

CITY COUNCIL MINUTES

City Council Chambers
Tuesday, September 8, 1970

The meeting was called to order by Mayor Johnston at 7:00 P. M.

Present on roll call 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.

The Flag Salute was led by Mr. Zatkovich.

Mayor Johnston asked if there were any omissions or corrections to the minutes for August 11th, the special meeting of August 12th, or for the regular meeting of August 18th.

Mrs. Banfield said the minutes of August 4th, which had been previously submitted, had not yet been approved and that she had asked for information explaining why Mrs. Coonan had not been allowed to speak at the meeting of July 28th, but as yet had not been received. She asked that a correction be made to the minutes of August 4th and August 11th to show that she has been excused instead of absent.

Mayor Johnston asked the Clerk to make these corrections.

A voice vote was taken on the amended minutes and carried. Mrs. Banfield abstaining from voting.

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Mayor Johnston explained that he would like to read a Proclamation before proceeding with the regular order of the agenda. The Proclamation stated, in essence, the fact that the American Labor Movement has throughout its history attempted to improve working conditions, wage standards and cooperation between workers and employers. It designated the week of September 7th thru 13th to honor organized labor by displaying the union labels and patronizing union products and services.

Mayor Johnston presented the Proclamation to Mr. Louis H. Pedersen, Secretary of the local Central Labor Council.

Mr. Pedersen accepted the Proclamation on behalf of the Central Labor Council.

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HEARINGS & APPEALS:

(a.) This is the date set for hearing for the vacation of a portion of the alley between Alaska Street and Wilkeson Street from 500 feet north of Center to approximately 621 feet north of Center. (Submitted by Atlas Foundry & Machine Co.)

Mr. Buehler, Director of Planning, explained that items (a) and (b) can be taken up together since they are related. He added there had been a vacation of property back in 1969 under a special use permit to accommodate a parking area. They are now asking to further vacate 150 feet more of the alley and to rezone the property to an "M-1" District to construct two buildings for storage and maintenance. The Planning Commission has recommended seventeen conditions which have been met by the petitioner.

Mr. Finnigan said he understood the parking lot was to have been paved by Atlas Foundry and wondered if it had been done.

Mr. Buehler stated that the area had been filled in and the engineers advised that the paving not be done until it is settled. He added the bulkhead would be approved by the Public Works Dept. The Planning Dept. has asked that the area be covered and planted so as not to leave it open to the raw ground. He also mentioned that some of the property owners in that area had objected because they thought their taxes would be raised, but have been advised this is not true and notification has gone out to protesting parties.

Mr. Finnigan said he wanted to verify the fact that the new buildings would be just for storage and maintenance and nothing to create noise in connection with the manufacturing operations and there would be no emission of smoke.

Mr. O'Leary moved to concur in the recommendation of the Planning Commission to approve the vacation. Seconded by Mr. Dean. Voice vote was taken and motion carried unanimously.

(b.) This is the date set for hearing for the rezoning from an "R-2" to an "M-1" District, between Wilkeson and Alaska Sts. and 325 feet north of Center Street. (Submitted by Atlas Foundry & Machine Co.)

Mr. O'Leary moved to concur in the recommendation of the Planning Commission to approve the rezone. Seconded by Mr. Dean. Voice vote was taken and motion carried unanimously.

(c.) This is the date set for hearing for the vacation of a portion of South 52nd Street and Wilkeson Street. (Petitioned by Lewis L. Clark)

Mr. Buehler explained the Planning Commission had recommended denial of the petitioner to rezone and build an apartment. He added a hearing is mandatory only to clear the records because of the petition for the street vacation. No appeal was filed by the petitioner.

Mr. Finnigan said he noticed only five out of nine members of the Planning Commission had been present. He thought the Planning Commission minutes should list the names of those present in order that the Council will have a knowledge of what Commission members are devoting attention to the job.

Mayor Johnston asked Mr. Buehler to see that this was included in the minutes.

Mr. Cvitanich commented that one of the charter amendments could improve this condition if the length of term the Planning Commission members serve is reduced. He thought a long term, with no compensation, tends to reduce the Planning Commission members interest in attending the meetings.

Mr. Finnigan said he did not think the number of members would make any difference. He is of the opinion the caliber of the members is important and the Council should be more selective in choosing members of higher caliber and have more interest in the projects.

Mr. Jarstad said there seemed to have been legitimate reasons for absence and with fewer members, there might be the same problem.

Mr. Dean moved to concur in the recommendation for denial of the rezone. Seconded by Mrs. Banfield. Voice vote was taken and carried unanimously.

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(d.) The City Planning Commission recommending denial of the request by Mickey's, Inc. for the rezoning of the north side of East 34th St. between "A" St. and East "B" from an "R-4" to a "C-2" District.

An appeal was filed by the petitioner and the suggested date set for hearing is October 13, 1970, at 7 P. M.

Mr. Cvitanich commented that the vote of the Planning Commission again is shown only six members present and three absent.

Moved by Mr. Dean that the date of October 13th be approved. Seconded by Mrs. Banfield. Voice vote was taken and motion carried unanimously.

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(e.) The City Planning Commission recommending denial of the request by S. C. Selden, etal, for the rezoning of north of 6th Avenue and west of Karl Kohan Avenue from an "R-1" to an "R-5-PRD" District.

An appeal was filed by the petitioner and the suggested date set for hearing is October 20, 1970, at 7 P. M.

Moved by Mr. O'Leary that the date of October 20th be approved. Seconded by Dr. Herrmann. Voice vote was taken and carried unanimously.

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(f.) The City Planning Commission recommending denial of the request by Grace Baptist Church for the rezoning of the N. E. corner of No. 23rd and Vassault from an "R-2" to "R-4-L PRD" District.

The last date for filing an appeal was August 31, 1970, and no appeal was filed.

Moved by Dr. Herrmann to concur in the recommendation of the Planning Commission to deny the request. Seconded by Mr. Cvitanich. Voice vote was taken. Motion carried unanimously.

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COMMUNICATIONS:

Mr. Cvitanich commented sometime ago the Council had adopted a policy to file all communications, but if a citizen desired, he would be allowed to speak under Citizen's Comments on the agenda. He questioned if the Council should depart from the policy in this case.

Mr. Zatkovich agreed, but said it would not be out of order for Mr. Carlbon to speak.

Mrs. Banfield asked that the communication be read in full. The communication inquired if it would be possible to declare the first part as an open meeting for the benefit of the general public, to discuss the merits of the recall movement and the philosophy of government in general, as this is the last Council meeting before the primary election at which time the recall votes will be cast.

Communication was placed on file.

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RESOLUTIONS:

Resolution No. 20881

Thanking and commending Radio Station KAYE for its efforts in broadcasting the complete uninterrupted regular and special meetings of the Tacoma City Council over a period of almost three years thus rendering a valuable public service to the citizens of the City of Tacoma.

Mr. O'Leary moved that the resolution be adopted. Seconded by Mrs. Banfield.

Mr. O'Leary commented that KAYE had been the first radio station to broadcast the Council meetings and he thought it proper to commend the station for their valuable public service for accurately informing the public what is actually taking place in Tacoma.

Mr. Zatkovich moved to amend the resolution by adding his name to the list of sponsors of the resolution. Seconded by Mr. Cvitanich. Motion carried.

Mayor Johnston pointed out that KAYE station's license is to be up for renewal and a public hearing is to held in about a month. He, therefore, questioned the propriety of approving the resolution in commending the radio station before the license is renewed and whether the City Council should be involved in responsibilities of free enterprise.

Mr. Dean pointed out that several weeks ago when voting on a bonding company, the Council was to consider only the subject before them, and said since the Council did not at the present have any definite information as to the validation of the radio station's license, he saw no objection to approving this commendation at the present time.

Mr. O'Leary explained since the recall election was set for the following week, there might not be enough time to postpone the resolution for vote next week when there may not be a quorum.

Mr. Cvitanich said he approves the resolution because the broadcasts have brought such interest to the public regarding City activities. He said he had contacted the F.C.C. in Washington and determined that KAYE has a good reputation. He said the F.C.C. has ruled if a news event is broadcast in its entirety, it is permissible.

Mr. Finnigan said he would have to abstain from voting as he has had the opportunity to listen to some of the broadcasts.

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

Ayes 5: Banfield, Cvitanich, Dean, O'Leary and Zatkovich.

Nays 2: Herrmann and Mayor Johnston.

Abstaining 1: Finnigan. Absent 1: Jarstad (temporarily).

The Resolution was declared passed by the Chairman.

Resolution No. 20882

Authorizing the execution of an agreement with Pierce County providing for sewerage service by the City of Tacoma to the University Place North area of Pierce County.

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

Mr. O'Leary asked if there was any hurry to adopt the resolution tonight or if they could have a few weeks to study the matter.

County Commissioner Patrick Gallagher explained the County and City had been working together on a common sewerage treatment plant for University Place, similar to that in the City of Pife for their treatment plant. He explained arrangements have been made with the Public Works Department. He said it would be a reciprocal agreement whereby the City would be using some of the County lines and vice versa.

Mr. O'Leary asked if it were true that the Pife affluent is emptying into the River Street plant. He understands there is a problem whereby a sizable amount of gravel washes into the river which causes pollution. It is anticipated that the problem will be alleviated when a new sewage system is installed on the Tide Flats, but he questioned if there is danger of overloading the treatment plant near the Narrows Bridge.

Mr. Schuster explained the treatment plant involved in the present agreement is the Western Slopes plant located just south of the Narrows Bridge and has adequate capacity for years to come and will accommodate requirements stated in this agreement plus what the City has. He said he sees no problems except it is necessary to construct a chlorine tank on the Western Slope and the County is taking that responsibility until such time as they come into use on the Western Slopes plant.

Mr. Schuster said the City has an application with the federal government for funds to construct an interceptor main line across the Tide Flats and to construct a new head works into the existing plant to relieve the load. This will alleviate the problems at the central plant which is 20 years old.

Mr. O'Leary asked if the County plans to build the chlorine tank and complete the other specified work before the connection is made with University Place.

Mr. Schuster further explained this agreement is similar but differs from the agreement the City has with the town of Pife which is strictly a treatment agreement.

Commissioner Gallagher explained the County would perform the required work and he would like to expedite the project, but if the Council has any reasons to delay the resolution, they would be willing to consider postponement. He added it is felt the joint arrangement would allow a less expenditure for both County and City in view of the high taxes and would also eliminate duplication of facilities.

Mr. Cvitanich asked what the capacity is of the plant at present.

Mr. Schuster advised the capacity is two million gallons per day, dry weather flow. The agreement is based on a 1.2 million gallons per day for the City and .8 million gallons for the County. The City's portion is approximately 600,000 gallons per day, dry weather flow.

Mr. Cvitanich asked if the residents at University Place were paying a premium price for the use of the facility or if they were on a par with the City residents.

Mr. Schuster said in arriving at the figures, they had taken the treatment and transmission costs and divided by the total number of gallons being treated and transmitted, then applied that figure to what the County would be contributing.

Mr. Gallagher said the County would be paying on the input.

Mr. Finnigan said he thought the Council should take more time to discuss the matter and moved to continue the matter for two weeks, until September 22nd, to give it further study. Seconded by Mr. O'Leary.

Mr. Schuster advised there were some technical amendments that should be made by the legal department in the agreement before it is reconsidered.

Mr. Hamilton explained there are several changes to be made in the agreement on page (2), (4) and (5) and would like for the resolution to be postponed so that the corrections can be made.

Mr. Finnigan moved to continue the resolution for two weeks, until September 22nd, so that the amendments can be inserted in the agreement. Seconded by Mrs. Banfield. Voice vote was taken and carried unanimously.

County Commissioner Patrick Gallagher explained the County and City had been working together on a common sewerage treatment plant for University Place, similar to that in the City of Fife for their treatment plant. He explained arrangements have been made with the Public Works Department. He said it would be a reciprocal agreement whereby the City would be using some of the County lines and vice versa.

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Mr. Schuster explained the treatment plant involved in the present agreement is the Western Slopes plant located just south of the Narrows Bridge and has adequate capacity for years to come and will accommodate requirements stated in this agreement plus what the City has. He said he sees no problems except it is necessary to construct a chlorine tank on the Western Slope and the County is taking that responsibility until such time as they come into use on the Western Slopes plant.

Mr. Schuster said the City has an application with the federal government for funds to construct an interceptor main line across the Tide Flats and to construct a new head works into the existing plant to relieve the load. This will alleviate the problems at the central plant which is 20 years old.

Mr. O'Leary asked if the County plans to build the chlorine tank and complete the other specified work before the connection is made with University Place.

Mr. Schuster further explained this agreement is similar but differs from the agreement the City has with the town of Fife which is strictly a treatment agreement.

Commissioner Gallagher explained the County would perform the required work and he would like to expedite the project, but if the Council has any reasons to delay the resolution, they would be willing to consider postponement. He added it is felt the joint arrangement would allow a less expenditure for both County and City in view of the high taxes and would also eliminate duplication of facilities.

Mr. Cvitanich asked what the capacity is of the plant at present.

Mr. Schuster advised the capacity is two million gallons per day, dry weather flow. The agreement is based on a 1.2 million gallons per day for the City and .8 million gallons for the County. The City's portion is approximately 600,000 gallons per day, dry weather flow.

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Mr. Finnigan moved to continue the resolution for two weeks, until September 22nd, so that the amendments can be inserted in the agreement. Seconded by Mrs. Banfield. Voice vote was taken and carried unanimously.

Resolution No. 20883

Awarding contract to Concrete Construction Company on its bid of \$1,475,001.00 for Union Ave. Urban Arterial Project, Improvement No. 4-4834 - UAB No. 8-1-128(1) Unit A.

Mr. O'Leary moved that the resolution be adopted. Seconded by Dr. Herrmann.

Mr. Schuster, Public Works Director, explained this is a four-lane major urban arterial project improvement which will replace a two-lane facility. This arterial crosses railroad tracks. The new facility would allow heavier loads of traffic and alleviate one of the highest traffic intersections in Tacoma; namely, the Union Ave., So. Tacoma Way and 38th Streets intersection.

Mr. O'Leary asked if the engineer's estimates on these larger jobs had been submitted to the Council as previously requested by Mrs. Banfield and if the bids submitted by the contracts were always a firm bid. He pointed out that Mrs. Banfield had asked for the estimates to be submitted prior to the time the final bid was presented to the Council, not prior to the time the bids are awarded.

Mr. Finnigan said he did not believe Public Works could publish engineering estimates prior to receiving bids and asked if the actual amount estimated had, in fact, been budgeted as such. He asked if there were surplus funds, if they would revert to the State or if the City keeps them for other projects.

Mr. Schuster advised that bids are always subject to changes and in this case the City had budgeted approximately \$250,000 more than the estimated costs. He said if there is a surplus of money it goes back into the fund and may or may not be allocated to other projects for which the City has applied.

Mayor Johnston explained the mandatory procedure is to have no advance knowledge of the bids by anyone.

Mr. Dean said he has noticed that both estimates for the bids run very high. He asked if there would be any reason for this.

Mr. Schuster explained that consultants try to give as accurate a bid as possible, but at the present time of depressed economical conditions with more contractors looking for work, the bids are often lower.

Mr. Dean asked how long ago was the estimate made.

Mr. Schuster explained it was revised just before the job was put out for bid in July. Bids often fluctuate and that the original planning had been done several years ago on this project.

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

Ayes 8: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary and Mayor Johnston.

Nays 0. Absent 1: Zatkovich (temporarily).

The Resolution was declared passed by the Chairman.

Resolution No. 20884

Awarding contract to L. C. Roth Construction Co., Inc. on its bid of \$29,858.00 for relocation of poles, etc. on Union Ave. and Center to So. 37th St. and vicinity constituting Improvement No, 4834-UAB No. 8-1-128(01).

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

Mr. Schuster explained this is the second part of a contract which was awarded

under separate contract some time ago, which is a different type of construction work.

Dr. Herrmann inquired if, in cases of a large operation such as this, what are the possibilities of constructing underground wiring as far as cost is concerned.

Mr. Schuster said the Light Department had made an investigation on the matter and the urban funds would contribute the same amount for either type of installation.

Mayor Johnston said he thought that the possibility of constructing these utility lines underground in such a major project, might be considered by some Council members as a policy decision, but in the future before the door is closed on the feasibility of this type of installation, it might be well to have the subject brought up before the Council to see what additional monetary consideration would be necessary. He added he is hopeful the Council will be given an opportunity to render an opinion on whether such additional funds would be warranted.

Mr. Schuster said this type decision rests with the Utilities Department and they would probably be happy to come before the Council.

Mayor Johnston asked that this be done.

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

Ayes 8: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary and Mayor Johnston.

Nays 0. Absent 1: Zatkovich (temporarily).

The Resolution was declared passed by the Chairman.

FIRST READING OF ORDINANCES:

Ordinance No. 19200

Creating a new fund in the General Fund to be designated as the "Model Cities Action Year Revolving Fund" and appropriating the sum of \$39,000.00 or so much thereof as may be necessary for certain activities of the Model Cities program and declaring an emergency for passage of this ordinance to take effect immediately upon publication.

Mayor Johnston asked Mr. Herman Walker, Model Cities Director, if any change of circumstances had taken place since the resolution appropriating \$39,000 had been discussed on September 1st.

Mr. Walker said no changes were made and since there had been some legal question on the matter, it had been placed on the agenda for this meeting, as an ordinance. He said the funding for the first action year is different from that for the planning year. Therefore, a requisition has to be made for funds on a monthly basis for the action year, after establishing credit at a local bank. The City would be repaid immediately after the contract is tendered to the City, he added.

Mr. Dean said he did not see anything relative to the City's being repaid out of the Model Cities funds.

Mr. Hamilton explained this condition is not placed in the ordinance. However, last week the Council in effect passed a temporary loan transferring funds to make them available for appropriation to the Model Cities and the resolution stated the funds would be repaid when and if the government funds are forthcoming. These funds are taken from the General Fund and placed in a subsidiary fund and it then requires an appropriation to spend the money which heretofore had been only loaned to that fund. That is the purpose of the present ordinance. In order to receive payment, the City would rely on the resolution of the loaning.

Mr. Dean moved to amend Section 4 of the Ordinance, changing the amount from \$39,000 to \$10,000 and the time stated from 90 days to 30 days. The motion failed for lack of a second.

Mr. Jarstad asked if there was any progress being made on a method to economize on the budget which is set out in the resolution.

Mr. Marian Gleason, chairman of the Model Cities Executive Board, said a meeting is being planned with the City Council to discuss the budget and they are preparing to trim the budget.

Mayor Johnston said he and Mrs. Gleason had planned a noon meeting for September 10th, but found that there wasn't enough members to attend the meeting.

Mr. O'Leary alluded to the resolution and the legal question that arose and asked what point had transpired to put the matter back on the agenda in the form of an Ordinance.

Mr. Hamilton advised that the resolution, as drafted, provided that the loan was conditioned upon receiving a guarantee of federal funds. Once that resolution had been adopted, had the guarantee been there, then under the statute money could be appropriated by regular ordinance, as appropriating moneys received in excess of anticipated federal funds. Consequently, that guarantee did not come and the Council changed it to an outright loan. Therefore, it became necessary to appropriate those funds and to appropriate them by the emergency ordinance provisions of the State statutes because, to date at least, there is no guarantee there are going to be revenues in excess of those estimated. It is for that reason the emergency ordinance is presented tonight. Had the guarantee come from the federal government, then a regular ordinance appropriating the funds would have been initiated, but it would not have had to be an emergency type.

Mr. Dean asked if it required six votes for passage.

Mr. Hamilton advised according to state statute, there has to be at least five days intervening between first and final readings and that on the final reading it will take six affirmative votes.

The ordinance was placed in order of final reading.

Ordinance No. 19201

Vacating approximately 12' x 50' of R/W at the N. W. corner of So. 19th and Prospect Sts. (Norman Jardeen, etal)

Ordinance was placed in order of final reading.

Ordinance No. 19202

Amending Title 5 of the Official Code relative to requirements of refuse containers.

Mr. Schuster explained this ordinance resulted from a request from the Health Department which basically refers to containers for garbage. They have asked that the additional language be inserted in the ordinance.

Mr. O'Leary asked if this ordinance would rule out the use of vinyl plastic containers and further if the larger containers going to food establishments, etc. would have to be covered. He asked if the ordinance contained some ruling on the covering or should it be reworded.

Mr. Schuster replied the Health Department does not feel that the present day

plastic containers would fit this ordinance as it is worded, but that future plastics might comply. The larger containers do have lids that pull down over them. He advised the Health Department's code requires that containers for food handling establishments have covers.

Mr. Cvitanich pointed out that the garbage cans at the back of the County-City Building do not have lids and stated this should be taken care of.

Mr. O'Leary asked that Mr. Schuster research the subject with Dr. McNutt, Health Director, to see if the ordinance needs further requirements.

The Ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 19192 (Postponed from the meeting of Sept. 1st)

Providing for improvement of LID 4947 for paving on South 72nd from Oakes to Prospect; So. "I" from So. 63rd to 64th Sts. and other nearby streets.

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

Ayes 8: Banfield, Cvitanich, Dean, Finnigan, Herrmann, O'Leary, Zatkovich and Mayor Johnston.

Nays 0. Absent 1: Jarstad (temporarily).

The Ordinance was declared passed by the Chairman.

Ordinance No. 19197

Appropriating the sum of \$23,000 or so much thereof as may be necessary from the General Fund for the purpose of paying additional expenses of an independent audit.

Mayor Johnston asked Mr. Demarest, member of the auditing firm how the audit was progressing.

Mr. Demarest advised the Council that the fiscal aspect of the audit would not be completed for about three weeks.

Mr. Cvitanich said he thought the public should be aware of what has been completed on the audit to date. He added each Council member received a memorandum outlining the various sections of the audit such as Personnel Practices, Statement of Condition, Financial Systems, Financial Planning and Management Reporting. He quoted from the memorandum on Personnel Practices which advocated a number of administrative changes in the City personnel practices and from the memorandum on Financial Systems regarding the Statement of Conditions recommending improved techniques in the City's procedures and suggested that an in-depth review of the City finances be made.

Mr. O'Leary said at the time the Finance, Audit & Investigating Committee interviewed the various firms, at the instigation of the auditing projects, they had uncovered many partial audit returns and recommendations made by Knight, Vale & Gregory at that time. He added the recommendations have been ignored, but now that a complete audit is being made, he hoped the City will put the advice and recommendations into use.

Mr. Finnigan said, having been in his own business for years, he is aware that efficiency experts can be hired on an annual basis. He feels if the same firm comes in and utilizes different personnel to make the analysis, there would still be improvements suggested by them. He knows the City has had similar audits in the past and doubts if this present audit will bring out all the answers to the

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problems. He wanted to point out this fact mainly to show that the recommendations of the present firm would not necessarily be the ultimate solution, but hopes it will help to create more efficiency and economic conditions. He said he feels that to have this volume of auditing done on an annual basis would be somewhat a waste of money. In the past when some firms audited three or four departments each year, improvements were made with benefit to the City. Some of the auditing firms can be too enthusiastic, but that does not mean their recommendations are necessarily correct.

Mr. Cvitanich said he thought Mr. Finnigan had given some important reasons why the public should support Proposition No. 8 on the ballot on September 15th. He pointed out that the Committee had recommended auditing each of the City Departments every three years, but the City Manager and the Finance Department felt five years would be adequate.

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

Ayes 7: Banfield, Cvitanich, Dean, Finnigan, O'Leary, Zatkovich and Mayor Johnston.
Nays 1: Herrmann. Absent 1: Jarstad (temporarily).
The Ordinance was declared passed by the Chairman.

Ordinance No. 19198

Creating a new fund known as Neighborhood Youth Corps Revolving Fund for the purpose of conducting the Neighborhood Youth Corps program beginning September 1st, 1970, thru July 16th, 1971.

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

Ayes 7: Cvitanich, Dean, Finnigan, Herrmann, O'Leary, Zatkovich and Mayor Johnston.
Nays 1: Banfield. Absent 1: Jarstad (temporarily)
The Ordinance was declared passed by the Chairman.

Ordinance No. 19199

Vacating George St. from A to East B Street. (Petition of Bethlehem Lutheran Church)

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

AYes 6: Dean, Finnigan, Herrmann, O'Leary, Zatkovich and Mayor Johnston.
Nays 2: Banfield and Cvitanich. Absent 1: Jarstad (temporarily).
The Ordinance was declared passed by the Chairman.

UNFINISHED BUSINESS:

Director of Public Works presented the assessment rolls for the following:

LID 4914 permanent paving on North 18th Street from Shirley Street o Bennett St.

LID 6903 installation of modern street lights on existing wood poles at inter-sections along South 15th from Lawrence to Alder Sts.; So. Lawrence From So. 15th to So. 16th Sts. and other nearby streets.

Mrs. Banfield moved that the date of hearing be set for Monday, October 26th, at 4:00 P.M. Seconded by Mr. O'Leary. Voice vote was taken. Motion carried.

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Mr. Cvitanich said he had received many calls regarding the City applying for federal funds for the Police Department and would like to inform the public at this time that he had looked into the matter and found information on the subject. He said many people assume that the federal government has control, but that he had checked; Public Law 9351 regarding Law Enforcement Assistance, Page 11 of Section 518, spells out the purpose and states "nothing contained in this title or any other act shall be construed to authorize any department officer or employee of the United States to exercise any direction, supervision or control over any police force or law enforcement agency of any state or any political subdivision".

He added in 1965 President Johnson had called a committee to determine what should be done if certain conditions arose. Their report was called "Community Adjustment to Reduce Defense Spending". President Nixon has also set up certain criteria, but Mr. Cvitanich said he wishes to advise these are merely hypothetical solutions.

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Mrs. Banfield said she had asked for a number of items of information from the former City Manager on costs of surveys and plans being made for the City. She said she had read an article in the Seattle paper and as a result wanted to ask another question. She said she had noticed they are asking for private studies on operations of the garbage department, etc., since 1963, and a Seattle taxpayer had pointed out their City Budget Director estimated their costs at \$7,105,563. Mrs. Banfield asked if Mr. McCormick, City Manager, could obtain a cost estimate for the surveys and plans that have been performed since 1952.

Mr. McCormick said he wanted it made clear it was Mr. Oles who was City Manager at the time of Mrs. Banfield's request. He said he would be glad to check the files and furnish as much information as possible and that he would arrange a conference with her as soon as possible.

Mrs. Banfield explained what she was interested in was, how much money has been going into Planning and then no projects initiated or completed, whatever the case might be.

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Mr. O'Leary thanked the City Manager for the information he had assembled regarding gambling in the City of Tacoma. He said he would withhold his comments until he had fully read the report. He added he had not expected the repercussions from the news media which had resulted. He had only wanted to find out at the local level what is going on in Tacoma. He said news reporters had inferred everyone knows that illegal gambling exists in Tacoma. He said it has become apparent sometime ago and recently that the New Tribune would come out with a big gambling "expose" just before the election and then drop the matter. He said anything they reported would be blaming the letting-up of the tolerance policy upon the five members of the Council, who have actual knowledge of the tolerance policy. He said that had been his reason for asking his original question.

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Mr. Cvitanich moved that the Council asked the Dept. of Utilities for the use of the auditorium for a debate in which he will take part sponsored by the League of Women Voters concerning Charter amendments and Dr. Herrmann will take the opposite point of view. Seconded by Mr. O'Leary.

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Dr. Herrmann said he had not agreed to this as yet.

Mr. Cvitanich replied he was sorry if the League had not yet contacted Dr. Herrmann.

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Mr. Cvitanich said he would like to point out that the News Tribune editorial is again misstating the facts by saying it is the Council's responsibility that Tacoma has so many projects which are not being completed. He said the news media is criticizing the Council for their actions and at the same time criticizing the projects in question. The reporter, Jack Pyle, had distorted the information on the charter amendments. 1,2

Mr. Cvitanich asked Mr. McCormick if there had been any secret meetings involving any Council members, regarding his report on the propositions on charter amendments.

Mr. McCormick said he had made as accurate and complete an analysis as possible.

Mr. Cvitanich further explained the propositions to be placed on the ballot.

Mr. O'Leary said in paragraph 7 of the first proposition, he inquired about the proposed Mayor's veto as explained on page 3 of the report. He asked Mr. McCormick to clarify the power of veto which the Mayor will have if the proposition passes.

Verbatim - Requested by Mr. O'Leary.

Mr. McCormick: "At the beginning of the last paragraph it says it should be noted, in the event the Mayor does not approve an ordinance, he must return it together with "a statement setting forth his objection thereto, or to any item of part thereof"--- not his veto; his objections to it. The whole ordinance goes to the Mayor, and then if he does not approve it, he has to voice his objections and send the whole ordinance back with his objections to the ordinance as a whole or to any item or to any part of it that he may have. The provision provided with respect to budget measures, this veto shall extend to specific items only and not to the entire budget.

Here is the comment, it was the intent of the committee (referring to explanation under this section as provided) no matter who drafts a bill or in what language it is put, there is always going to be somebody that interprets it some other way. But here was the intent, and that is, what the courts rely on when they are interpreting what a section of an agreement or any other law is involved, when it was passed. And it is this, and I specifically call your attention to this because the election is being held, I specifically call attention to the intention that the committee had, and the way I thought it was written, and the way I would present it to the public is that this does not mean, nor was it ever intended to mean that the Mayor shall have the right to veto ordinances which are presented to him, but he must point out what his objections are, either to the ordinances as a whole or to some particular item contained therein; which would then give the Councilmen the opportunity to amend it to conform with the Mayor's wishes and send it back for his approval, rather than overriding his veto.

And this is specifically made clear in respect to the budget itself. The reason for this is obvious due to the extent of the budget, etc. In other words, he may have objections to one particular portion of that ordinance, and that is the reason, when he sends it back he has to point out to the Council to what his objections are aimed. What is his objection to it and the Councilmen, instead of overriding it, might agree among themselves; rather than overriding a veto they can amend it and send it back and probably pass it by the Council and avoid that veto.

Now, that was the purpose of it and it was certainly not intended to ever give him the right of an "item veto", and you will note that it says as to the items etc., "his objection shall go back" to the Council. And I think that is reasonable. At least that's what the committee Now if I didn't put it in the proper words, that's my fault, because that was what was intended. So that the Council would know his objections--"why did he veto it." And give them an opportunity not only to veto it, but if they wanted to, to concede and then amend it and pass it and be done with it."

END OF VERBATIM

Mr. O'Leary asked Mr. Hamilton, if he sees anything in the language on the proposed charter amendment on the ballot for September 15 concerning this veto power of the Mayor which would give the Mayor any "line" or "item" veto of any ordinance, to bring it before the Council at this time.

Mr. Hamilton replied he did not have the revisions at hand and was not prepared to answer Mr. O'Leary's question at the moment.

Mr. O'Leary asked if a verbatim transcript of Mr. McCormick's explanation, which he had dictated in his office, could be obtained at the present meeting.

Mr. McCormick advised his office staff had not been able to complete the transcription yet, even though they had worked until 5:00 P. M. tonight.

Mr. O'Leary explained he was trying to find a solution for the lies that were being passed around the community, so that he could clarify the matter at this meeting or wondered if Mr. Hamilton could be allowed time to study the question and then perhaps put his answer in print. He said he would like this question settled tonight.

Mayor Johnston asked if Mr. Hamilton could read the section of the charter revisions to satisfy Mr. O'Leary's request.

Mr. Cvitanich said he had this portion in his office if they wished him to obtain it.

Mr. Hamilton responded to Mr. O'Leary's question and stated that the section of the proposition for the charter in question reads, "The Mayor shall either approve the ordinance or return it to the Council by delivering it to the City Clerk together with a statement of his objections to the ordinance or to any item or part thereof provided, that with respect to budget measures his veto shall extend to specific items only, and not to the whole budget."

Mr. Hamilton said while this may be somewhat ambiguous, he thought that any court construing this would probably determine that, except for budget items, only the Mayor must either approve the ordinance in its entirety or veto the ordinance, but does he not have the power to veto any entire budget ordinance. But that is a further limitation of his power rather than an additional grant.

Mr. O'Leary complimented Mr. Hamilton and Mr. Cvitanich for upholding the interpretation of the question.

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COMMITTEE REPORTS:

Mr. Dean reported on the Welcome Home for the Tacoma Youth Symphony and said some of the planes were late so the parade plans had to be altered and the program at the Tacoma Mall Theater was hours late. He reported that the Mayor had made a very nice speech in spite of all the unpleasant conditions, of the youth being tired, the wind blowing, the buses late, etc. However, after a few days everything seemed to be back to normal and that the Tacoma group was one of the top four in the final appearances at the festival. He added the committee had asked him to express their thanks for the support of the group in raising the \$65,000 necessary and that an

invitation has been sent for the group to attend a festival in 1971 in Germany.

The Mayor thanked Mr. Dean for being the chairman of a most important committee for the benefit of the City.

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Mr. O'Leary said in connection with his report to the Council on the ODI activities, the legal department had advised the City had been turned down on two counts, one because of the fact that the Charter prohibits the City hiring anyone who has committed a crime, and that is being clarified by the fact the City has now passed an ordinance setting up the Economic Opportunity Act as a specific project and the City does not have anything under the ordinance that is a personnel rule that does not apply.

He said as far as a Transition Plan which is mentioned, that is being taken care of now, and it is hoped there will be some better reports at an early date.

Mayor Johnston said he had received a letter in this regard from Senator Jackson, directed to the Tacoma City Council, and stated in essence the contents of the letter and asking for the latest comments on the Tacoma program. Mayor Johnston said he had not seen a copy of this report on OEO.

Mr. Cvitanich reminded the Mayor that the Council by a 5 to 4 vote determined that the City would designate itself as a CAP Agency back in January or February. He added the Council members had met with the County officials.

Mayor Johnston asked why he had not received a copy of the report.

Mr. Cvitanich said they met with the County Commissioners and there had been a deliberate delay on the part of the Regional OEO office in Seattle. Others at the meeting included Mr. Brady of the Governor's office and Mr. Mercer of the Regional office. Contrary to the intent of obstacles that had been placed in the path to hinder the designation of Tacoma as a CAP Agency by Congress. He further added letters had been sent to Senator Magnuson, Congressman Hicks, Senator Jackson, the Director of the OEO in Washington, and to Rep. Edith Green. He said the Chairman in Washington, D. C., had become upset and had written to others.

Mayor Johnston explained that he thought there should be a policy whereby any Council member who writes a letter to any person in the federal government should send carbon copies to the other members of the City Council. He said Mr. Cvitanich continues to use the term "we" when referring to his activities, whereas this is not appropriate.

Mayor Johnston said he feels even though five members of the Council compose a majority, he thinks it only a common propriety to keep the other members of the legislative body informed regarding legal problems.

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COMMENTS BY MEMBERS OF THE CITY COUNCIL

Mr. Dean asked Mr. Hamilton to outline the exact procedures required to set up a Crime Commission in Tacoma.

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Mr. Cvitanich asked what is the progress on the resolution to be brought in concerning control of oil exploration in the Tacoma area.

Mr. Hamilton reported he had turned the project over to one of his assistants to outline and then to the Planning Commission for consideration.

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A letter from Tacoma Cable Company, Inc. was read into the record informing the public of its work progress.

Mr. Finnigan pointed out that due to two cable companies being in Tacoma, he did not think the progress of this cable company should be publicized.

Mrs. Banfield said she thought the matter of dumping refuse along Ruston Way should be investigated. She has had complaints about this practice causing unsightly locations. 1/26/37

Mr. Finnigan agreed, and asked Mr. McCormick if he thought it advisable for the City to put refuse containers along the waterfront and then have the City collectors pick it up from time to time. He thought this would encourage the public to keep things picked up. ✓

Mr. McCormick asked if Mrs. Banfield was speaking of the refuse of cans, papers, containers, etc., or of the dumping of miscellaneous refuse. He said he would be glad to check into the matter of emptying cans in parks, etc., and also the dumping of concrete and dirt, but that the Army Corps of Engineers has given some permits to property owners in that area in order to fill in their property.

Mr. McCormick said he did not think the City would have much control over private owners dumping on their own property.

Mr. O'Leary asked that Mr. McCormick ascertain from the Army Corps of Engineers whether the people who are dumping do actually have a permit.

CITIZENS' COMMENTS:

Mr. Charles Laine pointed out there are several properties along the shoreline that are unnecessarily offensive to the visual sensibilities of the average person. He commented there are laws dating from 1886 which pertain to the control of such conditions and are nonetheless still in effect. He added in spite of the permits being recently issued by the Army Corps of Engineers does not alter the laws. The Army Corps' policies have been changed in May of 1970 and since that date he thinks the dumping is in violation as no permits are in effect any more and further, that any permits that have been applied for are in violation of the law. 1/26/37
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Mr. O'Leary asked Mr. Laine to confer with Mr. McCormick and work with him at a later date.

Mr. John C. Frai, 1423 S. 33rd St., spoke in regard to a running audit for the City.

Mr. George Goe spoke on the need for more Police protection in the southend area of the City and the need of 50 more firemen in the Fire Department.

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ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Monthly Report, Citizens' Information and Service Bureau, August, 1970.
- b. Update Cost Estimate for Urban Arterial Project No. 8-1-128(09) - (Yakima Avenue). --Dept. of Public Works.
- c. Update Cost Estimate for Urban Arterial Project No. 8-1-128(25) - (South 84th Street). -- Dept. of Public Works.
- d. Tacoma Employees' Retirement System Report, August, 1970.
- e. Tacoma City Planning Dept. Monthly Report, August, 1970.
- f. Minutes of Executive Board Meeting, Tacoma Model Cities, August 6, 1970.

Placed on file.

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Mr. Cvitanich moved to adjourn the meeting. Seconded by Mr. Finnigen. The meeting adjourned at 10:45 P. M.


 Gordon M. Johnston - Mayor

Attest: 
 Josephine Melton, City Clerk