049

Providing for the improvement of L I D 3626 for sanitary sewers in the alley between East 60th and East 61st from East N to East Q Street.

Roll call was taken on the ordinance, resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18050

Approving and confirming the assessment roll for L I D 2363 for grading and oil mat surface on East 61st St. from East T to Homestead Ave. and other streets.

Roll call was taken on the ordinance, resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18051

Approving and confirming the assessment roll for L I D 3608 for sanitary sewers on Hill St. from East 38th to East 40th and E St; 40th from Hill to East L Street.

Roll call was taken on the ordinance, resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18052

Approving and confirming the assessment roll for L I D 4768 for paving and storm drains on Woodlawn St. from No. 14th to No. 18th; 25th St. from Madison to Proctor; No. 29th from Huson to Cheyenne.

Roll call was taken on the ordinance, resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18053

Approving and confirming the assessment roll for L I D 6849 for street lighting on wooden poles along So. 34th from So. Thompson to So. J Street.

Roll call was taken on the ordinance, resulting as follows:

Yeas 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

UNFINISHED BUSINESS:

a. The Director of Public Works presents the assessment roll for the cost of L I D 4712 for sidewalks on the north side of No. 33rd to Mullen to Ferdinand; alley paving between So. J & K from 14th to 15th; J & K from No. 9th to No. 10th; Sheridan and M from So. 7th to So. 8th Street.

Dr. Herrmann moved that Monday, May 23, 1966 at 4:00 P. M. be set as the date for hearing on the assessment roll for L I D 4712. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

b. Discussion of Civil Service requirements for Police Examination.

Mayor Tollefson outlined the discussion which occurred at the Council meeting of April 5, 1966. He noted that Mr. McCormick, City Attorney, had prepared an opinion regarding the Rule-Making Power of the Civil Service Board and City Council, which was submitted to the Council. Mayor Tollefson asked that Mr. McCormick review the opinion.

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Mr. McCormick, outlined the procedures he used in preparing the opinion. He said that he commenced with the 1927 Charter of the City of Tacoma and brought up to date the discussions of the Council regarding the Civil Service Board.

He added, in his opinion, the provisions of the City Charter and Civil Service and Personnel Rules, there is no question but what the exclusive right is vested in the Civil Service Board to promulgate all Civil Service and Personnel Rules and all amendments. The only right that the City Council has in respect to rule-making power, is after these initial rules or amendments have been proposed, and filed with the City Clerk's office and presented to the City Council. Then it may alter, amend, change, add to, etc. such rules. Prior to this, the City Council has no jurisdiction or legal right to initiate, promulgate or pass any ordinance enacting or amending Civil Service and Personnel Rules. This limitation of power on the City Council contained in our Charter is specifically recognized by the City Council itself in approving and enacting Sections 1, 24, 050 and 1, 24, 270 which specifically, as does the Charter, vest this power in the Civil Service Board.

Mr. McCormick further stated that the Personnel Director has, under the facts of this case and under the provisions of our Civil Service and Personnel Rules, the legal right to make the physical requirement changes in the proposed examination for the position of police patrolman.

He added, that the City Council, although undoubtedly having a right to hear all parties and organizations affecting the administration of the City, does not have the legal right to, in the first instance, promulgate and pass by ordinance new Civil Service and Personnel Rules or amendments. The provisions of the Charter and of the ordinances based thereon clearly provide that such

Civil Service and Personnel Rules and amendments must be made in accordance with the specific procedure set out in said Charter and ordinance of the City.

Mr. Copeland, Attorney representing the Police Union, disagreed with Mr. McCormick's opinion, and noted that it was his understanding that the City Council could overrule the Civil Service Board's decision by a 2/3rds vote of its members.

Mr. Copeland asked that a resolution be passed, holding the civil service examination in abeyance until the dispute is resolved. He outlined the City Charter, Civil Service and Personnel Rules or amendments and gave his opinion how they should be interpreted. He renewed his charge that morale in the Police Dept. is at its lowest ebb in the past 20 years and stated he was empowered to make such a statement by a unanimous vote of the union's 15-member executive committee. He suggested that a mediation committee of three administration representatives and three union representatives be formed to consider the union's grievance, including the reduction in standards. He added that there are perhaps 35 unresolved employee grievances that have accumulated in the past months. He did not feel that all these grievances should be aired in an open council meeting, but unless the Council was willing to pass a resolution which he previously requested, the Union which he represents, requested him to point out the seriousness of the morale problem at this Council meeting. He added, if this committee cannot solve the problem he hoped that a Federal mediator would be called in for arbitration.

Mr. McCormick explained that arbitration of such matters are barred by a State Supreme Court decision.

Mr. Copeland said that he would mention one grievance that there is a quota system for writing tickets and making arrests in Tacoma. He also outlined the requirements for Examination No. 22-1082 for a Police Patrolman and felt they were much too rigid.

Mayor Tollefson noted that virtually every major city has reduced its minimum patrolmen's height to 5 feet 9 inches or lower, and that the Council was powerless to act on this particular point. He also regretted that other grievances had been connected to the height matter. He added, that grievances should be taken up through normal channels first with the Police Chief, then with the City Manager.

Mr. Copeland stated that one of the grievances is that the Police Chief would not devote adequate time to hear the grievances. The union is appealing to the Council before resorting to the courts. He said grievances have been discussed in meetings and have never been given more than five minutes on the subject.

Mr. Rowlands stated, he felt many of these matters are being ballooned out of all proportions. He noted, he had never mentioned a quota system to Chief Zittel.

Chief Zittel explained that there was no quota system in the Dept. He said he did, however, expect a reasonable work load from the men and expected each man to do his share. He contended there was a wide variance in the number of tickets written by various patrolmen during given periods and offered to produce department records for the Council.

Mr. Johnson said after listening to Mr. Copeland's comments, he felt that the Police Union has a right to be heard but to tie this up in a package which almost resembles blackmail, he did not think was right. He thought the Council should not go along with Mr. Copeland's proposal.

Mr. Edward Cutler, a detective, president of the Police Union and Detective Tony Zatkovich, immediate past president of the Union, said that Mr. Rowlands had reneged on a promise to hold further meetings on grievances involving one-man prowler cars.

Dr. Herrmann stated that the Police Union approach was unique in his experience as a councilman. It is inconceivable to him that the entire Police Department suddenly is demoralized because the City is considering hiring 5 foot 9 inch policemen. He felt the Council chambers was not the place to resolve 35 grievances. He resented the blackmail and would not be a party to any coercion of this nature.

Mr. Copeland denied there was any intent to blackmail the Council. He felt the Union was just trying to talk to the Council as intelligent men and they wished them to know that the situation is so intolerable they either wanted the Council to resolve it or they would go to court.

Mr. Haley stated they are saying they are not trying to coerce us, but we have been given a choice-either pass a resolution or the grievances will be aired. He felt that this discussion takes the flavor that someone is trying to embarrass somebody. He said he shared the point of view of Mr. Johnson and Dr. Herrmann.

Mr. Finnigan stated that the Council was very much aware that in a large group of employees or citizens there would always be a morale problem of one kind or another, and it must be worked out on a reasonable basis.

Chief Zittel stated he had already recommended to the Personnel Director that the new patrolman examination be delayed until after National Police Week, May 15-21st and he hoped that the week's publicity would attract more applicants.

Chief Zittel remarked that he had made changes after study and research and that a man has to be evaluated on the basis of his complete attributes. He had come to the conclusion that they needed more flexibility in these standards. Moral and mental standards are becoming more important than ever today.

Mayor Tollefson noted that the latest surveys show that all the larger cities have policemen who are 5 feet 9 inches tall.

Mayor Tollefson said, if other complaints had to be aired, they should be taken up through the proper channels and resolved. He added, this is a national problem and the cities are trying to do their best under the circumstances.

Mr. Copeland charged that the Council was side-stepping the issue. The Union had taken them up through proper channels without results.

Mr. McCormick pointed out that this specific power regarding the examination is under the Director of Personnel. Until the Council changes that particular ordinance and takes away that power that is where it stands. The Civil Service Board has the right to promulgate and change it if they wish. He added, this is provided for in the Charter.

Mr. Bott felt that the advertising for Police patrolmen should be more extensive than just the classified ad section of any newspaper. He requested Mr. Bixel, Personnel Director, advertise more fully.

Mr. Bott moved that the Council suggest to the Personnel Director that the examination be postponed to June 30th and that the examination be more widely advertised. Seconded by Mr. Cvitanich.

Mayor Tollefson stated that the date has already been set for May 23, 1966.

Mr. Bott amended his motion for the date to be changed to June 1, 1966, with the consent of the second.

After further discussion, the City Council did not think the action would be proper, in view of the intent of the Charter amendment to take personnel matters out of the hands of the Council.

Mr. Bott withdrew his motion with the consent of his second.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Municipal Court Traffic violations for the month of March 1965 & 1966.
- b. Traffic Division report for 1965.

COMMENTS:

Mr. Robert Evans, Chairman of the State Art Commission, outlined the procedure of the application that Tacoma has made to the Federal Government regarding a grant from the Arts and Humanities Foundation for the purpose of bringing the Robert Joffrey Ballet Co., to Tacoma this summer. He noted that the City of Tacoma has done all the preliminary work on this project and now Seattle has become interested. He felt the City of Tacoma is the City in which the touring company should be located. The old Elks Temple would be the ideal building to house this company for the summer months.

Mr. Evans predicted, if the project is a success this summer, additional funds would be forthcoming from the national council for future years. He added, that the State has to raise approximately \$60,000 to bring the Ballet to the Pacific Northwest. He felt that if Pierce County and the City of Tacoma could contribute \$7500 each, it would help to achieve their goal, as this money must be raised locally to match a \$25,000 grant from the National Council on the Arts.

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Mr. Johnson moved that the City of Tacoma make every effort to match the County's contribution, but not to exceed the amount of \$7500.00 for the purpose of bringing the Robert Joffrey Ballet Co., of New York to the City of Tacoma. Seconded by Mr. Finnigan. Voice vote taken. Motion carried.

Mr. Rowlands stated, at noon on Friday, April 22, 1966 at the New Yorker Cafe, a meeting will be held concerning the Heavy Industry's viewpoint in connection with the City utilities, perhaps a number of Councilmen could be present.

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Mr. Rowlands asked that the Council approve the moving expenses of David Stevens, Assistant to the City Manager and Federal-State Coordinator, to Tacoma.

Mr. Murtland moved that the City pay these moving expenses. Seconded by Mr. Johnson. Voice vote taken. Motion carried.

There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 8:30 P. M.

W. J. Johnson
Mayor of the City Council

Attest: *Josephine Melton*
City Clerk