

CITY COUNCIL MINUTES

City Council Chambers  
Tuesday, October 15th, 1968

The meeting was called to order by Mayor Rasmussen at 4 P. M.

Present on roll call 8: Banfield, Bott, Cvitanich, Finnigan, Herrmann, Johnson, Zatkovich and Mayor Rasmussen. Absent 1: Murland.

The Flag Salute was led by Mrs. Banfield.

Dr. Herrmann moved that the minutes of the meeting of October 1st, 1968 be approved as submitted. Seconded by Mr. Johnson. Voice vote taken. Motion carried.

A communication was submitted by Mr. Robert R. Hamilton, Acting City Attorney, relative to the 1969 budget procedures, calling attention to Section 35.33.070 of the Revised Code of Washington, which states in part, that the Council meets for the purpose of fixing the final budget and making tax levies on the first Monday of October of each year and may thereafter continue said hearing from day to day, but not to exceed a total of five days. The statute also provides, upon the conclusion of the hearing, the City Council shall determine each item of the budget separately and shall by ordinance adopt the budget. It shall then by ordinance fix the amounts necessary to be levied, to raise the total estimated expenditures less the total of the estimated revenues (including available surplus) from sources other than taxation.

Mayor Rasmussen commended the Council and staff for the many hours spent in reviewing the budget.

Mr. Hamilton, Acting City Attorney, explained, if the required (5) votes is not obtained to pass the budget for the year 1969, all expenditures for the year would have to be by emergency ordinance.

Mayor Rasmussen asked if the Council desired to consider the Budget this evening.

Mr. Johnson suggested that the members of the Council who wish to review the budget page by page check this with the staff, then submit their findings to the Council next Tuesday, Oct. 22, 1968 at which time action can be taken on the budget.

Dr. Herrmann suggested that the consideration of the budget be placed on the agenda for next Tuesday's Council meeting of Oct. 22, 1968, with the changes that have been recommended, for consideration, or perhaps, after tonight's Council meeting.

Mr. Zatkovich stated he understood that the Council agreed at the budget hearing of Monday, Oct. 14th, that if there were problems to be taken up, they would do so after this Council meeting.

Mrs. Banfield moved that the budget be considered after the completion of the regular Council meeting this evening. Seconded by Mr. Cvitanich.

Mr. Bott moved to amend Mrs. Banfield's motion, that the Council meet on the budget next Tuesday, Oct. 22, 1968, after the regular Council meeting has adjourned, at which time other amendments can be made in the budget. Seconded by Mr. Johnson.

After further discussion, roll call was taken on Mr. Bott's amendment. Ayes 4: Bott, Finnigan, Herrmann and Johnson. Nays 4: Banfield, Cvitanich, Zatkovich and Mayor Rasmussen. Absent 1: Murtland. Motion Lest.

Roll call was taken on Mrs. Banfield's motion that the budget be considered this evening after the regular Council agenda is completed. Ayes 4: Banfield, Cvitanich, Zatkovich and Mayor Rasmussen. Nays 4: Bott, Finnigan, Herrmann and Johnson. Absent 1: Murtland. Motion Lest.

Mayor Rasmussen informed the Council that there is a motion pending from Monday evening's budget hearing to cut the amount of money for Association dues, \$2,000, and a motion was made to adjourn during that discussion; therefore he felt it was the full intention of the Council members at that time to consider the budget this evening.

Mr. Johnson stated that in his motion to adjourn Monday evening's Council meeting, he did not specify that the budget be considered the next Council meeting.

Mayor Rasmussen stated that Mr. Zatkovich had voted to adjourn, but in his discussion with other members of the Council, he had said he would not have voted that way unless he understood the budget would be taken up after the Council meeting this evening, therefore, Mr. Zatkovich could vote for reconsideration of the budget if he wished later this evening.

RESOLUTIONS:

Resolution No. 19907

Fixing Monday November 25, 1968 as 4 P. M. as the date for hearing for L I D 6908 for street lighting on 57th Ave. N. E. from 29th St. N. E. to 31st St. N. E. and other nearby streets.

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

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

Resolution No. 19908

Authorizing the execution of a contract with Peninsula Light Company for electrical power and energy effective retroactive commencing at 12:01 A. M. Dec. 17, 1967 through Dec. 16, 1987.

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

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

Resolution No. 19909

Authorizing the partial release of an easement to Pacific Cascade Properties, Inc. on vacated property on So. I. St. between So. 27th & So. 28th Street.

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

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

Mr. Benedetti, Assistant Director of Utilities, issued a verbal invitation to the Council to attend the dedication of the world's largest Salmon Hatchery as well as the starting of the first commercial operation of generator No. 2 at Mossyrock. These ceremonies will begin at 8:00 A. M. Wednesday, Oct. 16th, 1968.

Mayor Rasmussen congratulated the Dept. of Public Utilities and staff for a

remarkable accomplishment.

Resolution No. 19910

Awarding contract to Carl T. Madsen, Inc. for W. O. No. 55843 on its bid of \$2,906.00.

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

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

Resolution No. 19911

Awarding contract to Freigang Construction Co., on its bid of \$9,196.00 for W. O. 55718.

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

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

Resolution No. 19912

Awarding contract to Slead-Tonnesen for L I D 3673 on its bid of \$12,460.89 for the basic bid and \$1,598.85 for the supplemental bid.

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

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

Resolution No. 19913

Appropriating the sum of \$3500 or so much thereof as may be necessary from the Equipment Rental Fund Account B for the purchase of one patrol wagon.

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

Mr. Schuster, Public Works Director, explained this item will go through the Public Works Dept. because the Equipment Rental Fund 'Account B' operates through his Dept., even though it is a piece of equipment for the Police Dept. This patrol wagon replaces a piece of equipment that was totaled out in an accident.

Mayor Rasmussen asked what type of insurance is carried on these cars.

Mr. Schuster said the city has liability insurance only.

Mayor Rasmussen asked Mr. Rowlands, City Manager, what insurance premiums are paid by the City as he did not recall an ordinance coming before the Council to approve such items.

Mr. Rowlands, City Manager, explained that the purchase of insurance is handled through the Insurance Committee of the City. He said he would make a report to the Council on this matter if they wish.

Mayor Rasmussen asked that Mr. Hamilton, Acting City Attorney, to bring in a report relative to the City's insurance plan.

Resolution was passed unanimously by voice vote.  
Ayes 8; Nays 0; Absent 1, Murtland.

Resolution No. 19914

Authorizing an agreement with Christiansen Brothers, Inc., General Contractors, to allow them to use a portion of the City Fire Department's property during construction which lies abutting the construction area at 901 Fawcett.

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

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

Resolution No. 19915

Designating the period from October 16 through December 31, 1968 as "Operation Lights On."

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

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

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Resolution No. 19916

Authorizing the sale of vacant land on No. 28th between Lawrence and Turner Sts. to Mrs. Helen Godfrey for the sum of \$100.00.

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

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

FIRST READING OF ORDINANCES:

Ordinance No. 18651

Amending Chapter 1.30.640 of the official code relative to Disability Retirement Allowance.

The ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 18668

Amending Title 8 of the official code by adding a new subsection to Sec. 8.80.040.2.h, relative to filing complaints, of discrimination in housing.

Mayor Rasmussen felt inasmuch as the Open Housing Review Board had requested this ordinance, the Council should comply.

Mr. Johnson felt the amendment submitted is misworded, therefore the meaning is lost in the ordinance. Under Paragraph h, 7th line down where it states, 'if said Board finds, pursuant to a majority vote of two thirds of the members of said Board.' He felt the word majority is superfluous to the ordinance.

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Mr. Johnson then moved that the word 'majority' be deleted. Seconded by Mr. Cvitanich.

Dr. Herrmann moved to amend Mr. Johnson's motion that the words 'pursuant to a majority vote of the members of said Board present' be inserted, in the 7th line down of paragraph h. Lost for want of a second.

Mr. Epps a member of the Open Housing Review Board explained the functions of the Board.

Roll call was taken on Mr. Johnson's amendment to delete the word 'majority' from the ordinance. Roll call was taken: Ayes 6: Bott, Cvitanich, Finnigan, Herrmann, Johnson and Mayor Rasmussen. Nays 2: Banfield and Zatkovich. Absent 1, Murtland. Motion carried.

Roll call was taken on the ordinance as amended, resulting as follows: Ayes 4: Cvitanich, Finnigan, Herrmann and Mayor Rasmussen. Nays 4: Banfield, Bott, Johnson and Zatkovich. Absent 1: Murtland. The Ordinance as amended was declared Lost by the Chairman.

Mr. Cvitanich then stated he would change his vote to 'no' so he could move to reconsider the Ordinance on October 22, 1968.

Ordinance No. 18669

Amending Chapter 8.13 of the official code of the City by adding a new subsection 8.12.010.41 relative to disorderly persons defined and enumerated.

Mr. Johnson stated he would agree with the amendment submitted by Mr. Zatkovich under paragraph 41 except on the 6th line where it states, ' on which shall tend to encourage or advocate disrespect for law or for any court or courts of justice.' He thought any ordinance advocating disrespect for the law could be subject to misinterpretation and would also be misused.

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Mr. Robert Hamilton, Acting City Attorney, explained, by deleting this portion of the amendment it would still leave matters which are of a violent nature in the ordinance. He felt Mr. Johnson had a point which should be considered.

After some discussion, Mr. Johnson moved to place a period after the word violence in the 6th line of paragraph (41) and delete the remaining words in the paragraph. Seconded by Mr. Zatkovich.

Mr. Bott asked that Mr. Hamilton find an alternative for the Council to consider in regard to disrespect of an officer in published material.

Mr. Hamilton asked the Council if the Council wished a prohibition in the ordinance against advocating the disrespect as evidenced by slanderous type of material directed toward law enforcement officers.

Mr. Hamilton said he would submit such an amendment.

Mr. Bott then moved to postpone Ordinance No. 18669 until Tuesday, Oct. 22, 1968. Seconded by Mr. Johnson. Voice vote taken. Motion carried.

UNFINISHED BUSINESS:

The Director of Public Works presents the assessment roll for the cost of L I D 3663 for sanitary sewers in the vicinity of No. 12th & Pearl Street.

Mrs. Banfield moved that Monday, Nov. 25th, 1968 be set as the date for hearing on the assessment roll for L I D 3663. Seconded by Mr. Johnson. Voice vote taken. Motion carried.

REPORTS BY CITY MANAGER.

Mr. Rowlands, City Manager, stated he had no reports to make except to note the letter from Mr. Thomas Dixon, Temporary Chairman of the Citizens Committee, in regard to the Model Cities planning grant.

Mayor Rasmussen wished to make it clear that he had not sanctioned any meetings relative to the Model Cities and he stated he would have a meeting in the Council Chambers regarding this particular program as soon as possible.

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COMMENTS BY THE MEMBERS OF THE COUNCIL:

Mr. Fanniger moved that Mr. Merland be excused from this Council meeting. Seconded by Dr. Herrmann. Voice vote taken. Motion carried.

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Mayor Rasmussen stated he had instructed Mr. Gaisford, Finance Director, to prepare full information and work sheets relative to the insurance programs of the City.

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Mayor Rasmussen said that he has also requested information from the City Manager relative to the black culture program conducted in the Hilltop area as a park district project.

Mr. Rowlands, City Manager, explained that the program conducted in the Hilltop area was financed only in part by a city appropriation to the Park Board and that Pacific Lutheran University provided supervisions and funds from a federal grant.

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Mayor Rasmussen brought to the City Manager's attention a report from the Police Dept. which he had received but it had not been submitted to the City Council. He wondered why this report was not distributed.

Mr. Rowlands stated that all Council members are welcome to read the report in the Police Dept., but he did not feel that such reports should be circulated promiscuously. He also mentioned that there was also doubt as to the credibility of certain information in the report.

After some discussion Mr. Cvitanich suggested that the Council should hire a management survey team to study city administrative procedures to see if the City Government could be streamlined.

Mayor Rasmussen asked Mr. Rowlands to obtain copies of the report from the Police Dept. that has been discussed this evening for the Council.

Mr. Rowlands said he would do so.

CITIZEN'S COMMENTS:

Virginia Shackelford, President of the Tacoma Hilltop Citizens Association spoke on the Model Cities Neighborhood Project and presented suggestions relative to organizing the Committee that will administer the program.

Mayor Rasmussen stated the first and foremost criteria in the program is that the Director of the Model Cities Program be representative of the majority of the people in the area. He assured Mrs. Shackelford that the Council will make the appointment and the people in the area should agree that it is a good appointment.

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Mayor Rasmussen asked that copies of the C. D. A. letter No. 2, revised, dated July 1968 be obtained for the City Council.

Mayor Rasmussen read a letter from Mr. Andrew Bell of HUD who stated at this

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At this early stage that the City Council cannot initiate programs in the Model City area without the conference of the Citizens' Advisory Council.

Mayor Rasmussen asked that the City Clerk also obtain additional copies of the C. D. A. letter No. 3 for the City Council.

Mrs. Shackelford mentioned that some churches and businesses are moving out of the K Street area.

Mayor Rasmussen appointed Mr. Johnson and Dr. Herrmann as a committee to investigate the situation in K Street and bring a report to the Council.

Dr. Herrmann felt he could not serve.

Mr. Johnson felt the Model Cities Program does have to be representative of the people as per instructions. The organizations that wish to be represented on the commission should be invited to a meeting to air their views.

Mayor Rasmussen suggested that the Council establish a salary scale for the Model Cities Director.

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ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Traffic Activities report for the month of August 1968.
- b. Traffic Violations & Court Cases during Sept. 1967 and 1968.

Placed on file.

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Mr. Zatkovich moved to reconsider his vote by which the City Council adjourned the Monday budget hearing this morning at 12:15 A. M. so the budget hearing can resume. Seconded by Mr. Cvitanich. Roll call was taken. Ayes 5: Banfield, Bott, Cvitanich, Zatkovich and Mayor Rasmussen. Nays 3: Finnigan, Herrmann and Johnson. Absent 1: Murtland. Motion carried.

Mr. Johnson moved to adjourn the regular Council meeting. Seconded by Mr. Finnigan. Roll call was taken. Ayes 7: Bott, Cvitanich, Finnigan, Herrmann, Johnson, Zatkovich and Mayor Rasmussen. Nays 1: Banfield; Absent 1; Murtland Motion carried.

Mr. Hamilton, City Attorney, explained, since the motion to reconsider the vote of the adjournment of the Monday budget hearing has passed, which was the first motion, the Council now has that motion pending.

Mayor Rasmussen stated the Council has before it at this time the motion to adjourn the budget hearing. Roll call was taken. Ayes: 4 Bott, Finnigan, Herrmann and Johnson. Nays 4: Banfield, Cvitanich, Zatkovich and Mayor Rasmussen. Absent 1: Murtland. Motion Lost.

Mayor Rasmussen stated, the Council is now in session for the budget hearing.

Mr. Johnson and Mr. Finnigan asked to be excused.

Mayor Rasmussen called for a voice vote as to whether or not Mr. Johnson and Mr. Finnigan could be excused. Motion failed.

Dr. Herrmann remarked that Mayor Rasmussen had said the budget would not be adopted this evening. He added, if he thought there was any useful purpose in staying this evening without the staff, without the Director of Finance, he would be happy to stay, but because the majority of the staff is not present, he felt there was no need to stay. Dr. Herrmann then asked to be excused.

Mr. Rowlands, City Manager, stated the Council could move that the budget be adopted, subject to the modifications the Council has directed.

Mayor Rasmussen stated Dr. Herrmann has asked to be excused. Voice vote was taken on this request. Motion failed.

Mr. Johnson, Mr. Finnigan and Dr. Herrmann left the meeting.

Mayor Rasmussen requested that the record show that the absent members have not been excused.

Mr. Bott asked that he be excused.

Mayor Rasmussen asked for a vote to excuse Mr. Bott. Motion failed.

Mr. Bott left the meeting.

Mayor Rasmussen stated the Council cannot act without a necessary quorum at the meeting.

After further discussion, Mr. Cvitanich moved to recess this meeting until Wednesday, October 17th, 1968 at 7 P. M. Seconded by Mr. Zatkovich. Voice vote taken. Motion carried.

*A. L. Rasmussen*  
MAYOR

Attest: *Josephine Melton*  
City Clerk