

CITY COUNCIL MINUTES

City Council Chambers
Tuesday, June 24, 1969

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

Present on roll call 9: Panfield, Bott, Cvitanich, Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen. Absent 0.

The Flag Salute was led by Mr. Zatkovich.

Mayor Rasmussen asked if there were any omissions or corrections to the minutes of the meeting of May 20.

Mr. Cvitanich moved that the minutes of the meeting of May 20, 1969 be approved as submitted. Seconded by Mr. Bott. Voice vote taken. Motion unanimously carried.

Notice of Application for Writ of Mandate was served on the Mayor and Council Members at 4:10 P.M.

VERBATIM REQUESTED BY MAYOR RASMUSSEN:

Clay Patterson: Mr. Mayor, my name is Clay Patterson, 629 St. Helens, and I'm familiar with the contents of the service that's just been served upon the City and on Mr. David Rowlands, the Manager, and I would like at this time to request the Council's indulgence and have the document read into the minutes in order that the citizens may apply to the City Clerk and receive verbatim copies at their earliest opportunity, when the minutes are translated from the tape.

Mr. Murtland: Mr. Mayor, point of order.

Mayor Rasmussen: State your point of order. I'm not familiar with legal procedure.

Mr. Murtland: The papers have been served and I think that's sufficient. There is nothing that's required in the law that any papers be read at the time that they are served, read aloud to anyone, including the defendant, that might be those on whom the papers are served. So, anything that is done at this time in that regard will certainly be out of order.

Mr. Patterson: Mr. Mayor, I would say that, that is this gentlemen's own position. I do not believe it concurs with the State law, but I will leave it up to the Chair to--

Mr. Bott: Point of order, Mr. Mayor.

Mayor Rasmussen: In answer to Mr. Murtland's point of order - I frankly don't know --

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Mr. Murtland: Mr. Mayor, in the first place, it's not on the agenda. In the second place, the papers have been served and it is not required by law, as I indicated, that they be read to the defendants aloud. Service is all that's necessary. After that time then, the defendants take it upon themselves to make answer.

Mayor Rasmussen: I'll reserve my decision until I hear what the point of order the Deputy makes.

Mr. Murtland: Oh.

Mr. Bott: Mine was a point of information; I just wondered, these papers were served upon whom.

Mayor Rasmussen: I haven't had time.

Mr. Bott: On Mr. Rowlands, is that not right and just copies to the Council. Then, isn't that a matter between Mr. Rowlands and whoever served it, and not a matter of the Council's consideration at this time.

Mr. Patterson: It was my understanding Mr. Mayor that --

Mr. Bott: Mr. Mayor, I'm asking you the question and then I'll refer it to our City Attorney.

Mayor Rasmussen: Mr. Patterson, just a moment.

Mr. Bott: May I refer that question to our City Attorney for an answer, Mr. Mayor.

Mayor Rasmussen: Apparently it is versus the City of Tacoma, and David D. Rowlands as an agent of the City of Tacoma. The City of Tacoma is first. I would say, that in answer to your inquiry, that the City of Tacoma is involved.

Mr. Bott: Mr. Mayor, may I have the legal answer to that please, from our Legal Dept., instead of yours.

Mayor Rasmussen: I would request -- do you have a copy of these papers.

Mrs. Ursich: Yes.

Mayor Rasmussen: I would rule the points of order are not well taken. Would you read the copy of the papers that you have there.

Mr. Murtland: I appeal the ruling of the Chair, Mr. Mayor.

Mr. Bott: Do we not get an opinion.

Mayor Rasmussen: Have a little order here. This is a request by a Councilman per the Murtland rules, that the paper that was just delivered to the City of Tacoma be read by the Clerk, and become a part of the minutes. There is no appeal in that respect. Any Councilman may request, according to the rules, and it is not challengeable, anything read he desires, even including an anonymous letter.

This happens to be a letter addressed, headed. In the Superior Court of the State of Washington; properly registered apparently.

I heard the first of it this morning when one of my reporter friends called me and said it was filed in the Clerk's office, and I couldn't find it.

Mr. Murtland: The first time, Mr. Mayor.

Mayor Rasmussen: Mrs. Ursich, will you proceed to read.

Mrs. Ursich: There are two sections, do you want both of them read.

Mayor Rasmussen: Yes.

Mr. Bott: Mr. Mayor, may I have a ruling from our attorney, please, as requested.

Mayor Rasmussen: After Mrs. Ursich --

Mr. Bott: Prior to you doing this.

Mayor Rasmussen: No.

Mr. Bott: Because it is relevant to whether this has any connection to the meeting or not.

Mayor Rasmussen: This is a legal document, Mr. Bott.

Mr. Bott: Let's do it the legal way then, and have a legal opinion, not yours.

Mayor Rasmussen: Mr. Bott, I have no objection to a legal opinion. Mr. Hamilton, Mr. Bott wants to ask you a question.

Mr. Bott: Mr. Hamilton, I would wish to ask, if you consider this pertinent to the business of the meeting and is this not a subpoena, a Writ of Mandamus and is it not served on one person, not to the Council. What would your opinion be.

Mayor Rasmussen: Would you clear that matter up for Mr. Bott, Mr. Hamilton.

Mr. Hamilton: Mr. Mayor and Members of the Council, under the State Statute, service upon the City is affected by service upon the Mayor of the City. Service upon an individual, of course, it is necessary that that individual be served.

As far as reading it is concerned, legally there is no basis for it at all. If the Council wants it read or not, that's something for the Council to determine. But once the matter has been filed, served; assuming that service in the Council Chambers is valid, an affidavit would be filed evidencing proof of service.

Mayor Rasmussen: Thank you, Mr. Hamilton. Mrs. Ursich, would you proceed to read.

Mr. Finnigan: Mr. Mayor, I move that we dispense with the reading of this paper.

Mr. Bott: Second.

Mayor Rasmussen: Mrs. Ursich, would you proceed to read.

Mrs. Ursich: In the Superior Court --

Mr. Murtland: For the first time we are going to have a legal paper that has been served on the City of Tacoma, read in the Chambers of the Council. There are many firsts here, and this is another, proceed Mr. Mayor.

Mayor Rasmussen: Proceed, Mrs. Ursich.

Mrs. Ursich: In the Superior Court of the State of Washington, In and for the County of Pierce. The State of Washington on the relation of Donald R. Nicholson and Raymond A. Kinser, Relators, - versus - The City of Tacoma, a Municipal Corporation, and David D. Rowlands, City Manager of the City of Tacoma, Respondents. No. 189577 Notice of Application for Peremptory Writ of Mandate.

Mayor Rasmussen: Mrs. Ursich, would you delete the name of the person in there.

Mrs. Ursich: Delete the name of the person.

Mayor Rasmussen: Yes.

Mrs. Ursich: As I read this. - To the City of Tacoma, a municipal corporation, and David D. Rowlands, the City Manager thereof, Respondents above named: You and Each of You, are hereby notified that the Relators in the above entitled action will on the 7th day of July, 1969, at the hour of 1:30 o'clock P.M. on that day, in the department of the Presiding Judge on the above entitled Court, apply to said Court for a Peremptory Writ of Mandate, commanding the respondent, David D. Rowlands to carry out his sworn duties under the Charter of the City of Tacoma and the laws of the State of Washington in respect to municipal employee _____, and forthwith turn over the information, in respect to said employee, which he has obtained by his office to the proper authorities for prosecution of the said _____, and if he be found guilty by a Court of competent jurisdiction to discharge him.

A true copy of the Application and Affidavit for Writ of Mandate is hereto attached.

Dated at Tacoma, Washington this 24th day of June, 1969.

Mayor Rasmussen: I think that will be sufficient, that's the legal notice that was served on the City Council; the rest is merely supporting information. And in reply Mr. Murtland, to your point of order, further; this is the first time that the Mayor has ever been served with papers. In the City Council we are directly responsible as City officials. Mr. Rowlands is only serving, of course, as an agent of the City Council.

Mr. Murtland: I understand, Mr. Mayor, but I think our legal counsel informed us that service was all that was necessary. It was not necessary to read it, nor was it necessary to be read to the defendant, which would be the City of Tacoma.

Mayor Rasmussen: For what reason, do you rise, Sir.

Dayle Collison: What you just read, I was not aware of it until it was read, but you mentioned realtor, the name of two individuals. I would like to set the record straight, those people are not realtors. I don't even know them. I happen to be President of the Tacoma Board of Realtors.

Mr. Murtland: The word is Relator.

Mayor Rasmussen: Mr. Hamilton, when this is recorded and has a number on it, is this public information for the general public; it's already been printed in the newspaper.

Mr. Hamilton: Mr. Mayor and members of the Council, the filing number on there indicates that it has been filed with the Clerk of the Superior Court down below, those files are opened to inspection.

Mayor Rasmussen: Thank you. Is there any necessary move to make now as a City Council.

Mr. Hamilton: The next thing to do would be to refer it to our office, in so far as the City is concerned, and we will prepare appropriate papers.

Mayor Rasmussen: The Chair will entertain a motion to refer the papers to the City Attorney's office.

Mr. Bott: I so move.

Mr. Cvitanich: Second.

Mayor Rasmussen. Moved by Councilman Bott, seconded by Councilman Cvitanich, the papers be referred to the City Attorney's office. All those in favor, say Aye. Opposed, No. Ayes have it.

Clay Patterson: Mr. Mayor.

Mayor Rasmussen: For what purpose do you rise, Sir.

Mr. Murtland: Point of order, Mr. Mayor, let's proceed with the agenda.

Clay Patterson: In reference to the motion just made, I would like to have it specifically indicated in there that the referral to the City Attorney --

Mr. Murtland: Mr. Mayor, point of order.

Mr. Patterson: Includes the City only and does not include legal representation for Mr. David Rowlands who is named as the respondent. Mr. Rowlands is not ---

Mr. Murtland: Point of order again, Mr. Mayor.

Mayor Rasmussen: What is your point of order.

Mr. Murtland: My point of order, I believe this man is out of order, I do not believe this is part of the agenda, and I think we should proceed.

Mayor Rasmussen: Your point of order is well taken from the standpoint that there is nothing before the Council at this time. The Council has taken action to refer the documents that were handed them to the City Attorney's office.

Mr. Patterson: In behalf of the City only, Mr. Mayor.

Dr. Herrmann: We'll make that determination.

Mayor Rasmussen: This is right. But you're point of order is well taken at this time; nothing before the Council.

END OF VERBATIM

HEARINGS & APPEALS:

This is the date set for hearing for rezoning of the N. E. corner of So. 12th & Mullen Sts. from an "R-2" to an "R-3" District. (Petition of Mutual Securities, Inc.)

Mr. Buehler, Director of Planning, explained the applicants have requested this reclassification in order to construct three duplexes. The site is adjacent to an existing "R-3" Two Family zoning district, and adjacent to a church on the west.

Mr. Cvitanich asked what the traffic count is on 12th Street as he could not vote on this until this is determined.

Mr. Buehler said previously a request for a change to an "R-4-L" District had been denied by the Planning Commission and City Council. At that time a recommendation had been made that property in this area be zoned for duplexes because of the lower density ratio.

Mr. Gordon Fors, 4141 -6th Ave., representing Mutual Securities, Inc., explained there is a definite need for good quality duplexes in the City. He noted that the traffic situation was studied carefully in their planning of these duplexes and they have provided for a turn-around plan so cars will not have to back out into 12th Street.

Mayor Rasmussen felt that the contractor could open Mullen Street for access and egress instead of using 12th Street.

Mr. Buehler explained that the depth in feet is not as great on Mullen Street. He also mentioned a traffic count taken in March showed 6400 cars in a twenty-four hour period; the peak hour being about one thousand cars.

Mr. Cvitanich explained he would oppose this rezone as he felt automobiles backing out onto 12th Street would compound an already dangerous situation.

Dr. Herrmann pointed out the problem of traffic always comes up in any type of rezoning request but he did not feel that zoning should be based entirely on whether or not it will generate automobile traffic. The zoning must be based on the highest and best use of the land.

Mr. Cvitanich pointed out that his concern was that 12th Street could become as congested as 6th Ave.

Mr. Murtland felt that if the developers would be in agreement, the parking should come off Mullen Street.

Dr. Herrmann moved to concur in the recommendation of the Planning Commission and that an ordinance be drafted approving same. Seconded by Mr. Bott. Voice vote was taken, resulting as follows: Ayes 7: Bott, Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen. Nays 2: Banfield and Cvitanich. Absent 0. Motion CARRIED.

This is the date set for hearing for vacation of So. 40th & 41st Street and the alley west of Fife to Pine Street. (Submitted by the U.S. Post Office)

Mr. Buehler explained the location of the proposed vacation requested by the U. S. Post Office. He noted that because of a recent turn of events relating to the Justice Dept., the vacation should be conditioned with a specific provision that the City receive 1/2 of the appraised value for the vacated rights-of-way. He also noted that the Post Office was not going to pay for water mains, but Fire Chief Reiser had recommended that hydrants and mains be installed even though the building will have sprinklers, as fires do start on exterior surfaces which require a readily available and adequate water supply. Therefore, the improvements of the surrounding streets are the final points to be determined at this time.

Mr. John A. Costello, Regional Real Estate Officer with the Post Office Dept., explained that the U. S. Government condemned the deeded property involved within this site. It did not condemn the streets and alleys because these, according to the preliminary title report, showed the title to be in the City of Tacoma. This, of course, established an off-site improvement situation. He noted there is a Controller General's ruling which states that the U. S. Government does not pay for off-site improvements.

He pointed out there is a method in which they could participate in a legal manner under the City ordinance which provides that the City is entitled to assess 50% of the appraised value of the deeded property. This would provide the funds for the Federal Government's participation in the off-site costs.

Mr. Costello reminded the Council that the Federal Government has the right to condemn the streets as well as the alley. This course was not followed because by not doing so, it provided a method in which they could participate.

Mayor Rasmussen stated he felt the Justice Department's finding would not have any bearing with the Post Office Department's agreement with the City and the Post Office will pay for one-half of the improvements.

Mr. Costello stated he wished that were true, but they had lost their basis for participation when the determination was made that the City had nothing but an easement to this property and the easement had relatively little value. However, Mr. Costello requested that the Council concur with the recommendations of the Planning Commission.

Mr. Buehler requested that the condition relative to the one-half of the appraised value be included in the motion made by the Council.

Mr. Benedetti, Assistant Director of Utilities, explained the Post Office Dept. had accepted the recommendations of the Fire Dept. and the Water Dept. for installing water mains and fire hydrants in the area but had requested estimates of the cost together with an apportionment of the cost that would be applicable to them and to adjoining property owners. The Utilities Dept. provided this to the Post Office Dept. Mr. Costello had just informed him that he had recommended approval of the installation and the payment of their proportionate share but this is not included in the 1/2 of the appraised value of the right-of-way. Mr. Benedetti therefore suggested that the installation of proper facilities for fire protection on site should also be a condition of the approval of the vacation.

Mr. Buehler explained the ordinance for this vacation would not be presented to the Council until all conditions are met.

Mayor Rasmussen asked if the Post Office Dept. was going to change the parking spaces as suggested by the Council sometime ago.

Mr. James Washburn, Supt. of Mails at the Post Office, explained they have reviewed their parking needs and in conjunction with Mr. Buehler, the figures have changed, so they will now provide 323 on-site parking spaces. Eighteen stalls will be placed in front of the financial station for patron parking.

Mr. Finnigan moved to concur in the recommendation of the Planning Commission including the specific provisos made in said recommendation that the City will receive one-half the appraised price of the vacated right-of-way and that water mains be placed in accordance with the agreement between the Water Dept. and Post Office Dept., and that an ordinance be drafted approving same. Seconded by Mr. Murtland. Voice vote was taken, resulting as follows: Ayes 8: Bott, Cvitanich, Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen. Nays 1: Banfield. Absent 0. Motion CARRIED.

The City Planning Commission recommending the denial of the request by Crawford & Associates for rezoning of the east side of Proctor St. approximately 120 feet south of So. 12th from an "R-2" to an "R-4-L" District.

The last day to file an appeal was June 16, 1969 and no appeal was filed.

Dr. Herrmann moved to concur in the recommendation of the Planning Commission and deny the above rezone request. Seconded by Mrs. Banfield. Voice vote was taken. Motion unanimously carried.

PETITION:

Glen R. Nyland requesting rezoning of the east side of Mason Ave. approximately 130 feet south of So. 19th from an "R-2" to an "R-4-L-PRD" District.

Referred to the Planning Commission.

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Mayor Rasmussen asked Mr. Schuster if there was a plan to prohibit parking on South Tacoma Way as the Council has received a number of letters from the automobile dealers from that area asking about such a plan.

Mr. Schuster, Public Works Director, explained a discussion had been held in regard to placing a left turn pocket on South Tacoma Way and eliminating parking along South Tacoma Way near the City Limits, but he did not have the material this evening.

Mayor Rasmussen asked Mr. Schuster to submit information on the subject to the Council.

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Mayor Rasmussen asked Mr. Schuster about the disposition of trees on Union Ave.

Mr. Schuster stated a memorandum on this subject is being prepared at the present time and it is their proposal to not remove the trees but to put up the traffic signals as planned.

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The City Clerk read a communication from National Advertising Co., 1343 Broadway, Tacoma, requesting they be granted a ten year franchise to place and maintain bus benches with advertising signs thereon.

Mr. Murtland moved to refer this matter to the Civic Arts Commission. Seconded by Dr. Herrmann. Voice vote was taken. Motion unanimously carried.

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RESOLUTIONS:

Resolution No. 20212 (postponed from the meeting of June 3, 1969)

Approving proposals from Ford, Bacon & Davis, Inc. and requesting the Public Utility Board to take formal action to accept the proposals and commence management and audit reviews.

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

Mr. Cvitanich explained there is a meeting of the Audit Committee scheduled for Tuesday, July 1st at 3 P.M. at which time they will be studying cost figures for the auditing of General Government. He mentioned that representatives of Knight, Vale & Gregory, and Ford Bacon & Davis have resolved questions which arose at the last Audit Committee meeting. He hoped that the Council would approve this resolution which will allow the Dept. of Public Utilities to proceed with their audit.

Mr. Benedetti, Assistant Director of Utilities, explained they were satisfied that the combination of the two firms will avoid duplication. The Utility Board and City Council will obtain a full and complete comprehensive report of all transactions in the Dept. of Public Utilities.

Mr. Cvitanich pointed out the various specific categories the auditors will delve into during the audit.

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

Ayes 9: Banfield, Bott, Cvitanich, Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.

Nays 0: Absent 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20255

Fixing Monday, July 28th at 4 P.M. as the date for hearing for LID 3687 for sanitary sewers in the alley between So. Stevens and So. Mason from So. 60th to So. 64th Streets.

Mr. Cvitanich moved that the resolution be adopted. Seconded by Mrs. Banfield. Voice vote was taken on the resolution, resulting as follows:

Ayes 9: Banfield, Bott, Cvitanich, Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.

Nays 0: Absent 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20256

Fixing Tuesday, July 29th at 4 P.M. as the date for hearing for the vacation of a portion of property on Ea. 36th & also on Ea. C Street. (petition of Forrester Realty)

Mr. Cvitanich moved that the resolution be adopted. Seconded by Mrs. Banfield. Voice vote was taken on the resolution, resulting as follows:

Ayes 9: Banfield, Bott, Cvitanich, Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.

Nays 0: Absent 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20257

Fixing Tuesday, July 29th at 4 P.M. as the date for hearing for rezoning of the N.E. corner of Ea. 36th & Ea. B. Sts. (Petition of Forrester Realty & Mortgage Co.)

Mr. Cvitanich moved that the resolution be adopted. Seconded by Mrs. Banfield. Voice vote was taken on the resolution, resulting as follows:

Ayes 9: Banfield, Bott, Cvitanich, Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.

Nays 0: Absent 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20258

Commending the ten participants of the City of Tacoma bus caravan who drove ten city buses from Loudonville, Ohio to Tacoma, Washington on May 23 thru June 4, 1969, promoting the City's Centennial, the City of Tacoma and the State of Washington.

Mr. Cvitanich moved that the resolution be adopted. Seconded by Mr. Murtland. Voice vote was taken on the resolution, resulting as follows:

Ayes 8: Banfield, Bott, Cvitanich, Finnigan, Herrmann, Johnson, Murtland and Mayor Rasmussen.

Nays 0: Absent 1: Zatkovich (temporarily)

Resolution No. 20259

Authorizing the sale of property to Edward C. Lindblom for the sum of \$6,000 located at 4326 So. 36th Street.

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

Mr. Schuster explained one of the reasons this piece of property has been up for sale is the fact there is a house on the property and trouble has ensued because of vandalism. It was thought whatever money was obtained from the sale could be used by the Public Works Utilities Division as working capital to acquire much needed equipment.

Mr. Schuster further explained that the amount of rent that could be obtained is so nominal it was felt that selling it would be the best thing to do.

Mr. Cvitanich felt the Council should explore the possibility of leasing this property and also checking with the Metropolitan Park Board. He did not think the resolution should be approved this evening.

Mr. Zatkovich moved to postpone action on the resolution for one month, until July 22, 1969. Seconded by Mr. Cvitanich. Voice vote taken. Ayes 8: Banfield, Bott, Cvitanich, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen. Nays 1: Finnigan. Absent 0. Motion carried.

The Resolution was postponed until July 22, 1969.

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Resolution No. 20260

Amending Section 6.56.030 of the official code relative to Towing charges.

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

Mr. Rowlands explained that discussions had been held with the representatives of the towing companies, the Legal Dept. and the Police Dept. on numerous occasions and all agreed these changes should be made.

Mr. Cvitanich stated he was concerned about the penalty provisions in this particular resolution. He wondered if the State law covers such transactions.

Mr. Hamilton explained this was a resolution adopting certain rules. By resolution the Council has no authority to impose any criminal sanctions. A person violating any provisions of a State Statute, of course, is subject to subpoena provisions, and he did not know whether there was a duplication as far as our City ordinance is concerned.

Mr. Zatkovich stated he had objected strenuously the first time this matter was brought up, but after thoroughly studying the proposed resolution he felt these rules and regulations were a great improvement over the previous rules and regulations.

Mr. Warren Peterson, Attorney, representing the seven towing operators who are affected by this resolution, explained these changes relate only to those cars involved under police dispatch requests. He noted the operators had requested a rate increase last January and consequently many meetings and discussions have been held. The resolution is now before the Council with the following changes: storage rate shall not exceed \$2.00 per day after the first four hours; towing of impounded vehicles, a maximum charge of \$10.00; towing of wrecked vehicles, a maximum charge of \$18.50 with some exceptions in unusual situations.

He added, the general rules have been changed and a written duplicate receipt of payment must be made and an operator who fails to execute, deliver or maintain such receipts or who charges in excess of the current authorized towing and storage rates on a tow requested by the Tacoma Police Dept., shall have his license revoked and shall not be eligible to again apply for such a license for a period of one year following said revocation.

Mr. Cvitanich wondered if these contracts should not be placed out on a bid basis as done in Seattle.

Mr. Peterson explained there has not been a rate increase in eight years. He noted that insofar as handling the police calls, the operators are highly regulated by the City of Tacoma.

A number of Councilmen spoke in favor of the resolution. They felt the towing operators are functioning in many respects as City employees and since the wages of City employees had increased during the past eight years, the operator's rates should also be increased.

After some discussion, roll call was taken on the resolution, resulting as follows:

Ayes 6: Bott, Finnigan, Herrmann, Johnson, Murtland and Zatkovich.

Nays 3: Banfield, Cvitanich and Mayor Rasmussen. Absent 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20261

Approving the Final Plat of Fern Hill Terrace No. 2 between K & L Streets from So. 92nd to So. 94th Sts. (Fred F. Lawrence)

Mr. Finnigan moved that the resolution be adopted. Seconded by Mr. Murtland. Voice vote was taken on the resolution, resulting as follows:

Ayes 9: Banfield, Bott, Cvitanich, Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.

Nays 0: Absent 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20262

Upholding the position of the Tax and License Dept. regarding a Cooney Cranes audit assessment.

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

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

Ayes 7: Banfield, Cvitanich, Finnigan, Herrmann, Murtland, Zatkovich and Mayor Rasmussen.

Nays 2: Bott and Johnson. Absent 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20263

Authorizing and approving a lease for space for Model Cities staff office.

Dr. Herrmann moved that the resolution be adopted. Mr. Johnson seconded the motion.

Mrs. Banfield asked if the City Building code requirements are going to be enforced at this particular building.

Mr. Herman Walker, Director of Model Cities, explained the building was recently inspected by the Building Division of the Public Works Dept., and he assured the Council that all the requirements will be upheld.

Mr. Walker explained the Model Cities staff had looked at a number of buildings for rent but this building was the only one they found to be suitable for expansion. The Model City's staff will be accommodated as well as any visiting staff from other agencies in the City or representatives from some State offices.

Mr. Zatkovich asked if other persons will have access to the auditorium which is located in this building.

Mr. Walker stated other persons will have access to the auditorium but not to any of the space rented for Model Cities.

After some discussion, voice vote was taken on the resolution, resulting as follows:

Ayes 7: Bott, Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.

Nays 2: Banfield and Cvitanich. Absent 0.

The Resolution was declared passed by the Chairman.

FIRST READING OF ORDINANCES:Ordinance No. 18864

Vacating the property between East 37th & Columbia Ave. from East T to approx. 85 feet west. (petition of Curtis F. Peterson)

The Ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:Ordinance No. 18850

Amending various sections of the official code relative to Traffic.

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

Ayes 8: Bott, Cvitanich, Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.

Nays 1: Banfield. Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18861

Vacating the west side of G St. and south of So. 23rd St. (petition of The Conifer Co.)

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

Ayes 9: Banfield, Bott, Cvitanich, Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.

Nays 0: Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18862

Amending Chapter 13.06 of the official code by adding a new section 13.06.120-58 to include property on the S. W. Corner of So. 37th and Tacoma Ave. in a "C-1" District. (petition of Puget Sound National Bank)

Mayor Rasmussen stated he had previously asked why the entire area was not being rezoned to a C-1 District.

Mr. Buehler explained the Puget Sound National Bank is the only applicant for the rezoning. On the east side of Tacoma Ave. from So. 37th to 38th Streets, the entire area is developed with single family dwellings except for one duplex. He added, the site has been used as an off-street parking area and will continue to be used as such, with the addition of a drive-in facility which will be operated with a pneumatic tube. The Commission felt the site will be substantially improved with landscaping and will be more compatible with the surrounding residences.

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After some discussion, roll call was taken on the ordinance, resulting as follows:

Ayes 7: Bott, Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.

Nays 2: Banfield and Cvitanich. Absent 0.

The Ordinance was declared passed by the Chairman.

UNFINISHED BUSINESS:

Mr. Cvitanich explained the Students for a Democratic Society recently has a convention in Chicago. He felt that a message from the Director of the FBI, sent to all law enforcement officials, which made reference to the Progressive Labor Party caused a split at the convention of the S.D.S. Mr. Hoover also forwarded an article entitled, "Disturbances on the Campuses", which had been reprinted from the February 1966 PTA magazine. The very things which were pointed out in 1966 are today occurring nationwide as well as in the City of Tacoma. 7/6

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Mrs. Banfield stated she was glad to know that the trees were not going to be removed on Union Ave.

Mr. Cvitanich asked that when the City feels a change in traffic control on Union Ave. becomes necessary, the Council be informed before any action is taken.

Mr. Rowlands explained that Mr. Kosai, Traffic Engineer, met with approximately one hundred and twenty-five residents of the area last week and they were in opposition to the proposed turning lane. He added, it has now been settled and no turning lane will be installed.

Mr. Murtland stated the Council has received a memorandum relative to the trees on Alder St. He noted the City is widening Alder St. from 6th Ave. to 30th St. and felt some plan should be devised whereby the City might help replace the trees it has removed.

Mr. Rowlands said it is hoped that help in replacing the trees will be forthcoming from the arterial program and the City should work with the property owners in this project.

Mr. Murtland hoped this could be worked out without delay.

Mayor Rasmussen asked if an ordinance is available as to type of trees that may be planted in the City.

Mr. Hamilton explained there is an ordinance limiting the types of trees that can be planted in residential areas as well as those in commercial areas on City owned property.

Mr. Cvitanich felt the Council should reaffirm its policy so that it is crystal clear that wherever possible the trees will remain until such time as this matter is resolved.

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Mrs. Banfield read an article entitled "Organization is the Name of the Game" which explained that revolutions were not spontaneous despite propaganda to the contrary.

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Mayor Rasmussen asked Mr. Rowlands if the study paper of Urban Coalition referred to by Mr. Hodges had been received for the Council's information. This was the paper in which it was recommended that the Urban Coalition become a political action group, he added. ✓

Mr. Rowlands stated, he would look into the matter without delay.

Mayor Rasmussen asked Mr. Hamilton to explain the opinion rendered by the Legal Dept. relative to the power of the Civil Service Board and/or the Tacoma City Council to appoint or employ persons in the City service for work on special projects.

Mr. Hamilton, explained that the Civil Service Board and the Council may act together in rare instances to provide for special project employees, but wherever practicable and possible, the appointment must be made from the Civil Service lists.

Mr. Zatkovich felt there had been a direct violation of the Civil Service Rules in the Buildings Division of the Public Works Dept. and he hoped that the matter would be looked into as a man had been placed in a position ahead of two persons who were on the list.

Mayor Rasmussen felt, in light of Mr. Hamilton's research it would indicate then that the action of the Civil Service Board would be absolutely illegal under the Charter, relative to the Model Cities Program. ✓

Mr. Hamilton explained, what the Civil Service Board has done, is to designate certain areas where there maybe special projects; then it is up to the City Council, by resolution or ordinance to fix positions within these special projects.

Mayor Rasmussen stated, he challenged the fact that the Civil Service Board has any rights on any projects.

Mr. Hamilton stated, that was the question the Legal Department has attempted to answer in the opinion of June 9th, 1969.

Mayor Rasmussen asked that Ordinance No. 18780, previously presented by the Civil Service Board be given to the Council members at the next meeting for their information and further discussion will be held on this matter.

Mr. Cvitanich inquired as to the status of the six temporary Fire Lieutenants, discussed at the Council meeting last week. ✓

Mr. Rowlands stated, this is being reviewed by Fire Chief Reiser, Mr. Bixel, Personnel Director and the Legal Dept.

Mayor Rasmussen stated, he had wondered how the Hatch Act would apply locally relative to political activities.

Mr. Rowlands explained that the original question regarding the Hatch Act was submitted by the Mayor. However, he wished to read from the Urban Renewal Handbook relative to LPA Administration which stated, "Section 12 (a) of the Hatch Act restricts the political activities of LPA officers and employees if their principal employment is in connection with an activity of the LPA which is financed in whole or in part by Federal loans or grants. These restrictions are enforced by the Civil Service Commission." ✓

Mayor Rasmussen felt that any person in a place where Federal funds were used could not participate in political activity. He quoted from the Federal Corrupt Practices Act.

Mr. Murtland suggested the Mayor refer such a complaint to the FBI.

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Mr. Cvitanich advised the Council that at 1 P.M. on July 8th there will be a meeting with the Boys' Club Directors, School Board and Park Board. He asked as many Councilmen to attend as could. Several locations have been explored for an additional recreational facility and discussions will be held on many matters.

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Mayor Rasmussen stated that the Police Pension Board has approved the new Medical Contract with Western Clinic and a few changes have been proposed in the coverage.

Mr. Hamilton asked that the City Council ratify by motion the Police Pension Board's decision on accepting the contract as changes may not be covered by State Pension Law.

Mr. Cvitanich moved to concur in the recommendation of the Police Pension Board to approve the Medical Contract with Western Clinic. Seconded by Mr. Zatkovich. Voice vote was taken. Motion carried.

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REPORTS BY THE CITY MANAGER:

Mr. Rowlands explained that the Transit Advertising Revenues were discussed at the Study Session Monday.

Mr. Bott explained he had received several telephone calls relative to liquor advertisements on the outside of City buses. He wished to state, as of now, the City Council has taken a position against such advertising.

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Mr. Rowlands submitted MC 594, relative to the Urban Renewal Dept. file documents pertaining to Cooksie & Shields Restaurant and Berg's Tavern.

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Mr. Rowlands submitted MC 595-Police Trainee Corps Training Program which explained the basic qualifications for enrollment in the program and he also mentioned that Mr. H. J. Schafer, Dean of Community Services at Tacoma Community College, had stated they would be able to accept in the program any individual who is qualified for and can benefit from this type of educational service.

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Mr. Rowlands submitted the list of students who have been placed in the 1969 Work-Study Program from the University of Washington and Washington State University.

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Mr. Rowlands recommended that the City Council extend the Senior Citizen's bus pass hours from 9 A.M. through the rest of the day during Centennial Week.

Mr. Johnson moved that the Senior Citizen bus pass hours be temporarily extended from Friday, June 27th through Sunday, July 6th. (No vote taken)

Mayor Rasmussen asked if this motion was legal.

Mr. Hamilton said it was not legal.

Mr. Rowlands suggested that an emergency ordinance be prepared for the July 1st agenda and that it be published the following day.

Mayor Rasmussen explained he was in sympathy with the Senior Citizens, and he had tried to get the ordinance changed so they could ride during the evening hours and merely skip the rush hours. He also stated he would have no objection to having an amendment brought in changing the ordinance and making it permanent. But, the attorney has advised that it cannot be legally done. He asked that the legal staff prepare an ordinance with unlimited hours.

Mr. Hamilton asked, so there will be no misunderstanding, is it intended that they may ride on their passes at anytime except from 7:30 A.M. through 9:00 A.M.

Mayor Rasmussen explained he would talk with Mr. Hamilton later.

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Mr. Rowlands reminded the Council that the Mayor was to appoint a member for the Nominating Committee for the AWC convention in Seattle next month.

COMMENTS BY MEMBERS OF THE COUNCIL:

Mrs. Banfield asked if you have to be a high school graduate to attend T.C.C.

Mr. Rowlands stated he would report on the matter.

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Mrs. Banfield asked to whom would Dean Witter pay rent and how much rent will they be paying in their temporary location.

Mr. Rowlands explained they will be paying approximately \$700 to the Urban Renewal Dept.

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Mrs. Banfield stated she had asked for a report on the Urban Renewal businesses which had been taken off the tax rolls in the City and no report had been forthcoming.

Mr. Rowlands explained that the Planning Dept. and the Urban Renewal Dept. have been checking this and information should be forthcoming from the Assessors office. He would check this out, he added.

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Mayor Rasmussen announced that the CATV bids were opened on Monday, June 23rd at 11:00 A.M.

After some discussion Mr. Finnigan moved that the CATV franchise bids be referred to the City Manager and Director of Utilities for their evaluation and then a report be made to the City Council for its determination. Seconded by Dr. Herrmann. Voice vote taken. Motion carried.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Board of Park Commissioners minutes of June 9, 1969.
- b. City Council Study Session minutes of June 9, 1969.
- c. Civil Service Board minutes of June 3, 1969.
- d. Human Relations Commission minutes of May 15, 1969.
- e. Housing Committee of the Human Relations Commission minutes for May 1, 1969.
- f. Human Relations Director's report for April 18 and May 15, 1969.
- g. Human Relations Director's report for May 16 and June 19, 1969.
- h. City Clerk advising the time for filing protests on LID's 4886, 4888, 5418, 5483, and 5484.

Placed on file.

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Mr. Johnson moved to adjourn the meeting. Seconded by Mr. Bott. The meeting was adjourned at 9:37 P.M.

A. L. Rasmussen
A. L. Rasmussen - Mayor

Test: Josephine Melton
Josephine Melton - City Clerk