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## CITY COUNCIL MINUTES

City Council Chambers, 7:00 P. M.  
Tuesday, April 4, 1961

Council met in regular session. Present on roll call 9: Bott, Cvitanich, Easterday, Murtland, Olson Porter, Price, Steele and Mayor Hanson.

Mr. Porter said he has searched the minutes of March 13, 1961 and compared them with the tape. He said he has found numerous corrections and omissions but has not had time to incorporate them in order to submit them to the Council. Therefore, he would move that the approval of these minutes be set over for one more week. In the next two days he would prepare a draft to submit to the Clerk's office in order that they may be compared with the tape to their satisfaction. Seconded by Mr. Easterday. Voice vote: Ayes 9; Nays 0; Absent 0. Motion carried.

Mrs. Price moved that the minutes of March 14, 1961 be approved as submitted. Seconded by Mr. Porter. Voice vote: Ayes 9; Nays 0; Absent 0. Motion carried.

Mrs. Price moved that the minutes of March 21, 1961 be approved as submitted. Seconded by Mr. Steele.

Mr. Porter said Monday, he requested that the Clerk make a verbatim copy of the proceedings during the discussion held with Mr. Sheffield. A copy of this has been distributed to each Council Member. He moved that the minutes be amended on page 14 by substituting the verbal proceedings for those contained in the minutes. Seconded by Mr. Steele. Voice vote: Ayes 9; Nays 0; Absent 0. Motion carried.

Mrs. Olson said on page 15, line 6, the figure should be \$20,000,000 instead of \$20,000. Therefore, she would move that this correction be made. Seconded by Mr. Cvitanich. Voice vote: Ayes 9; Nays 0; Absent 0. Motion carried.

Mr. Murtland said on page 15, 12th line from the bottom of the page, where the words "of the minority group voted" appear, he was certain that this word "Voted" should be "Acted". Therefore, he moved that this correction be made. Seconded by Mr. Steele. Voice vote: Ayes 9; Nays 0; Absent 0. Motion carried.

Voice vote was then taken on the minutes of March 21, 1961 as amended, resulting as follows: Ayes 9; Nays 0; Absent 0. Motion carried.

### HEARINGS AND APPEALS:

This is the date set for hearing on the petition of Ben & Wally Etsekson, et al. for the vacation of So. Oakes and the alley between Cushman & Sheridan Ave. from the north line of So Tacoma Way to south line of N. P. R. R. right-of-way.

Mayor Hanson explained that the Planning Commission has recommended that the petition be granted upon certain conditions.

No one appearing to protest the vacation. Mr. Easterday moved that the proper Ordinance be drawn vacating this property upon certain conditions set forth by the Planning Commission. Seconded by Mr. Cvitanich. Voice vote: Ayes 9; Nays 0; Absent 0. Motion carried.

OLD CITY HALL DISPOSITION:

Mr. Rowlands said that Mr. Arthur Anderson has requested that this hearing be postponed to April 25th.

Mr. Easterday then moved that the hearing be postponed to April 25th. Seconded by Mr. Cvitanich. Voice vote: Ayes 9; Nays 0; Absent 0. Motion carried

COMMUNICATION

City Planning Commission:

Mayor Hanson said each Council member has been presented with copies of this communication

Mr. Rowlands explained that the Planning Commission wished to point out that the County Planning Commission and County Commissioners should consider a type of zoning comparable to the "C-F" or "C-V" zoning which was adopted by the City Council some weeks ago, so that there will be more or less of a consistency along the Freeway, and believed that this problem has been taken into consideration by the County Planning Commission.

Mr. Murtland said he noticed that carbon copies were sent, but asked if a letter was addressed directly to them.

Mr. Rowlands said there could be the possibility of transmitting a similar letter to the County Planning Commission and County Commissioners from the Council, if it is so desired.

Mayor Hanson asked if the Council would have any objections to requesting consideration of this problem, on the part of the Commissioners and County Planning Commission in reference to bringing uniformity in zoning along the Freeway

Mr. Buehler said he thought some agreement could be made to have at least a traffic control and traffic control devices necessary in keeping with the City type of zoning.

Mayor Hanson said of course recognizing that the County Commissioners and the Planning Commission are independent elected organizations, it would be assumed that the City is not attempting to inject its plan upon them, but by approaching the problem together, we can, as we have in other areas make concessions and reach a conclusion.

Mr. Porter moved that the Council go on record as concurring with the recommendation of the City Planning Commission and that a letter so indicating their position be sent to those who received a copy of the Planning Commission's letter. Seconded by Mr. Steele. Voice vote: Ayes 9; Nays 0; Absent 0. Motion carried

RESOLUTIONS:

Resolution No. 16509: (postponed from the meeting of March 28, 1961)

Authorizing the proper officers of the City to execute certain easements to the Port of Tacoma in exchange for easements for the rights of way for the transmission facilities for the Northeast Substation

Mr Rowlands said further information has been received from the Utilities Dept requesting a postponement on this Resolution until April 18th, 1961

Mrs Fricc moved that the Resolution be postponed to April 18th Seconded by Mr. Steele Voice vote: Ayes 9; Nays 0; Absent 0. Motion carried.

Resolution No 16510:

Awarding contract to Abeel the Digger for L I D No. 2314 in the amount of \$14,329.08 which was determined to be the lowest and best bid

It was moved by Mr Cvitanich that the Resolution be adopted. Seconded by Mrs. Olson.

Voice vote was taken on the Resolution resulting as follows:  
Ayes 9; Nays 0; Absent 0.  
The Resolution was then declared adopted by the Chairman.

Resolution No. 16511:

Awarding contract to George Madsen Co. ; for L I D 4678 in the amount of \$3,638.51 which was determined to be the lowest and best bid

It was moved by Mr. Easterdy that the Resolution be adopted. Seconded by Mr Cvitanich.

Voice vote was taken on the Resolution resulting as follows:  
Ayes 9; Nays 0; Absent 0.  
The Resolution was then declared adopted by the Chairman.

Resolution No. 16512:

Authorizing the proper officers of the City to transfer the sum of \$6,000 from Salaries and Wages classification of the General Fund to Salaries and Wages Classification of the Legislative Dept for the payment of the City Public Information officer.

It was moved by Mr Cvitanich that the Resolution be adopted. Seconded by Mrs Olson.

Voice vote was then taken on the Resolution resulting as follows:  
Ayes 9; Nays 0; Absent 0.  
The Resolution was then declared adopted by the Chairman.

Resolution No 16513:

Accepting certain offers to sell Real Property situated within an Urban Renewal Project designated Project No Wash R-1.

It was moved by Mrs Price that the Resolution be adopted. Seconded by Mr Porter

Voice vote was taken on the Resolution resulting as follows.

Ayes 9; Nays 0; Absent 0

The Resolution was then declared adopted by the Chairman.

Resolution No 16514:

Approval of the Replat of Harbor Heights - area on both sides of 29th St N E between 49th Ave. and 52nd Ave. N. E. extended and on both sides of 50th Ave N. E. extended west from 29th to the point of the bluff overlooking the Tideflats

It was moved by Mr. Easterday that the Resolution be adopted. Seconded by Mr. Steele

Voice vote was taken on the Resolution resulting as follows:

Ayes 9; Nays 0; Absent 0

The Resolution was then declared adopted by the Chairman.

Resolution No 16515:

Requesting the City Council to take all steps and do all things necessary to insure the continued operation and maintenance of the Mount Rainier Ordnance Depot.

It was moved by Mr. Cvitanich that the Resolution be adopted. Seconded by Mrs Price

Mayor Hanson said before taking action on this matter - he knew that the Council attended the session earlier today on this matter. Mr. Sprinker, County Commissioner and he attended the session with Senator Magnusson and Senator Jackson in Seattle yesterday and were at the Ordnance Depot this morning meeting with the Commanding General and the top Civilian aides. Senator Magnusson gave a good summary of the problem and the philosophy upon which we should approach the problem. Mayor Hanson said he did not feel this Resolution properly presents the situation from the point of view expressed by Senator Magnusson. He thought it would take some amendment. It is important that the Council's official position be established precisely in line with his, so he would suggest that this be set over for one week.

Mr. Porter said he believed also that Mr. Cvitanich had some figures and data, that he believes, should be a part of this Resolution.

Mr. Cvitanich said that was correct. He said he learned of some additional information yesterday and would also like the record to indicate that this was first brought to the Council's attention in July 26, 1960 and as the problem grew and became amplified on July 27, 1960 the depot denied that there would be a cut back in the work. Then again, in the Council minutes of August 2nd, 1960 it was indicated that a check was made with the Ordnance Depot and there was a reduction of 49 people in the work corps and subsequently on August 13th of 1960 they did admit there would be a reduction to some degree. Mr. Cvitanich said we could go through these various minutes as he had reported to the Council. However, he added, a Resolution No. 16376 was passed creating an Employment Committee which is an ideal vehicle for coping with this type of problem. It consists of the County Commissioners and other elected officials throughout Pierce County. As Mr. Porter mentioned, he did have additional facts he would like to include in this Resolution as he did not feel it adequately covers the total problem and the statistics. He would like to see the Resolution No. 16376 referred to the Employment Committee for the specific purpose of unemployment. The first time we are confronted with a major problem we run off in 900 different directions and he felt it should be referred to the Employment Committee so that a concerted effort could be made to carry forth the attempt to maintain Mt. Rainier Ordnance Depot.

Mayor Hanson said if Mr. Cvitanich would like to move to have this referred to the Employment Committee, he certainly would have no objections.

Mr. Cvitanich said the whole idea of the Employment Committee was that we would be able to utilize all elected officials as well as local Central Labor Council, Chamber of Commerce and all other available resources for this particular and specific type of problem. He therefore would like to see it referred to the Employment Committee with some amendments attached with regard to statistics and money spent.

Mr. Cvitanich then moved that Resolution No. 16376 be referred to the Employment Committee. Seconded by Mr. Easterday. Voice vote: Ayes 9; Nays 0; Absent 0. Motion carried.

Resolution No. 16516:

Authorizing the proper officers to execute and deliver to the Metropolitan Park District a deed for the transfer of property located between No. 13th and No. 15th and between James and Harmon St.

It was moved by Mrs. Price that the Resolution be adopted. Seconded by Mr. Cvitanich.

Voice vote was taken on the Resolution resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16517:

Authorizing the proper officers to purchase from the Industrial Transport Co. their truck equipped with the Dempster-Dumpster hoist and (7) containers used with said truck for the sum of \$9,370.00 plus tax.

It was moved by Mr. Murtland that the Resolution be adopted. Seconded by Mr. Cvitanich.

Mr. Rowlands explained that the Industrial Transport Company, who for the past few months, has been collecting the refuse on the Tideflats is going out of business. He said the Garbage and Refuse Utility needs to provide this service for the manufacturers on the Tideflats. In checking over the value of the equipment, it was felt that the equipment new would cost about \$15,625.00. The Utility can purchase this equipment for \$9,370.00 plus tax and provide this service.

Mayor Hanson asked the age and condition of the equipment.

Mr. Schuster, Public Works Director, said the truck is a 1957 International Truck. It was examined by Mr. Graham from the Public Works Department, and in his opinion, the equipment was in very good condition.

Voice vote was taken on the Resolution resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Mrs. Olson leaving at this time temporarily.

Mr. Steele moved to suspend the rules in order that Resolution No. 16504 be considered at this time. Seconded by Mr. Porter. Voice vote: Ayes 9; Nays 0; Absent 0. Motion carried.

Mayor Hanson said at the last meeting this Resolution was continued for 2 weeks. However, the desired information has been received and the Resolution could be considered at this time.

Mr. Murtland said since Mrs. Olson had requested that this Resolution be postponed at the meeting last week, and inasmuch as she is temporarily absent, he thought discussion on the Resolution should be held over until she returned.

The Council voted to continue the matter until Mrs. Olson's return.

FIRST READING OF ORDINANCES:

Ordinance No. 16775:

Vacating Portland Ave. in the vicinity of Sherman Street extended. (Joe Pennington petition) Read by title.

The Ordinance was then placed in order of final reading

Ordinance No. 16776

Amending the Official Code of the City relating to zoning by adding a new section known as Sec 13 06 120 (20) to include property located on the west side of So L between So 10th and So. 11th in a "C-1" Commercial District Read by title

The Ordinance was then placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No 16756: (Reconsidered from the meeting of March 21, 1961)

Vacating the property at So 67th St. between Bell and "A" Streets (petition of Walter Parkinson) Read by title.

Mr. Bott said he would like to know if there is anyone present objecting to this vacation.

Mr. Bott said he had asked that this Ordinance be reconsidered as he had received some calls on this regarding the walkway through the property, but since there has been no action on the part of the objectors he would move for a roll call on the Ordinance.

Roll call was then taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1; Olson

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16770:

Providing for the construction and reconstruction of sidewalks in various parts of the City (SCF #61) Read by title.

Mr. Cvitanish remarked that several weeks ago he raised the question as to whether or not the reconstruction program could be handled in the future similar to L I D's. He said he would like to know if there was a possibility in the future of working out some method with the Public Works Dept. whereby they could handle a section at a time rather than approving such a large area.

Mayor Hanson said this matter has been before the Council for approximately (2) months. There has been a tour taken by the members of the Council on this particular controversial problem. However, he added, it would certainly be appropriate to discuss new methods and procedures.

Roll was then taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Olson

The Ordinance was then declared passed by the Chairman.

Mrs. Olson returning at this time.

Ordinance No 16771:

Approving and confirming the assessment roll for L I D 5320 for cast iron water mains in Wilkeson St from So. 73rd to So. 80th; Alaska from So 74th to So. 80th; So 76th and So 80th from Wilkeson St to Asotin St.  
Read by title

Roll call was then taken on the Ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was then declared passed by the Chairman.

Mayor said since Mrs. Olson has returned, the Council will now consider Resolution No. 16504.

Resolution No 16504:

Authorizing the Department of Public Works to negotiate for the acquisition of (12) additional acres of land adjoining the present sanitary land fill at a cost not to exceed \$12,000.

Mr. Rowlands said the information was distributed to the Council members on the appraisal made by H. L. Blangy regarding the value of the property that the City would like to secure. This adjoins the existing land fill area for the disposal of garbage and rubbish. Mr. Blangy described the land as having a market value as follows: 12.1 acres of land at \$9,075.00 which amounts to approximately \$750 an acre and the damages to the remainder amounted to \$3,174.25 which totaled \$12,249.25. This Resolution, before the Council, would enable the City Officials to negotiate up to \$12,000 for the acquisition of the property. The report submitted by Mr. Blangy seems to indicate that a price not to exceed \$12,000 would generally be in order.

Mayor Hanson explained there are other areas that we might possibly take, so there is a possibility at least of some negotiations, and he knew if the Council approved this upper limit they would certainly congratulate anyone who could come in with a lower figure.

Mrs. Olson asked, where and what is the "remainder" that is referred to in Mr. Blangy's report.

Mayor Hanson said this is the adjoining property that is owned by Mr. Miller which would be an element in damages in a condemnation action.

Mr. McCormick explained that it was his understanding that this 12.6 acres is taken out of the middle of an entire tract owned by Mr. Miller. Severance of the tract in this manner, made two separate pieces, which of course would lessen the value from what it would be if it were one piece.



Mrs. Olson said inasmuch as this property adjoins the property on which we are presently dumping garbage and the value of this land has increased, as it appears from the appraisers report, \$100 an acre over what the School Board paid for it two years ago, she would question the fact that the use of the land for garbage purposes, results in any damages to the remainder, and therefore would amend this Resolution to limit the price which we offer for the land to \$9,075 00. Seconded by Mr. Cvitanich.

Mr. Murtland said speaking on this motion, he felt that part of the damages as pointed out by Mr. McCormick, has to do with the severance of the land in splitting it into two portions which would have some effect on reducing the value of the two sections. He asked if this was how the amount of damages was determined or was it because the City is dumping garbage in the area.

Mr. McCormick said Mr. Blangy is a competent appraiser. He was certain that Mr. Blangy has taken all of these facts into consideration, and apparently Mr. Blangy felt that when a piece of property is cut up and a section is taken out of the middle, the remaining two portions would not have the same value. On that basis whatever this property is used for, there is a certain diminution in value called severance value which we would be confronted with as one of the elements of damage in a condemnation suit. This is how Mr. Blangy evidently arrived at the sum of \$3,174.25.

Mayor Hanson asked if this was a well established legal principle.

Mr. McCormick replied it was.

After further discussion Mrs. Olson, with the consent of Mr. Cvitanich, who seconded her motion, withdrew her motion.

Voice vote was then taken on the Resolution resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Ordinance No. 16772:

Approving and confirming the assessment roll for L I D 5321 for cast iron water mains in Manitou Way from So. 60th to So. 66th and in So. 62nd from Mason Ave. to Manitou Way. Read by title, and passed.

Roll call was then taken on the Ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16773:

Providing for the improvement of L I D 5325 for cast iron water mains in Pearl St. from No. 35th to No. 37th from Pearl to Whitman; No. 42nd from Vassault to Whitman and in Vassault from No. 37th to No. 42nd Street.

Read by title and passed.

Roll call was then taken on the Ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0

The Ordinance was then declared passed by the Chairman

Ordinance No 16774:

Providing for the improvement of L I D 5329 for cast iron water mains in McNeil and Ellsworth Harbor View Addition, area of N. E Tacoma Road by title and passed

Roll call was then taken on the Ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0

The Ordinance was then declared passed by the Chairman

REPORTS:

MC 340 - L I D Foreclosures

Mr. Rowlands pointed out that, in the past five years, to the best of his knowledge, all L I D properties foreclosed, have been unimproved properties. Most of these properties acquired through the foreclosure process can generally be grouped as follows: Property which is unfi; for use due to size, shape or location; property with a market value below the L I D costs involved; property that even with the L I D improvements is no longer of value to the owner because of changing economic conditions for personal reasons, and property that speculative buyers no longer feel will sell for what they anticipated.

Mr. Cvitanich said since the matter of L I D's is being discussed, he asked if it would be possible for an MC to be prepared on how much money is outstanding on the L I D program.

Mr. Rowlands said he would see that this report is prepared.

ITEMS FOR FILING IN THE OFFICE OF THE CITY CLERK:

Personnel report for the month of February 1961

COMMENTS:

Mr. Rowlands said during the first three months of the Transit Company's Operation, revenues were reduced roughly about \$12,000, and expenses have been cut considerably more than that so there has been a net gain during this three month period. However, he added, it is still important to attempt to obtain additional riders. He said he would give a more detailed report on the matter next week.

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Mr. Rowlands explained that the resurfacing of the Ball Park is about two-thirds finished and should be completed in the next 3 or 4 days if wet weather does not commence.

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Mr. Rowlands said he assumed there are a great number of citizens present this evening because of the unfortunate situation which developed over the past few days, and because this is a question of paramount public importance, he felt that he should, at this time, attempt to give a report as to what took place. He said it is regrettable because for the past 5 years that he has been City Manager, he has had a very fine working relationship with Chief Kerr. They have been through many situations together in the General Administration of the City affairs as they effect the Police Dept., in fact, he thought they both see eye to eye on over-all enforcement policies. He thought it might be well to give a little background as far as his relationship to the Council and the various Department Directors.

Under the Charter, Section 3.2 and 3.3, the City Council who appoints the City Manager, holds the City Manager responsible for the administration of the affairs of the City. Section 3.2 states: "The Manager shall be responsible to the Council for the Administration of all units of the City Government under his jurisdiction." Section 3.3 states: "The Manager shall supervise and be responsible for the effective management of the administrative affairs of the City." He shall give general direction to the programs and activities of all City Departments and offices placed under his jurisdiction by this charter or by Ordinance of the Council, and shall be responsible for the proper execution of the policies set by the Council and the enforcement of all laws and Ordinances."

Mr. Rowlands said, "It is most distasteful for me to be placed in the situation I've been placed in. Perhaps the Chief feels the same way." He said it is necessary frequently to meet with Department Directors to try to work out together, in a spirit of cooperation and a spirit of the public interest, these things, so that it will produce the best possible services to the citizens of Tacoma.

He said at times they have received reports from the citizenry in general, from the Council members or other sources, that certain operations have been causing some irritation, whether it is in the area of police administration or public works administration; particularly in the fields of inspection, licensing, etc. because you are dealing very closely with human beings, with individuals. So the incident that developed this last weekend was not really an unusual situation wherein the Manager discusses a matter with a Department Director, trying to come up with a reasonable solution. What was involved in this particular controversy or misunderstanding was the operation of the Morale Squad, the Vice Squad.

He thought he should make his position very clear. You need only to check the records as far as his particular position is concerned on the maintenance of the proper moral climate in this City. As a member of the ICMA we have a professional code of ethics which we certainly try to observe. He said he feels very definitely that if anyone would try to persuade him to relax on enforcement as far as morals are concerned he would be the first one to be very happy to submit his resignation. In this particular instance

it is not a matter of the enforcement; it is the manner in which the enforcement is carried out. There have been other difficulties develop in other departments and by working these out together they can usually be resolved without having to resort to this undesirable situation that has developed today. In discussing this matter with Chief Kerr last Friday, he said, he told him that there has been some antagonism develop, some reaction from certain parts of the public about the type of enforcement that is being carried on by the Morals Squad. At no time has there been any inference, has there been any question about the integrity or the honesty of the men of the Morals Squad. He pointed out that in many cities the Morals Squad is changed every 6 to 8 or 11 months. He would say that personally this is a tribute to our present Morals Squad, the fact that the Chief did not find that necessary because he had complete confidence in the integrity of these men. It was not a question of integrity or honesty to any extent. The question was, "can this job be done without causing some of the minor friction that has evidently developed. He said it was his opinion to feel that this was an administrative problem that should be solved in normal channels routinely and that it was his responsibility to try to take care of this, consequently, he and the Chief discussed this.

Mr Rowlands said he told the Chief last Friday afternoon that he should try to take care of this routinely, perhaps making the change in re-organization of the squad in a month to 6 weeks. There was nothing said about abolishing the squad, eliminating the squad because obviously a Morals Squad is a very important adjunct to any Police Department.

He said he knew the Chief was quite disturbed by the situation. He told him to think it over during the weekend and let him know if they could get together anymore. He said he was very much amazed and surprised Monday to hear that this release had been prepared and given to the newspaper. The impression upon reading this report is that the Mayor and the City Manager wanted to have the Vice Squad abolished. It is not a question of abolishing the Vice Squad so the Chief in that particular instance was inaccurate. As far as the work that has been accomplished, it was pointed out, the fine record that has been achieved by the Police Dept., he thought everyone could pay tribute to the Police Dept. for the records compiled during the past years. There is no question about that.

Mr Rowlands said further discussions were held with the Chief. He said he felt that some of the remarks the Chief made in his statement to the papers were inaccurate and improper and in a sense indicated insubordination on his part in that he continued along a certain course of action after consulting with the City Manager and after all the City Manager is his immediate Superior. "If the other (11) Department Directors would take the same attitude everytime we are called upon to correct an administrative matter we would have chaos resulting and there would be no organization." By the same token he said, if he, during his past 5 years in Tacoma, would be so sensitive over constructive criticism and over directions given to him either by the City Council or the public as a whole, he would not have been here this long, he was sure. In other words in public life you have to certainly be ready to take criticism and should not be

over-sensitive to constructive criticism, and it has always been his belief whether you have been a member of the Armed Services or any other organization, you have to have chain of command and you have to have responsibility, and certainly among staff members you have to have loyalty. He thought that was a matter of reciprocity. He was sure that the Department Directors expect the Manager to back them up when the chips are down. He felt that on many occasions in the past 5 years he has certainly been behind the Chief when the chips were down and he thought they both have stood shoulder to shoulder in certain areas. On the other hand, he likewise expects the Department Directors, if he is to assume the responsibility of developing the administrative program, after the Council has established the policies. He, likewise, felt it was very essential to have the cooperation of the Department Director, because if that is not available, then you cannot have mutual trust and mutual respect for each other, and the usefulness of both parties has deteriorated to a point where it is almost impossible for it to be recovered. He said it is extremely unfortunate. He sent a memorandum to the Chief today hoping he would reconsider, hoping that he would make an explanation of what took place, hoping that he would correct some of the inaccuracies which he included in his remarks so that the record could get straight, so that the public would know very definitely that at no time was there any intent of relaxing or opening up the town. He said tonight he is giving his pledge on that point.

"That Mr. Mayor and Council members is the situation. It is with extreme regret that when the Chief tendered his resignation I was compelled to accept his resignation." He said he was hoping that the Chief would be able to send in a memorandum clarifying the situation so that action would not have been necessary. He added, that Inspector Don Hager has been appointed as Acting Chief. He has had over 24 years of experience and will be able to carry on effectively.

Mayor Hanson said the matter arose as a result of concern that had been expressed to him on frequent occasions by virtually all the members of the Council, at one time or another, in our discussion of City Affairs. The matter came up again on Friday, when Mr. Bott came into the office to discuss other matters. This was also discussed and realizing that it was a matter of concern to the Council generally and apparently a concern to a large segment of our community, not only those who would open up the town but he felt that it would be well, instead of putting it off, to discuss it with Mr. Rowlands. He said they discussed it briefly with Mr. Rowlands and it was suggested that the Chief be invited to the discussion to have a meeting of the minds with reference to the best method of handling it. Mr. Steele dropped in and was asked to stay during the discussion. Shortly after that Mr. Murland also came in, having no idea what the topic would be until it was opened in front of Mr. Kerr. It was an effort to express a concern in an area wherein we had received a great number of comments and criticisms. There were several alternate routes to follow. We could have arranged for

a public hearing to bring forward testimony to determine how wide-spread the problem was, but there was another more usual method, to discuss the matter with the City Manager and on this occasion in the presence of the Department Head. In the discussion, and with reference to suggested possible alternate methods of resolving this "festering emotional area" within our community, the response by the Chief, I felt, was gross insubordination. He was at first unwilling to discuss the matter with us, and of course, the most flagrant aspect of the insubordination was the absolutely false representations he made in the report after having had a full weekend to consider fully the areas of discussion. The report that was made available to the press by ordinary channels, very clearly indicates that the Chief deliberately misrepresented the topic under discussion by his reference to an order to disband the Morals Squad. That was absolutely false. He further indicated a lack of conception of the Charter by saying that it was on orders of the Mayor and the Manager. It followed the discussion of the general matter and upon which the Manager made a request consistent to the thinking, and that is, that a series of rotation would eliminate this area of emotional tension, while at the same time enabling us to preserve the closed City, the clean City that we now enjoy. By warning to those who feel that this is an opportunity for an open town, "I say, don't bank on it." And to those who are concerned about whether or not this is a step in the direction of an open City, "I can assure you that as a citizen and as Mayor I will not serve a City that is an open town." I will not resign, however, I will stay and fight and I'll see that it remains a closed town, a clean well run City. However, I would just as vigorously fight those who would abuse the police power and stamp on those most valuable rights that we have - the dignity of law abiding citizens. With reference to who is correct, we have an allegation made by the former Chief Kerr. The question is, "is the representation made by Mr. Rowlands correct or is the representation made by the former Chief Kerr correct. I say that it is without question, absolutely clear that Mr. Rowlands is correct. He has gone much farther than I would have gone in his position in an effort to avoid this critical situation that is culminating in the acceptance of the resignation of the Chief. I felt that the insubordination together with the falsehood that was displayed by the Chief indicated to me that he was no longer capable of retaining the confidence of this City. I say this with a great deal of regret as he has served the City long and well and it is unfortunate that his tenure should end on this note where otherwise he would have been entitled to quite the reverse." There were other members of the Council present and I might ask for comments from them particularly if they disagree with any of the statements made by me or Mr. Rowlands so that the record can be made clear.

Mr. Bott said he happened to be present at both of the meetings held on this matter and he would like to say that when the Mayor said he would not serve an open town, he is not just talking for public consumption right now because that is the very same thing he told the Chief of Police at the meeting.

"He said, "I will not stand for an open town and I do not want anyone to misconstrue that this is going to mean relaxation of our policy " In essence what has been said by both Mr Rowlands and Mayor Hanson is true. He said, he personally was very upset when he saw the Chief's statement in the paper, as it was a gross misstatement. He was not told to disband the Morals Squad. That is absolutely wrong. He was advised to reassign one member and to do that in his own time and in a routine manner so as not to embarrass himself. As a matter of fact, as has been said by the Mayor, Mr Rowlands bent over backwards, and he certainly thought the Manager has acted most generously, and it was rank insubordination when the Chief got up and just walked out without any explanation. That was entirely wrong as he had every opportunity to discuss it. The meeting was an incidental meeting. It was no secret meeting. It was no preplanned meeting; it was just a matter of discussing policies, of inquiring into policies. The Mayor invited the City Manager to come in and answer the questions. The Manager said the Chief is the person who can answer that so he got the Chief. And the Chief took exception to just answering these questions and it is a mountain out of nothing. It is just a shame it happened that way and he was distressed, but as has been said, it is the truth.

Mr Murtland said perhaps he was the most unaware the meeting was occurring because he had come to the Mayor's office that afternoon to inquire as to what had happened to the cats and dogs on Thursday afternoon during a meeting with the Humane Society that he was unable to attend. It was not until the Mayor made the overtures in the presence of Mr Rowlands and the Chief that Mr Murtland knew why either of them were there. He said he noticed a minute ago that the Press smiled when Mr Bott said this meeting was not at all planned, so he had to make that statement as that is the way it occurred. As the Mayor has said, and Mr Rowlands and Mr Bott, the essence of the meeting was in that fashion.

There was discussion, there were questions asked of the Chief. He was asked for suggestions. There were other matters which were discussed which did not pertain directly to the Morals Squad and there were statements that he believed were factual that were made to him concerning what might be called the public relations which, of course, in a moral or vice squad is always at a low ebb at least to certain people. We were doing it on the basis of the citizenry as a whole. I know that many of the people I see in this auditorium perhaps never get below South 13th & Pacific so they perhaps do not run into some of the situations involved. But there are certain of our people that go there with every legal right to do so. They have their own individual rights and sometimes in the attempt to do the proper police work, the thought of the individual is lost. That came to me not as a Councilman but during my practice as an Attorney that I have learned of situations there. I feel that this was merely a culmination of things that have been discussed since I have been on the Council, as I say, that have been learned as a private citizen. When we talked with Chief Kerr about the present Morals Squad and some of the difficulty that is being had, he said he could not do anything until next Tuesday and it was our remark, and I think that I used the phrase, "two weeks or two months," it was not something that was going

to have to be done overnight I bring that to your attention to show you that quite unexpectedly then, probably sometime early in the morning on Monday, the directive was put out that appeared in the paper I believe that Mr Rowlands had a duty to administer that particular Department as the superior to the Chief, and that he dealt fairly with him giving him an opportunity to answer the things that were definitely false in that statement and I can categorically say that there were many false statements made there that were not the ones that were made in Chief Kerr's presence For that reason I feel that with Mr Kerr failing to acknowledge that he had made these mistakes whether inadvertently or through anger or through emotion or deliberately, I do not care which way, but just so he did not answer to that, then Mr Rowlands was correct in accepting his resignation.

Mr Steele said he might add to the remarks made by the Mayor, Mr Bott and Mr Murtland, and confirm, what they say as to what transpired on Friday and subsequently also this morning This subject has been a matter of concern and discussion for quite some time As he recalls there was an occasion in July or August when there was an opening for a City Manager in Spokane, there was some conversation as to what this Council's attitude was toward "fun and frolic" in our City The Council assured Mr. Rowlands that we had no concern for an open town classification or pin balls or other things he was concerned about Several of us expressed a concern over the attitude of this particular squad and their activity in enforcing their responsibility, that they would probably get the same results without walking roughshod over so many innocent people That has been the concern for many months and he has recollections that the Council endeavored to have a conversation with the Chief on prior occasions and he knows that Mr Rowlands has had that information and is satisfied that he may have brought it to the attention of the Chief several times Nothing apparently happened because the person involved was apparently a bigger person than the Chief because when we discussed the matter on Friday, when the subject first arose, the Chief arose and started to charge out to the effect, "All right I will relieve him and you will have my resignation." We persuaded him to sit down and discuss the matter at more length and finally he said he had the message, that he could reorganize the squad, reorient the leadership and probably handle it in another way. To our amazement we were met with a general order Monday morning disbanding, discharging the entire squad which was entirely foreign to any conversation we had Friday

Mr Steele said in an effort to have the Chief re-evaluate his position, examine his error, another session was held this morning at which Mr. Bott, Mr Murtland, Mayor Hanson, Mr Rowlands, Chief Kerr and himself were present The Chief was of the view that perhaps he could apologize to us at that time The Mayor thought that was a rather hollow apology and the Chief charged out of the room.

Mr. Steele said he thought this has been fanned out of all proportions and considerably exaggerated and if it has gotten to the point when this one individual is larger than the Chief, and the Chief is bigger than the Manager, then it is the proper time to re-evaluate the situation and he thought the Manager has pursued the only course he could. He thought the Manager dealt with this



quite charitably. He said he enjoyed Mr. Rowlands' comment as quoted in the evening paper to the effect that it was ridiculous to suppose that there were only 4 men out of the 260 in the Department that were honest and could be trusted with this responsibility. He thought so far as Moral's Squads are concerned we will always have Moral's Squads but it is not absolutely necessary that the "head man be a tin god as it were and, tromp all over whomever he desires."

Mayor Hanson said when inquiries were being made of me and Mr. Rowlands and other members of the Council with reference to Mr. Rowlands' availability for the job in Spokane, we met in closed session and Mr. Rowlands said he was pleased with the progress the City was making, pleased with the working relationship with the Council, but there was one thing he wanted to make very clear and that is that he had no intention of staying if we favored an open town; and he was assured by every individual member present that we were not in favor of an open town, in fact, that we would not tolerate it. On that basis he discouraged any further inquiry from people in the City of Spokane, and I know that his moral standards have not changed for he is one of the most highly respected and most outstanding City Managers in the United States, and he will never have to look for a job, in fact, he could very easily obtain a much more highly paid position.

Mr. Porter said the Mayor mentioned one meeting and Mr. Bott two meetings. Perhaps the Mayor would point out who was present at the second meeting.

Mayor Hanson said a meeting was held as described on Friday and then after returning from Seattle, after having a discussion with Senators Magnusson and Jackson on Monday, he saw the papers and was apprised of the situation. Later he received a call from either Mr. Murtland or Mr. Bott suggesting that they meet at 8.30 A. M. on Tuesday with Mr. Rowlands to discuss the matter further and he assumed that Mr. Steele had the same information - the members present at the former meeting - and that was the second meeting held on Tuesday.

Mr. William Goodwin, Attorney, representing the Chief, said the Chief has previously submitted his resignation which, he was sure, all of the people on the Council had read or at least have knowledge of its contents. This resignation from the Chief was submitted in response to a memorandum which was directed to him from the City Manager which reads as follows: "The article which appeared in the Tacoma News Tribune dated April 3, 1961 concerning the reorganization of the Moral's Squad contained many inaccurate statements. At no time during my discussion with you was it indicated that this Squad was to be abolished but it was clearly indicated to you that some re-organization of this squad was desired. I further told you personally on Friday ( ) that this change should be considered a routine administrative change to be made over a period of the next month or six weeks. Since the integrity and character of the Mayor and the City Manager was impugned in the article, and since it was inferred that the policy of enforcement in this area was to be relaxed or eliminated all together this article was most damaging, unfair and inaccurate and actually constituted insubordination on your part. Therefore, unless you are

willing to prepare a statement to the press publicly apologizing for the information contained in your release of yesterday and admitting that you were in error in the statements contained therein, I shall be compelled to ask for your resignation. I trust that you will be big enough to admit your mistake so that this drastic action, which I very honestly would dislike effectuating, will be unnecessary."

Mr. Goodwin continued; in answer to that communication, a man who has served law enforcement for many many years, in this City for a period of 8, and whose reputation in that field is beyond reproach, resigned. I have been a personal counselor to Chief Kerr longer than today. He first consulted me at the time there was a proposed Pin Ball Ordinance and he was asked by the, then City Council, to make a recommendation on that particular Ordinance as to whether or not we should have pin balls in the City of Tacoma. At his request the two of us drafted a letter in which he recommended against the operation of the pin ball machines in Tacoma because he knew what happened in our Sister City of Seattle might well have happened in Tacoma. From then on I saw him at intervals and of late concerning certain elements in the City of Tacoma who were seeking his resignation in some manner of form. The Chief told me, and I am satisfied that it is the truth, that from time to time it came filtering back to him from informed sources that what the newspaper article of yesterday said was true, "Hickey has long been the target of criticism by a group of downtown tavern owners and other elements who have accrued considerable City Council support in their fight for his scalp." And he said it was not only Hickey's scalp but his scalp because of his strict law enforcement policy, so that the Chief says in response to the statements you have made briefly this, -"that the removal of John Hickey was symbolic, it was not just the man, but it was the idea behind it, and that the City Manager was naive when he accepted the recommendation of members of the Council when all these discussions occurred. Why so many discussions over one administrative order? Why does it take three or four meetings? Why does not the City Manager say, "Chief Kerr, make a change in the Vice Squad." Why three or four meetings? And that is what the Chief asked, "why three or four meetings? Why so many people involved? What causes all the consternation and all the fuss. Then he says, "I'm 64 years old and I'm through fighting. I've had my fight. He didn't choose to fight here and so he resigned.

Mr. Bott said as far as this pin ball, the inference is that this is pin balls and other things that go with opening it; those were not even discussed at any time; and one thing that you will be surprised to know is that these people who happened to be present at this incidental meeting were among the staunchest supporters of Chief Kerr and I list myself as one of them. He said he was very unhappy about the meeting and very disappointed in the way the Chief acted. The Manager did right.

Mayor Hanson said naturally after the first meeting when we received this shocking reaction on the part of the Chief, which was a reflection on not only Mr. Rowlands and myself but the whole City, would naturally lead to the second meeting in an additional effort to see if the matter could not be resolved.

So we are not dancing in joy that Mr. Kerr has resigned. His position has put us in the position that there is no other course to follow. It is either that or accept him as the final and ultimate authority completely free from any direction by his superior and no department has the right to assume that position in this City or any other City.

Mr. Gott said one thing we forgot to mention was that in the meeting this morning the Chief offered to retract his statement and apologize to the members present and intimated that he would not, he did not say that he would not publicly apologize, but that was his alternative but he did say he would apologize to the members present and you remarked that that would be a hollow apology; that is when he walked out of the room.

Mr. Porter said not having been at either of these meetings he was very anxious to hear the explanations from the members who were at the meeting as to what took place, not only for his own personal satisfaction but having received several inquiries on the telephone personally from people last night and today. He was also asked to comment on the action, he said, but he did not feel it was right to prejudge the actions taken not knowing what had caused them, so he refused to comment until he had received all the information as to what had happened. He hoped he had received full information as to everything that happened. He believed all the Council members are entitled to all information and also the press and the general public. He is certainly going to evaluate what he has heard before he makes a comment as to the wisdom of the various actions. He had a feeling now, but he wanted to think it over just to be sure that he is right.

Mayor Hanson said, lest anyone questions the propriety of discussing matters with Department heads and the City Manager, he would read Section 3.2 of the Charter. "Except for the purpose of inquiry, the Council and its members shall deal with administrative officers and employees under jurisdiction of the Manager solely through the Manager." That, of course, was followed. No action was taken, it was merely a discussion. He said, if the Council would like to open this for general discussion perhaps this particular aspect should be considered before doing so. He saw very little to be gained by receiving the opinions from members of the public as to the wisdom of an act that has been accomplished. We have fully disclosed the facts that gave rise to the situation. The public will of course have to do its own evaluation, but nothing here can be said that will change the situation and you leave here with your own opinions and he trusted that they would exercise them vocally but he believed it would be wise to call this matter to a close.

Mrs. Olson said she could only speak for herself but there are a number of the Council who have been lumped into this who were not either present or aware of what action was taking place at the time. It is true this question of Lt. Hickey and the Vice Squad has been discussed. There has been people on the Council who had been called or had received personal complaints from people who had felt that they had been unfairly treated by members of the Vice Squad and those reports were aired on different occasions. She did not recall any within the last few weeks, but they have been discussed. Ever since she has been on the Council she has been interested, as have others, in sitting down with Chief Kerr and discussing some of these things so that we would

know whether the complaints received were accurate or were inaccurate. She, still in her own mind, does not know exactly what has transpired to bring this about. The Manager has certainly acted within his right as Manager. Whether the majority of the Council agree with this decision is something that she personally does not know, and like Mr. Porter is not in a position to evaluate. The News Tribune editorially has intimated that many of us on the Council have been duped, led or confused to the point where we feel that this was the wise or proper action to take. People are concerned about this and rightfully so. She is not sure that she as an individual is prepared right now to say that this is a closed issue. Maybe more time is going to have to be spent discussing it. She did not know what the outcome would be. She thought certainly if the Manager thought the Police Chief was not performing his job properly he has the right to fire him. For all of us to be put into one category as to exactly how we feel about this is really not fair to all members of the Council. She only wanted to make that point clear.

Mr. Cvitanich said when he first learned of this over the radio and then upon arriving in Tacoma read it in the newspaper, he was somewhat surprised that there had not been a meeting of the Council. This points out one thing that concerns the members of the Council and something that he has preached for a long time, that we should sit down as a group, rather than 4 or 5 individuals. If we extend an invitation to a few let us extend it to all members of the Council on these questions of policy or in discussing something this important.

Mr. Bott asked Mr. Cvitanich if he thought the Council should be invited to have a session everytime he meets someone on the street casually. As mentioned, this was a casual meeting. "You are invited to all regular meetings, as all of us are."

Mr. Steele said he might ask Mr. Cvitanich where he is when these sidewalk tours, etc. are held.

Mr. Cvitanich said he attempts to make all the meetings he possibly can. "I'm working for a living."

Mrs. Price said she was sure that she was as much surprised as anyone else was when she read the headlines. This was the first she knew anything about it. She had no information and in spite of what Mr. Goodwin said, that he was sure all the Council members had seen Chief Kerr's resignation, that was not quite true, because during his presentation the Council was delivered copies of it which was the first indication that she had had or copy of his resignation.

Mayor Hanson said Mr. Cvitanich is raising a question as to why we do not all join together at all meetings. He said he was sure that Mr. Cvitanich had contacted members of the staff on different occasions without having given ample notice in advance to all Council members that he was going to discuss a matter, especially in matters that come up from day to day. The Mayor said he would not only have to have 9 Council members sitting in his office but also going from meeting to meeting and place to place in order to have 9 members present at all times. He also pointed out that we have attempted to include the Council on all matters and as he recalls every member of the Council has previously indicated his or her concern about this public attitude, so it was a

natural area of inquiry.

Mayor Hanson said he did think it would be proper for the Council before adjournment to take some action in support of the Manager. However, that is a matter for the Council to consider.

Mr. Porter said before he takes any position in support of the Manager or others, he wants to be certain he has all the facts.

At this time, the audience was given the floor.

Nancy Ward, 511 No. M, spoke of her admiration for Chief Kerr and said she wanted him to know he had many friends in Tacoma.

Mr. Murray Morgan, radio newsman, asked if there was any written record of complaints against Mr. Hickey.

Mayor Hanson said to his knowledge there was not.

Gert Forney, a television newsman asked just exactly what it was the Morale Squad did that was so bad?

Mayor Hanson said he would point out the fact that what the Morale Squad did or did not do pales into insignificance when the reaction of the Chief upon inquiry was such. He said there have been a great deal of complaints over an extended period of time received by most of the Council members with reference to over zealous law enforcement. The question is to whether or not there was over zealous law enforcement could be set up for a hearing in the future. In fact that possibility was discussed. It could well materialize.

Mr. Forney asked if the Chief had any Civil Service hearing rights.

Mayor Hanson said "no," he does not. In fact he said, his first reaction was, he left word that we expected Chief Kerr to appear at this Council meeting and also in the Chief's presence asked the Chief if he would appear and he said he did not know. The Mayor then asked the Manager to order the Chief to appear and the Manager did that. After that his resignation was tendered and accepted so we certainly do not have any authority to compel his attendance, but it is significant that he is not here.

Mr. Rowlands remarked the regrettable thing about this entire proposition, in his opinion, was that it is entirely unnecessary. It has been blown out of all proportion. If every time he has gone to a Department Director and discussed a matter with them and had the same reaction as the Chief exhibited, there would be chaos. He also emphasized that it was not an unusual practice to rotate members of the Vice Squad, not in their entirety but trying to effect a satisfactory solution. If the Council came to me or he had gone to the Chief and said, "Look you are going to open up the town, etc.," he would have a very legitimate reason for being unduly upset. That is why he says in all sincerity, this is most regrettable. He considered Roy Kerr as one of his best friends and this is somewhat discouraging to him. Mr. Rowlands said Chief Kerr may have somewhat the same feeling. I feel that he has not supported me in cooperation. He probably feels I have not supported him. This is very unfortunate. The facts have been related here tonight, it is the truth, and this is very regrettable.

Mayor Hanson said a rotation of membership would not forever preclude his putting these same men back, if it turned out to be what he said he feared.

Mr. J. McGilvray of 711 No. Ainsworth said if peoples' constitutional rights had been violated, why did they not bring court action, regardless



of who you have doing something, everyone has it in for the police department. They don't like authority, they get a chance to get back at somebody. He said he did not believe that Lt. Hickey, Chief Kerr or anyone else in the Police Department is violating anyone's constitutional rights. It is just a group that wants to open Tacoma again.

Mayor Hanson said we agree that the Morals Squad was doing its job. We are also taking the position that we have 256 men that do their job and we felt that there was reason to attempt to rotate, assuming that there are other honest men on the force who could do just as much without the constant irritation. It is a matter of testing a position which is common place in City government but the real issue here is the reaction of a department head who refused to work with his superior in an effort to reach a conclusion that is best for the community. It might well have proven that he was right and the individuals involved would again assume their position, but he refused to go, even on a test basis.

Mr. Charles Stone said it has been indicated that several of the Councilmembers had received reports from different people that their privacy was encroached upon. He would like to know if any of the members who were not present at these two meetings ever got reports from people in that their privacy was encroached upon.

Mr. Cvitanich said he had.

Mr. Eisterday said two very fine Christian ladies while waiting for their husbands who were involved in a business transaction visited a tavern and when they left the tavern they were stopped by the police and asked the ir business.

Mr. Cvitanich said "Lt. Hickey is a personal friend of mine. I served with him on the Police Department for almost 5 years. He does what he is told and is the type of officer that actually epitomizes what most any Police Department wants in the degree of a law enforcement officer. I think we are getting far afield when we start condemning Lt. Hickey because the basic point is insubordination, and this is the whole problem."

Mr. Homer King, 423 So. J, said he is rather surprised at the members of the Council who spoke so highly of Chief Kerr. Chief Kerr is a fine gentleman and he thought it was one of the saddest things that happened in this City when Mr. Rowlands apparently caused him to resign. The Chief has had everyone favoring his action who believes in what is good for Tacoma. We who pay taxes do not think we need the wrong things to make a good town. We need good things to make a good town. Chief Kerr has produced the best results ever seen for a long long time.

Mr. Bott said this has nothing to do with the policies that are established. Regardless of what the paper says we still have a Morals Squad. The orders have not been changed one iota. Don't anyone get the idea this is a change of policy. This is no change of policy, it was merely a questioning period and exception was taken to it, the gentlemen's temper flared and he walked out and resigned. There has been no change of orders and no change of policy as far as the law enforcement in the City of Tacoma goes.

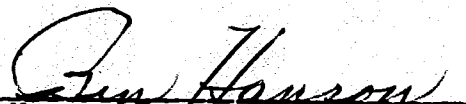
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Mayor Hanson said, "to those who smile cynically, time will tell. If you are honest and concerned with your City, you will observe and you will see. I have proven my concern for the City as a whole. I have satisfied my own conscience and I'm not concerned by those who in their rather dirty little minds attribute motives that are not present.


Mr. Rowlands said he would like to make one comment so he can disabuse anyone of the idea that these meetings mentioned were prearranged. The Council members anytime during the day may drop into my office to ask for information etc., and this is quite normal. He assured those present that the meetings referred to were not staged.

Mr. Peterson, a member of the audience, also spoke. If one of Mr. Kerr's subordinates had acted toward him as he did to the City Manager there would have been no public hearing, fiasco, he would have had his "neck chopped off", so where is his complaint. He did not see where there was any further discussion necessary. He thought the City Manager was not only in his rights but that he acted as he should. Nothing will contradict that.

Mr. Easterday moved that the meeting adjourn. The motion was seconded by Mrs. Price and passed; the meeting adjourned at 10:35 P. M.

  
Mayor of the City Council

Attest:

  
City Clerk