

CITY COUNCIL MINUTES

City Council Chambers, 4:00 P. M.
Tuesday, July 2nd, 1968

Council met in regular session. Present on roll call 9: Banfield, Bott, Cvitanich, Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.

The Flag Salute was led by Mr. Johnson.

Mrs. Banfield moved that the minutes of the meeting of June 18th, 1968 be approved as submitted. Seconded by Mr. Johnson. Voice vote taken. Motion carried.

HEARINGS & APPEALS:

a. This is the date set for hearing for the vacation of Warner St. between So. 9th & 10th Streets except the 16' wide east-west alley, submitted by Vincent Fredericks, etal.

Mr. Buehler, Director of Planning, explained this was a street right-of-way that has never been opened and due to the steep topography of the immediate area, it is unlikely that it would ever be opened for through traffic. This vacation will eliminate two short (300) foot long blocks. He noted that all the abutting property owners signed the vacation petition and no objections were expressed against the request.

Mr. Buehler remarked that the Planning Commission members had recommended approval of the vacation subject to conditions set forth.

No one appearing and no protests being made, Dr. Herrmann moved to concur in the recommendation of the Planning Commission to approve the vacation and that an ordinance be drafted approving same. Seconded by Mr. Finnigan. Voice vote taken. Motion carried.

b. This is the date set for hearing for proposed Text Amendment Regulating Gasoline Service Stations.

Mr. Buehler, Director of Planning, explained that this text amendment was originally sent to the City Council in January of 1968 after a study by the Planning Commission. An alternate ordinance was referred to the Planning Commission by the City Council in February of this year. The Commission has held several hearings and conducted a study session on the alternate proposal as well as reviewing its original recommendation.

Mr. Buehler continued, the original recommendation sent to the Council in January provides, generally that service stations in all districts where presently permitted, shall be required to have a special permit except the CFV Freeway Vehicular Service District, where they will be permitted outright. The alternate referred back to the Commission in February by the Council would provide that special permits be required for service stations only in the "C-1" Districts. The Commission in studying the alternate proposal felt, if it were adopted, it should include the "C-2" District as well.

Mr. Gordon Johnstor, Chairman of the Planning Commission, explained, after much deliberation the Planning Commission felt in its judgment there was not sufficient reason to warrant an alteration of its original recommendation of

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January 1968. This recommended regulation would provide effective controls on site development and the location of stations. Previously gasoline service stations have been concentrated along arterials in certain commercial areas of the City, resulting in either a large number of vacant stations, unsightly conditions or both. Indiscriminate utilization of accessory businesses on service station sites has resulted, not only in unsightly conditions but often objectionable practices as well.

Mr. Wagner, a service station operator, spoke on behalf of a group of operators, stating they were in favor of the proposed text change relative to service stations.

Mr. Edgar A. Weymouth, Northwest Manager of the Western Oil & Gas Association, explained their association still protests the proposed ordinance as the association opposes any permit requirement, and this ordinance also outlines that a station would be subject to removal after six consecutive months of vacancy. He felt, if such an ordinance passes, Tacoma would have the most restrictive ordinance of any city of its size in the entire western states.

Mr. Weymouth continued, the association has not objected to a special-use permit in the "C-1" District, but they felt it was not necessary to place a "C-2" District in this category. He added, gasoline service stations are placed in locations for the use of the motoring public. Since there isn't an overabundance of service stations in this area, he felt there was no need to restrict the service stations. The association has requested that the suggested alternate ordinance be passed by the City Council as the amendments in that ordinance would generally be as follows: development standards prescribed would apply to all service stations hereafter built or substantially altered; that the concept of a special use permit would apply only to service stations in "C-1" District, that Provision "F" has been amended to delete the authority of the Planning Commission to impose additional conditions and limitation on approval, in addition to those spelled out in the ordinance.

Mr. Finnigan asked if this ordinance were contested, if the City Attorney thought the court would support it.

Mr. McCormick, City Attorney, explained he felt this proposed ordinance was constitutional.

Mr. Finnigan felt it was somewhat discriminatory and noted the Council does not have any reference to indicate that any other community has exercised this type of restriction.

Mr. McCormick explained there are various types of these laws but this was as restrictive as any other law.

Mr. Murtland inquired if it were mandatory to demolish a station in six months or would it be permissible to apply for an extension of time through the Planning Commission.

Mr. McCormick suggested that, perhaps, there should be some provision that the time be extended upon an application to the City Council, as there may be extenuating circumstances whereby the Council might wish to give them another month or two in order for the owner of the station to protect their client.

Mr. Murtland felt the "C-2" District should be included in the ordinance as it is an area which should be protected.

Mayor Rasmussen felt that a six-month's period should be changed to at least one year before a station is required to be demolished.

Mr. Johnston, Chairman of the Planning Commission, explained there are numerous service stations in Tacoma and he did not feel the six-month's provision was too restrictive.

Mr. Lindskog, Attorney, representing certain oil companies, remarked that the Council should give the oil industry an opportunity to abide by the performance standards without the additional special use permit.

Mr. Finnigan moved that an ordinance be drafted incorporating these provisions as spelled out in the alternate ordinance, also to include an appeal body as well as a provision for conversion to some other use, and eliminating entirely the special use permit. Seconded by Mr. Johnson.

Mr. Cvitanich felt the Council would be in error in rescinding the recommendation of the Planning Commission.

Mr. Zatkovich felt the special-use permit should not be eliminated.

Mr. Johnston, Planning Commission Chairman, stated his final appeal was that the Council retain the "C-1" and "C-2" special use permit item in the ordinance.

Mr. Weymouth explained that there are conditional use permits granted in other areas that have no development standards, therefore the industry was against these restrictions in a "C-2" District.

Mr. Murtland moved to amend Mr. Finnigan's motion to provide that the Council accept the alternate ordinance which would include the special use permit in the "C-1" and "C-2" Districts. Seconded by Mr. Cvitanich.

Ayes: Roll call was taken on Mr. Murtland's amendment, resulting as follows: Ayes 7: Banfield, Bott, Cvitanich, Johnson, Murtland, Zatkovich and Mayor Rasmussen. Nays 2: Finnigan and Herrmann. Absent 0. Motion carried.

Mr. Johnson moved to amend Mr. Finnigan's motion to completely eliminate the "C-2" District. Seconded by Mr. Finnigan. Roll call was taken, resulting as follows: Ayes 5: Banfield, Finnigan, Herrmann, Johnson and Mayor Rasmussen. Nays 4: Bott, Cvitanich, Murtland and Zatkovich. Motion carried.

Roll call was taken on Mr. Finnigan's motion as amended, resulting as follows: Ayes 5: Bott, Finnigan, Herrmann, Johnson and Mayor Rasmussen. Nays 4: Banfield, Cvitanich, Murtland and Zatkovich. Motion carried.

Mr. Johnson moved that an ordinance be drafted approving same. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

COMMUNICATIONS:

Communication from Councilman W. G. "Gerry" Bott, Maurice S. Finnigan and Arnold J. Herrmann, M. D., nominating John Q. Kelly as a member of the Tacoma Planning Commission for a full term commencing July 1, 1968, pursuant to Section 2.4 of the City Charter.

Mayor Rasmussen remarked, if there is no objection, the communication will be placed on file.

RESOLUTIONS:

Resolution No. 19764 (postponed from the meeting of June 25th, 1968)

Awarding contracts for the furniture for the new head-quarters fire station and rejecting certain items in the contracts.

Mrs. Banfield explained she had contacted James Reiser, Fire Chief, and has received satisfactory answers to her questions.

The Resolution was passed unanimously by voice vote.

Ayes 9; Nays 0; Absent 0.

Mr. Murtland stated he had voted on prior occasions, in this matter and would have to vote "no" at this time.

Dr. Herrmann also indicated he did not feel qualified to vote "yes" on the resolution.

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Resolution No. 19774 (as amended) (postponed from the meeting of June 25, 1968)

Amending the Rules for the Government of the City Council. Repealing Resolution No. 19449.

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

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Ayes 5: Bott, Finnigan, Herrmann, Johnson and Murtland.
Nays 4: Banfield, Cvitanich, Zatkovich and Mayor Rasmussen. Absent 0.
The Resolution was declared passed by the Chairman.

Resolution No. 19776

Fixing Monday, July 22, 1968 at 4 P. M. as the date for hearing on L I D 3673 for sanitary sewers in East 65th St. from "I" St. east 630 feet and in other nearby streets.

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

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

Resolution No. 19777

Awarding contract to American Rubber Mfg. Co. on its bid of \$7,483.28, plus applicable sales tax, for furnishing the annual supply of fire hose.

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

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

Resolution No. 19778

Affirming and reiterating the objection of the City Council to the proposed merger and consolidation of certain Railroads filed with the Interstate Commerce Commission.

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

Mr. McCormick, City Attorney, explained this resolution was drafted in order to have a concrete expression by the Council in opposition to the pending Railroad merger.

Mr. Finnigan remarked he did not feel he was qualified to vote for this resolution. He added, he understands some of the problems affecting the economy of our community, but the complete picture is not clear.

Mr. Cvitanich stated the Council has reaffirmed its position on this matter three times since 1961.

Mr. Johnson explained he had changed his mind since this matter had recently been presented to the Council. He felt the merger of the railroads could affect Tacoma's economy. He thought the Chamber of Commerce had requested this resolution so that adequate competition could be shown with Seattle. He also felt even though the merger goes through, there would be competition and he would have to vote 'no' on the resolution at this time.

Mr. Murtland stated he had voted 'no' on prior occasions on this matter and would have to vote 'no' also at this time.

Dr. Herrmann also indicated he did not feel qualified to vote 'yes' on the resolution.

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Mayor Rasmussen stated this resolution is merely reiterating the Council's position on a motion a short time ago. He noted that the majority of the employees of the railroads are opposed to the merger.

The Resolution was passed by voice vote.

Ayes 5: Banfield, Bott, Cvitanich, Zatkovich and Mayor Rasmussen.

Nays 4: Finnigan, Johnson, Herrmann and Murtland. Absent 0.

Resolution No. 19779

Authorizing the proper officers of the City to execute a release of sewer easement across the south 15 feet of Lot 9, Block 5, Westgate Sixth Addition.

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

The Resolution was passed unanimously by voice vote.

Ayes 9; Nays 0; Absent 0.

Resolution No. 19780

Authorizing the proper officers of the City to transfer certain real property on the records of the City of Tacoma from the Dept. of Public Utilities, Water Division, to the Public Works Dept.

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

The Resolution was passed unanimously by voice vote.

Ayes 9; Nays 0; Absent 0.

Resolution No. 19781

Authorizing the proper officers of the City to execute an agreement with Morley Brotman providing for the construction of various improvements on the site of the proposed shopping center on the R/W abutting thereto, So. 19th and Stevens Street.

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

Mr. Buehler, Director of Planning, read a letter addressed to the Tacoma City Council from Allan L. Overland, Attorney, who has represented Morley Brotman throughout all of the transactions with the City on his "C-P-C" District at 19th and Stevens Street.

Mr. Buehler said that Mr. Overland requested that the letter be placed on file in substitution of his personal appearance, as he was unable to attend this meeting due to an emergency which had arisen.

The Resolution was passed unanimously by voice vote.

Ayes 9; Nays 0; Absent 0.

Resolution No. 19782

Confirming the reappointment of Jay A. Grenley as a member of the Public Utility Board for a five-year term expiring on the 30th day of June, 1973.

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

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

Resolution No. 19783

Calling for a Special Election upon the proposition as to whether or not the City of Tacoma should proceed with the program of acquiring land for open space purposes with participating funds from the United States of America and the State of Washington along Ruston Way, and that Resolutions 19734 and 19735 be rescinded.

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

Mr. Zatkovich contended that the program of acquiring land for open space purposes would cost millions of dollars. He felt that the people should have an opportunity to vote on such a matter and has requested a resolution calling for a special election. He felt this was one of the prime areas for commercial development and not for a scenic drive.

Mr. Finnigan felt it is the prerogative of the Council to make decisions.

Dr. Herrmann agreed with Mr. Finnigan that the Council has been elected to make such decisions. This open space plan has been under consideration for a number of years and felt the Council should proceed to apply for funds to acquire property for open space purposes along Ruston Way.

Mr. Zatkovich asked Mr. McCormick to explain when such a proposition could be placed on the ballot.

Mr. McCormick, City Attorney, explained the term 'Special Election' has a particular meaning insofar as propositions are concerned when placed on the ballot for a vote of the people. This is a terminology which is used under the State Law. As the Council recalls, a few years ago the Legislature provided that all Municipal elections should be held in the odd years. The State and National elections in the even numbered years. Any proposition for a vote by the people therefore must be at a special election which can be held in conjunction with another election, or it can be held alone. When an election is held in conjunction with another election, either primary or general, then the costs are split between the various municipalities who are participating in the election. The costs would be much higher if an election is held alone, as the entire cost would have to be borne by the City.

Mr. Zatkovich asked if this proposition could be put on the September ballot.

Mr. McCormick explained he had checked with the Election Dept., and insofar as the ballot is concerned, for some reason or other there has not been any propositions filed with that office and they did not expect too many on the September ballot.

Mrs. Virginia Shackelford, 1105 No. L, spoke to the resolution and felt the proposition should be put to the vote of the people. She added, under the new Housing and Urban Development Act of 1968, Section 502, the title of Demonstration Cities & Metropolitan Development Act of 1966 has been changed to Planned

The right to enter his home at answer any questions. It was his hope that the majority of the Council would sustain any citizen of Tacoma in that respect.

Mr. Howlands, City Manager, remarked that this has been discussed many

Area-Wide Development of 1968, and further stating that open-space planning will be under a Regional Planning Program.

Mayor Rasmussen asked Mr. Rowlands to explain this change. He felt, perhaps, the County would now be included in these plans.

Mr. Rowlands noted that the Puget Sound Governmental Conference plans are being reviewed and requiring close coordination by the State Planning and Community Affairs Agencies.

Mr. Rowlands outlined the resolutions that had been passed by the City Council relative to open-space and outdoor recreation. He added, the City applied to the State in 1966, to HUD in 1967 for a grant relative to the outdoor recreation programs. He felt, perhaps, the final acquisition could be under the "Design for Progress" program with the cooperation from the Port of Tacoma. He said there is no intention to condemn or attempt to remove such established developments as the Cummings Boat Co. Inc. or the Dickman Lumber Co. and the Top of the Ocean Restaurant.

Mayor Rasmussen asked if the City's plans have progressed sufficiently to utilize this land in (5) years for public purposes as the act requires.

Mr. Rowlands explained, in connection with the acquisition of the property, the fact that this particular proposal has been approved by HUD demonstrates that the staff would be able to proceed rapidly. Mr. Rowlands explained that after the appraisals are submitted, the Council will then make a determination as to priorities.

Mr. Johnson pointed out that planning of any of these projects is determined at the local level and the City would not lose control of the Ruston Way project through involvement in the federal open-space program. The Council would not have to accept federal aid if locally prepared plans met with federal disfavor.

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

Ayes 2: Banfield and Zatkovich.

Nays 7: Bott, Cvitanich, Finnigan, Herrmann, Johnson, Murtland and Mayor Rasmussen.

The Resolution was declared Lost by the Chairman.

FIRST READING OF ORDINANCES:

Ordinance No. 18625

Vacating the north side of So. 56th St. between Lawrence and Montgomery Street extended. (petition of Conifer Co.)

The ordinance was placed in order of final reading.

Ordinance No. 18626

Creating a "C.P.R. Study Revolving Fund" pursuant to Grant Contract No. Wash. R-19 (CR) (G) appropriating \$187,851.00 therefrom and authorizing a temporary loan in the sum of \$40,000.00 from the General Fund of the City of Tacoma.

Mr. Gaisford, Finance Director, explained that a resolution which was adopted by the City Council, enabled the Community Renewal Program grant to be placed in operation. Consequently it is necessary for the City to create a fund so that the City can expend the monies of \$187,851.00 which are to be received from the Federal government. The title of this fund is "C.P.R. Study Revolving Fund". He noted that the \$40,000 which is being loaned from the General Fund is a working fund advance.

Mayor Rasmussen stated that any citizen of this City would refuse anyone the right to enter his home or answer any questions. It was his hope that the majority of the Council would sustain any citizen of Tacoma in that respect.

Mr. Rowlands, City Manager, remarked that this has been discussed many

times, but he was pleased to report that the inspectors have informed him that the citizens have been most gracious and cooperative. Therefore, with everyone working together in a cooperative manner, much will be accomplished.

Mayor Rasmussen mentioned he had in his possession copies of letters from the Public Works Dept. to two different property owners in N. E. Tacoma relative to the survey of their properties. The letters indicated the corrections to be made on their premises. He wondered if the buildings are declared dangerous buildings because in need of paint or due to deterioration.

Mr. Rowlands stated there is a Dangerous Building Code and an Appeals Board where the property owners may appeal the decisions of the Building Dept. He said he could submit a report to the Council on the progress of these inspection teams.

Mayor Rasmussen inquired as to what rights of protection these people would have if their buildings are not dangerous after the inspectors have taken action in notifying them to bring their buildings up to standards. These particular owners are on Social Security.

Mr. McCormick, City Attorney, stated he was not familiar with these particular facts, but there is an Appeal Board where complaints are heard.

Mayor Rasmussen felt that the City staff was not operating within the Law.

Mr. Rowlands, City Manager, stated the staff was operating within the Law and he also mentioned that many citizens in the City have been very happy that the inspectors have pointed out the delapidated buildings which when improved will upgrade their neighborhood.

After further discussion, the ordinance was placed in order of final reading.

Ordinance No. 18627

Amending Section 6.20.050 of the Official Code of the City of Tacoma providing that the Board of Examiners shall serve without compensation.

Mayor Rasmussen moved that this ordinance be postponed for two weeks, until Tuesday, July 16th, 1968. Seconded by Dr. Herrmann. Voice vote taken. Motion carried.

FINAL READING OF ORDINANCES:

Ordinance No. 18606 (postponed from the meeting of June 18, 1968)

Appropriating the sum of \$40,000 or so much thereof as may be necessary from the General Fund for the purpose of acquiring certain real property along Ruston Way.

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Mayor Rasmussen remarked there has been a great deal of discussion about acquisition of property along Ruston Way. He asked Mr. Buehler, Planning Director, if there is any property to his knowledge, that the City anticipates condemning.

Mr. Buehler, Planning Director, replied that the Department has stated they would do everything in their power to negotiate for willing acquisition. Any action of condemnation of property has to be authorized by the City Council, he added.

VERBATIM requested by George Cvitanich.

Mayor Rasmussen: I would like to have an amendment prepared for this, spelling out very briefly, so the Council could understand it; spelling out the subject we have been discussing, that we do not anticipate condemning property; so that we can give these people that send letters into us the --Cummings Boat Co. and the Drury & Petrich, Inc. and several others, so that they could go ahead with their improvements, knowing that they would be allowed to keep their property. If

we could do this very briefly; would this be possible? You see, they have indicated they have quite an expansion program going on, and it would probably mean considerable to them at this time with the contracts they have.

Mr. McCormick, City Attorney: Mayor and Members of the Council, you really, in effect, have that power retained in the Council, for this reason. The only way we can acquire property is by the consent of the property owner; the only other way we have, is by condemnation. Prior to condemnation we have to come to the Council and get specific authority by ordinance for the condemnation of the property and it has to be described in that ordinance. So you really have that without putting it in here.

Mayor Rasmussen: Well, this is right Mr. McCormick, and I can see that, but I can also see the position that--let me give you an example; Cummings Boat Co. has a letter in here and they have bought Caddigan Mills. They are going to have quite a lot of investment capital--they are going to need a lot of investment capital in order to go forward with their plans. We have \$157,000.00 approximately, to be available to purchase land. We will probably not make up our mind on the purchase of the land for a period of two years. We probably would not be able to develop it. In the meantime, all progress as far as these people, building industry in Tacoma, has stopped because, No. 1, they can't go out and talk to some investors and say, I'd like to have you invest in this boat basin in the amount of \$100,000 or \$200,000 or a million dollars; you just can't get investment capital on that basis. So, I would be interested in seeing something put into this that would give them the assurance they could go ahead without any interference from the City.

Mr. McCormick: You could have, I suppose, fix a proviso to the effect, Provided, however, that no property shall be acquired except by mutual consent of the property owner, unless specifically authorized by action of the Council, or something to that effect, which is really what powers you have. You can put something in there now, and at a latter time, if the Council so desires, they could amend it and take it out; you still have the right under the State Law; the Council has the right to authorize condemnation, regardless of what you say here, to proceed.

Mr. Rowlands: I would like to comment on this point.

Mayor Rasmussen: Mr. Rowlands.

Mr. Rowlands: Actually, we are not going to wait any two years; we are going to move very quickly, as in the past, and get the appraisals started immediately, and come back, hopefully, to the City Council within a couple of months with anything that needs priority. I think I have made my position very clear before, and Mr. McCormick said it tonight; obviously on some of the vacant properties, we would not be telling you the truth if we said we thought we would not be coming back to you for condemnation; if we can't get together and somebody was asking some outrageous price, obviously we are going to have to go to condemnation; we are doing it all the time and the schools are doing it, and they use the government's apportionment, for example, prior to an acquisition through condemnation. But I think we have also made it clear that it is not our intention to interfere with the established improved property. Caddigan Mill; Top of the Ocean; Cummings Boat Co., etc. We are coming back with a report on the properties that we think can be acquired; the staff and then the Council will decide --

Mr. Johnson: Well, I think that it might be in order for this Council to pass a resolution stating and concurring with what Mr. Rowlands has just said, that it is not our intention to condemn any presently going businesses and their property necessary for expansion. So if they want to buy additional property, I think they should have that priority. Now, a resolution of that kind could not bind the succeeding Councils, but it would be the intention of this Council to dispatch on that basis, and that would be my thought.

Mayor Rasmussen: Yes, this would work and it would allow them to go ahead and get their investment capital.

Mr. McCormick: We could bring that in my resolution at the next Council meeting.

Mr. Johnson: Well, I will so request that this be done.

Mr. Finnigan: I would like to point out in this regard that it is not a unique situation at all. The State Highway Dept. and their plans for new arterials, new highways, byways, etc. are constantly putting property owners on edge of waiting to hear what the plans are; waiting to know whether their property is going to be swallowed up or not. Certainly, it is much harder to get an answer out of the State Highway Dept. than it is the City of Tacoma. And I think to dwell on this is a little expensive at this time because certainly, we have other bodies of authority, the school systems, the State Highway Dept. I mention as No. 1, very strongly, and other bodies who have been in the same position. In order to make a proper purchase of needed land, they do have this power of condemnation apparently, or whatever else are similar powers, and this is a necessity to be able to provide these improvements. I do not think the resolution to that effect is necessary in this area at this time.

Mr. Cvitanich: I think Councilman Johnson's resolution is a good request and it will allay any fears that people may possibly have in terms of this program I would certainly support it. Let us show the opinion of the Council so the people can go ahead with their improvements if they so desire. I would sure support it, Mr. Mayor.

END OF VERBATIM.

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

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

Nays 2: Banfield and Zatkovich. Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18613

Appropriating the sum of \$9,025.00 or so much thereof as may be necessary from the General Fund for the purpose of purchasing one A. B. Dick Offset Machine with Chain Delivery.

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.

Ordinance No. 18614

Appropriating the sum of \$100,000.00 or so much thereof as may be necessary from the General Fund for the purpose of purchasing 10 new buses for the Transit System.

Mr. Zatkovich wondered which would be more economical, that the City purchase ten new buses for the Transit System or let the Schools operate their own bus system.

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Mr. Rowlands, City Manager, felt it would be more economical for the City to purchase the buses as the City can also use them on the already established lines. There are some forty, (20) year old buses and these do break down frequently. Purchasing the new buses will decrease the cost of operation and maintenance. It will not only help the schools but also the entire Transit System.

Mr. Zatkovich asked if the School Board had considered the problem of the bus situation when they decided to close some of the schools.

Mr. Rowlands stated he could not answer that specifically, but he thought the School Board felt the City had enough buses to take care of the children.

After questions from the audience, Mr. McCormick, City Attorney, explained that the State Act, relative to the Transit tax, specifically earmarks and provides that the proceeds from the Transit Tax can only be used for transit purposes, and they are being used for that purpose. In the second place, the Transit Tax is not an ad-valorem tax. The Supreme Court of Washington has ruled that a City can properly classify businesses and riders into certain classifications. You can charge different taxes on them and different fares. There is no discrimination between riders with the same classes. All the older citizens who come under the Transit Pass can pay one rate. School children in the same classification all pay the same rate. There is no violation of the Constitution in any of these involved.

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

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

Nays 3: Banfield, Cvitanich and Mayor Rasmussen.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18615

Amending Section 2.01.060 of the official code of the City providing for the appointment of members of the Building Appeals Commission.

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

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

Nays 1: Herrmann . Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18616

Providing for the improvement of L I D 3649 for sanitary sewers in No. 27th St. from Narrows Place to Bridgeview Drive and other nearby streets.

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. 18617

Providing for the improvement of L I D 4837 for pavement on Cedar St. from So. 47th to 48th St.; Warner St. from So. 72nd to 74th St. and So. 90th from Ash to Alaska St.

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. 18618

Providing for the improvement of L I D 5465 for water mains in So. 56th St. from Ferdinand to Mullen St. and in Ferdinand from So. 56th to So. 58th St.

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. 18619

Providing for the improvement of L I D 6870 for intersection street lighting in the vicinity of No. 31st to No. 34th St. from Madison to Tyler St.

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. 18620

Providing for the improvement of L I D 6871 for street lights between 6th Ave. and So. 12th St. from Junett St. to Puget Sound Avenue.

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. 18621

Approving and confirming the assessment roll for L I D 6879 for intersection lighting on Ea. 26th St. from Ea. "G" to Bay Street and other nearby streets.

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.

Motion carried

Ordinance No. 18622

Approving and confirming the assessment roll for L I D 6880 for intersection street lights on Pine from So. 74th to So. 76th; Warner from So. 62nd to So. 66th and Alder from So. 60th to So. 66th St.

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. 18623

Approving and confirming the assessment roll for L I D 3660 for storm drainage on So. Pine St. from So. 62nd to So. 70th St.

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. 18624

Approving and confirming the assessment roll for L I D 4810 for widening and paving 6th Ave. from Orchard to Shirley St.

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.

Mayor Rasmussen stated that under the new Rules New Business can also be discussed at this time.

UNFINISHED BUSINESS AND/OR NEW BUSINESS:

The Director of Public Works presents the assessment roll for the cost of the improvement in L I D 3662 for sanitary sewers along Ea. D Street from Ea. 15th to Ea. 19th St.

Mr. Johnson moved that Monday, Aug. 12th, 1968 at 4 P. M. be set as the date for hearing on the assessment roll. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

Mr. Johnson asked to be excused for the next two weeks.

Dr. Herrmann moved that Mr. Johnson be excused from the next two Council meetings, July 9th and 16th, 1968. Seconded by Mr. Finnigan. Voice vote taken. Motion carried.

Mayor Rasmussen stated that the Council has received information relative to the nomination of Mr. John Gerla to the Planning Commission. However, this would require confirmation by the Council.

Mayor Rasmussen said he would like to thank Mr. Norman Smith publicly for his services on the Planning Commission. He requested that a resolution be prepared for Council's action.

Mayor Rasmussen asked that in preparation of the 1969 budget that consideration be given to include an audit, and that the audit committee take note of this request so sufficient funds will be included for a full audit of the City affairs.

Mayor Rasmussen noted that the Council has received a letter from the Rev. E. S. Brazill, asking for a joint meeting of the Human Relations Commission with the City Council. It was suggested that the meeting be held in the Council Chambers at the Human Relations Commission's regular meeting on Thursday, July 18, 1968 at 3 P. M., with the public being excluded except for the press between 3 P. M. and 4 P. M. The public can attend at 4 P. M., if they wish.

Mr. Murtland moved that the Council proceed with the meeting as requested by the Rev. Brazill, Seconded by Mr. Johnson.

Mr. Cvitanich, Mr. Zatkovich and Mrs. Banfield stated they would oppose such a meeting as they felt the public should be included throughout the entire meeting.

Mr. Bott felt he could see the advantage of meeting with the Commission for an hour without the public being included so problems could be discussed and, perhaps, better relations between the bodies will be consummated.

After further discussion roll call was taken on the motion, resulting as follows: Ayes 6: Bott, Finnigan, Herrmann, Johnson, Murtland and Mayor Rasmussen. Nays 3: Banfield, Cvitanich and Zatkovich. Motion carried.

Mayor Rasmussen remarked that the Council had asked Mr. Rowlands, City Manager, to take some action in regard to policing the Hilltop area. He noted there was a very serious accident in that area. A meeting had been held with a group of Hilltop residents last evening and the citizens are very alarmed about what is going on in the K Street area. Mayor Rasmussen said corrective measures had not been taken when the Police were summoned to that area. He noted these are Negro members of the community and they are demanding action right now. He knew the Police Dept. wanted to take action but the feeling is that the Manager is holding them back.

Mr. Rowlands, City Manager, explained he had had meetings with Negro members of that community as well as some of the white members. There has been no direction given to the Police Dept. not to pick up people who are breaking the law. There have been steps taken to eliminate problems in the vicinity of the Hilltop Youth center, he added.

Mayor Rasmussen stated the City has to face a situation where people have been brought up from San Francisco to organize. They have found themselves through the Manager's office becoming very permissive, but the problem has not solved itself, it has grown worse.

Mr. Rowlands said, there have been no shackles placed on the Police Dept. and plans have been made for a team effort to have some closer patrol in that area to work at getting to the core and root of what causes some of these problems.

Johnson, Murtland. Nays 4: Banfield, Cvitanich, Zatkovich and Mayor Rasmussen.

Mayor Rasmussen called for an informal Council hearing on the situation as soon as possible, perhaps, July 3rd at 7 P. M. in the conference room of the County-City Bldg.

A number of Councilmen felt Mayor Rasmussen should have taken up such a serious matter immediately with the Manager rather than at a Council meeting.

Mayor Rasmussen announced that the Housing Review Board met today for the first time at 3:30 P. M. He requested that Mr. Cvitanich report on the meeting.

Mr. Cvitanich reported that it was an excellent meeting. Mr. Earl Mamlock of the Tacoma Board of Realtors was elected Chairman, Mr. John Epps, Human Relations Commission member, was elected as vice-chairman. He felt the entire group was willing to work and primarily this was an organizational meeting. He assured the Councilmen, this will be a very fairminded committee.

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Mr. Finnigan remarked that the last couple of days editorials have been written in regard to the lack of Tacoma accepting its obligation relative to the Airport Survey. He said he had suggested previously that it was the City's obligation to participate in this study. He noted that the City of Tacoma sends three members to the Puget Sound Governmental Conference. He still felt it was the Council's obligation to pay the City's share of the expense.

Mr. Bott moved that the City pay the \$7,060. to the Puget Sound Governmental Conference for the Airport Study as requested. Seconded by Mr. Murtland.

Mr. Bott explained he had voted against this request before as he felt the City would not be able to gain in the long run, however, upon further study, the Council does have a community responsibility and it will bring a great deal of benefit to our area.

Mr. Zatkovich felt the City should not have to pay the full \$7,060 as Pierce County has refused to participate, as well as the Port of Tacoma. He felt this was wrong, and it should not be brought up again as it was definitely a matter of principal.

Mr. Gaisford, Finance Director, cited the 1968 budget reference to the study in the public relations and publicity portion of the legislative budget.

Mayor Rasmussen moved an amendment to Mr. Bott's motion, that the City of Tacoma pay 1/3rd of the \$7,060 to the Airport Study. Seconded by Mr. Zatkovich.

Mayor Rasmussen felt this study would determine the location of another major airport, and noted the major airport will not be the Tacoma Airport. He informed the Council, if the City makes the offer to pay 1/3rd, he hoped that the Port of Tacoma and Pierce County would also come into the study. He asked that the Council consider his amendment seriously.

Mr. Cvitanich felt the former Council had never made a decision to join the study, and since this had been voted on three times before and rejected, it should not be brought up again.

Mr. Rowlands, City Manager, hoped that the Port of Tacoma and Pierce County would contribute to the study.

Voice vote was taken on the amendment proposed for the City to contribute 1/3rd of the cost of the \$7,060 for the Airport study. Motion lost.

Mr. Rowlands, City Manager, explained as far back as August of 1967, the Pierce County Commissioners had stated they did not believe there was going to be any value in the study and they had not made any provision in their budget for this purpose. Therefore the entire amount was budgeted in the City's budget and adopted last October.

Roll call was taken on the motion to pay the \$7,060 for the Airport study of the Puget Sound Governmental Conference. Ayes 5: Bott, Finnigan, Herrmann, Johnson, Murtland. Nays 4: Banfield, Cvitanich, Zatkovich and Mayor Rasmussen.

Motion carried.

REPORTS:

The Regional Statesman--Puget Sound Governmental Conference--June 1968.

Placed on file.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Report from the Tacoma Employees' Retirement System for the month of June 1968.
- b. Report from the City Planning Dept. for the month of May 1968.
- c. Report from the Urban Renewal Dept. for the month of June 1968.
- d. Financial Report from the Belt, Light and Water Divisions of the Public Utilities Dept. for the month of May, 1968.
- e. Report from the Director of Finance for the month of May 1968.

REPORTS BY THE CITY MANAGER:

Mr. Rowlands stated there would be a meeting of the Summer Institute of Government on Wednesday, July 10th at the University of Washington. In the evening there will be a special workshop on Forward Thrust, between the hours of 7:30 and 10:00 P. M. at the Student Union Bldg. He hoped the Council members would be able to attend.

Mr. Rowlands said that \$150.00 has been donated by the Tacoma Clearing House and asked permission to place it in the Community Development Betterment Trust Fund. He also asked that this \$150.00 be spent for recreational equipment for the Multi-Service Center.

Dr. Herrmann moved that the donation from the Tacoma Clearing House of \$150.00 be placed in the Community Betterment Trust Fund, and that it be expended for recreational equipment for the Multi-Service Center. Seconded by Mr. Finnigan. Voice vote taken. Motion carried.

Q1-39

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COMMENTS BY MEMBERS OF THE COUNCIL:

Mr. Cvitanich asked that the City Clerk type verbatim that portion of the minutes relative to the already established businesses under Ord. 18606, that was passed at tonight's Council meeting, so that the intention of the Council will not be misinterpreted in the future.

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Mr. Bott stated he had heard a conversation on Radio KAYE stating there had been drag-racing in the K St. area and he asked Mr. Nichols what had transpired.

Mr. Nichols stated he had had many phone calls from Colored people who had called him as a last resort to help bring about law and order in the Hilltop area. He felt the Council was not aware of what is going on in the Hilltop area.

Mr. Bott asked Mr. Rowlands to explain the procedure in the Police Dept. relative to calls received.

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Mr. Rowlands, City Manager, explained that calls into the Police Dept. are

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taped at the time they are received as well as the time that it takes for a Police Car to arrive at the scene of trouble. He assured the Council that Police have been up to the K St. area and it has been under surveillance.

Mr. Johnson mentioned that the Council had discussed the matter of the Old Tacoma area with the Planning Commission. The conclusion that was reached was that the Council wished a buffer zone onto 30th St. Therefore, the Council felt it was good zoning to allow apartment houses to be built to 29th St. only. He did not feel the Council ever intended the apartment house zoning to creep up the hill. He added, he brought this matter to the Council's attention as he knew a request for a rezoning on 26th & Starr St. would be on the agenda on July 9th, 1968.

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Mrs. Banfield read a statement in regard to amending the Council Rules, under Resolution No. 19774, passed this evening. She criticized the recently adopted Council Rules.

Mr. Zatkovich also felt that the new Council Rules did not solve any problems.

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Mr. Cvitanich requested that Charles Zittel, Chief of Police be present at the meeting called by the Mayor on Wednesday, July 3rd, at 7 P. M. in the conference room of the County City Bldg.

Mr. Zatkovich mentioned the air pollution problem and he felt something must be done on the local level.

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Mr. Zatkovich again mentioned the manner in which Police Patrolman examinations are held and relative to deletion of the Oral Board and other basic requirements. He thought this should be discussed in more detail.

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Mayor Rasmussen stated, at the meeting of June 18th, he had asked Mr. Rowlands, City Manager, to review the Study Session minutes where the Council had discussed the expenditure of \$74,000 for Housing Improvements and he wondered if the Council had decided to expend that amount of money.

Mr. Rowlands explained that at that study session Mr. Ron Button, Chief of the Buildings Division and a representative of the Housing Improvement program were present. Mr. Button had explained it was a cooperative venture and they would not go into the homes without invitation but would suggest that improvements be made. It was the concensus of the Council members present that it would be handled in this manner.

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Mayor Rasmussen said it was his understanding that the force would not be increased and the City would continue in the same manner as they had in the past with the same personnel.

Mr. Rowlands said in reading the study session minutes, he did not find that statement. Mr. Rowlands said he read the minutes in detail.

Mayor Rasmussen said the question was raised because there was no budget for this particular item in 1966. He felt the Council members have decided they

would prefer to save the \$74,000 in the budget and continue in the same manner as in 1967.

Mayor Rasmussen asked Mr. Rowlands if he had checked on the number of employees who are being paid to attend the Sensitivity program.

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Mr. Rowlands said there were two members from the Police Dept. and the Director of the Human Relations Dept.

Mayor Rasmussen requested Mr. Rowlands to check to see if the amount of \$29,000 paid for membership to the various organizations could be cut down for the 1969 budget.

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Mr. Rowlands stated he felt these were justifiable expenditures and would explain to the City Council the reasons why the various Department Directors should be members of these organizations.

Mayor Rasmussen asked Mr. Rowlands if he had written to the Pierce County Commissioners and to the Port of Tacoma Commissioners as requested by Mr. Cvitanich to see if they would participate in the operation of the Tacoma Industrial Airport.

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Mr. Rowlands stated he had not written the letter as yet, as he felt a joint meeting should be held with the Pierce County Commissioners and the Port of Tacoma Commissioners and the Council.

Mayor Rasmussen said it has been suggested that a traffic light be installed at So. 17th and K St. which, perhaps, would stop some of the 'drag racing' in that area.

Mr. Rowlands stated there are three things that have already been done; (1) the traffic light has been discussed for that area; (2) he had talked with the Police Dept. so they will place a special detail in that area; (3) he had also given instructions to keep the area under surveillance as far as this 'drag racing' is concerned.

Mayor Rasmussen mentioned that the League of Women Voters have arranged a suggested program to exchange homes with residents in the Hilltop area. He noted it was a very worthy cause and would write a letter to the League commending their efforts.

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Mrs. Banfield stated that the Civic Arts Commission has requested a meeting with the Council members and the Pierce County Commissioners in about three weeks.

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Mr. Bond, informed the Council that the Washington Quarter Midget Racing Association was holding their Western States Championships at the White Front Store on July 5, 6, 7, 1968 and have asked that the members of the Council be flagmen.

Mr. Cvitanich, Mr. Bott and Mr. Zatkovich have volunteered to be at the meet.

Motion was made and seconded that the Council meeting be adjourned. Mayor Rasmussen explained there are a number of communications from interested citizens requesting an opportunity to speak before adjournment.

Mr. Finnigan read a paragraph from a letter submitted by an interested citizen asking that the Council stop questioning staff members on procedure, etc. during the meetings, and felt the Council was wasting a great deal of time.

Mr. Edward Cutler, Police Union representative, spoke against the lowering of standards of the Police Patrolman to include those without High School diplomas. He felt that the High School diploma requirement should be reinstated in the standards and the height requirement raised to five feet ten inches.

Mr. Zatkovich agreed with Mr. Cutler. He also did not believe the General Education Test for Patrolmen or Firemen should be a criteria.

Mr. Rowlands, City Manager, defended the GED test which is equivalent to a high school examination. He noted that outstanding men could be chosen even though they had not had the opportunity to receive a high school diploma.

Mayor Rasmussen asked that Mr. Rowlands have his staff inquire at other Municipalities relative to their type of program.

Mr. Cvitanich felt the Public Safety Dept. of any City is unique and different in terms of requirements.

Mr. Rowlands stated he would be happy to obtain this information for the Council.

Mr. Zatkovich felt that the City Council should hold up recruiting of Police Patrolmen until this study is made.

Mrs. Virginia Shackelford, filed a petition with (203) signatures requesting that Mr. David Rowlands, City Manager, be removed from his office because certain pages were inserted in the Model Cities Program application after the Council had perused it.

Mr. Rowlands reiterated his actions during the Model Cities application conferences.

Mayor Rasmussen remarked that John P. Zelenak of 5414 So. J. St., has submitted two letters to the Mayor regarding the City Audit and enforcement of all laws and ordinances within the City.

Mr. Bott moved that Mr. Zelenak's letters be referred to the City Manager for a reply. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

Dr. Herrmann moved that the meeting be adjourned. Seconded by Mr. Bott. Voice vote was taken. Motion carried. The meeting adjourned at 12:30 A. M., July 3rd, 1968.

Attest

Josephine Nelson
City Clerk

R. Rasmussen
MAYOR

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