

CITY COUNCIL MINUTES

City Council Chambers
Tuesday, Feb. 25, 1969

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

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

The Flag Salute was led by Mr. Johnson.

Mayor Rasmussen presented Service Awards to twenty employees of the City whose service spans from 25, 30, 35 and 40 years.

Mayor Rasmussen, Council members and Mr. Rowlands, City Manager, congratulated the participants for their years of service for the City.

Mayor Rasmussen requested that the persons who could not be present to receive their awards this evening be scheduled on the next Council meeting.

Virginia Shackelford, 1105 No. L, presented Mayor Rasmussen with a large, framed selection of News Tribune articles relative to the Council meetings and controversies in which he had been involved.

Mayor Rasmussen thanked Mrs. Shackelford for the presentation.

Mayor Rasmussen requested that Mr. Hamilton, Acting City Attorney, draft a resolution for the Council's approval to send to the family of Frank M. Lockerby, Editor of the Tacoma News Tribune, who died on Monday, Feb. 24, 1969.

Mayor Rasmussen called the Council's attention to the State law quoted on Page 6 of the Feb. 4th, 1969 minutes. He requested that Mr. Hamilton, Acting City Attorney, submit an opinion to the Council in regard to the last paragraph under RCW 35.33.120, as he felt a court of competent jurisdiction would have to determine what can be done if the Council has not approved a claim for expenditures in excess of any individual budget appropriation as well as for emergencies.

Mr. Hamilton said he would check into the matter.

Mr. Gaisford, Director of Finance, quoted a portion of RCW 35.33.120, stating, "transfers between items within any class in the budget may be made by the city's chief administrative or finance officer, subject to such regulations as may be imposed by the legislative body, but no salary shall be increased above the amount provided therefor in the budget except as otherwise provided in RCW 35.33.105." He felt this phase of the statute meant that without a directive from the legislative authority that the chief finance officer has the authority to transfer within class, therefore, this item has been taken care of.

Mayor Rasmussen requested that the Acting City Attorney draft a resolution directing the Finance Director to stay within the budgeted amounts of each departments. Mayor Rasmussen said as he interprets the law, the budget practices of this City are in violation of the law.

Mr. Rowlands, City Manager, explained that the total budget has always been in balance and there has been nothing irregular or unusual about the procedure of

transferring funds within class from one department to another.

Mr. Cvitanich moved that on page 20, in the last paragraph, third line down, the word wasn't be changed to 'was', also on the last line of the same paragraph, the initials CIA should be corrected to read 'CAB'. Seconded by Mr. Zatkovich. Voice vote was taken. Motion carried.

Dr. Herrmann felt that verbatim minutes do not add a thing to what the minutes of Council meetings should reflect. They should reflect the actual Council action only.

After further discussion, voice vote was taken on the minutes as corrected. Motion carried.

Mr. Zatkovich rose to the point of personal privilege, as he felt his character and integrity has been impugned as the result of the last Council session. He mentioned that on Wednesday, Feb. 19, 1969 in the Tacoma News Tribune, the headlines had stated, "Councilmen say the Mayor is trying to scuttle the Model Cities Program." Since his name was also included in the article, in regard to his opposition to bringing two out of state persons to Tacoma to be interviewed, he would take offense at such statements.

Mr. Zatkovich also took offense to the statement that Mr. Rowlands had stated he appreciated the support of six Council members who realized that the Mayor's attack was entirely improper. Mr. Zatkovich stated, this was not mentioned in open Council meeting and he stated he does not want to be made a tool of anyone or any group. He added, this certainly was not his reason for voting as he did. He voted as he thought he should and he certainly did not vindicate the Manager. He stated he did not want such statements to happen again.

Mr. Rowlands, City Manager, explained he did not have the opportunity to make any remarks publicly at the meeting of Feb. 18th because of the lateness of the hour so after the meeting he had mentioned to Mr. Cardwell he did appreciate that six Councilmen voted in the affirmative, but he had not mentioned anyone's name.

HEARINGS & APPEALS:

a. This is the date set for hearing on the petition submitted by Robert Singleton for vacation of the alley between 24th & 25th Sts. N. E. and from 64th Ave. N. E. approximately 320 feet west.

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

b. This is the date set for hearing on the petition submitted by St. Joseph's Hospital for vacation of So. 18th between So. I & J Sts. and also the alley between So. I and J between So. 17th and 18th Streets.

Mr. Buehler, Director of Planning, explained these vacations will allow for the consolidation of hospital owned properties in order that a new facility can be constructed. He added, ten conditions have been set forth which were agreeable to the representatives of the hospital.

Mr. Bott wondered if the hospital proposes to build over the existing 18th Street.

Mr. Buehler explained the complete plans have not yet been consummated.

Mr. John Ettner, representing St. Joseph's Hospital, explained that the exact plans for the new facility have not been drawn because the contour of the building depends upon the site it would be resting upon. The exact location of the new building is not known in relation to the present building. It is hoped that a physical connection can be made to the present building, he added.

Mr. Bott thought the street should be left open since the hospital does not have any specific plans for its use.

Dr. Herrmann stated in order for the architects to plan a proper structure they would have to know what the physical layout will be. He felt that the traffic pattern in the area will not be damaged in any way by this vacation.

Mr. Harry Barry, Architect from Seifert, Forbes & Barry, explained that the hospital has tried very hard to obtain a sufficient amount of land so that with the new facility it could be treated as a complex. It may be conceivable, as the new structure is built that it will be tied into the old building.

Dr. Herrmann moved to concur in the recommendation of the Planning Commission to vacate the area in question and that an ordinance be drafted approving same. Seconded by Mr. Zatkovich. Voice vote was taken. Motion carried. Mrs. Banfield stated she must abstain from voting.

c. The City Planning Commission recommending denial of the petition submitted by John Fortino for rezoning of the west side of Walters Road between So. 16th and 17th Sts. extended, from an "R-2" to an "R-3" District.

The last day to file an appeal was Feb. 17, and no appeal was filed.

Mr. Finnigan moved to concur in the recommendation of the Planning Commission to deny the rezone. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

d. The City Planning Commission recommending denial of the petition submitted by Donald Huber for rezoning of the north side of So. 90th between Alaska & Hosmer Sts. from an "R-2" to an "R-3" District.

The last day to file an appeal was Feb. 17, and no appeal was filed.

Mr. Finnigan moved to concur in the recommendation of the Planning Commission to deny the above rezone. Seconded by Mrs. Banfield. Voice vote taken. Motion carried.

COMMUNICATION:

Communication submitted by Arthur S. Langlie, attorney for the Salvation Army, relative to the appeal filed on the assessment covering its business license, advising they had omitted Sec. 6.68.280-f of the official code in presenting its appeal.

Placed on file.

RESOLUTIONS:

Resolution No. 20064

Fixing Tuesday, March 11, 1969 at 4 P. M. as the date for hearing for the rezoning of the north side of So. 72nd St. and between FAI #5 and So. Alaska St. from an "R-2" to an "R-4-L-PRD" District. (petition of Wapato Lake Park Development)

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

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

Nays 0: Absent 0.

The Resolution was declared passed by the Chairman.

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Resolution No. 20065

Fixing Tuesday, March 18, 1969 at 4 P. M. as the date for hearing for the re-zoning of the N. E. corner of Yakima Ave. and So. 46th St. from an "R-4-L" to a "C-1" District. (petition of Jean C. Ellington)

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

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

Nays 0: Absent 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20066

Awarding contract to Preservative Paint Co. on its bid of \$16,524.59 for furnishing traffic paint.

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

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

Nays 0: Absent 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20067

Authorizing the purchase of 5,000 lbs. of white Green Lite Striping Powder from Minnesota Mining & Mfg. Co. for the sum of \$7,772.19 and waiving the bidding requirements.

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

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

Nays 0: Absent 1, Cvitanich (temporarily).

The Resolution was declared passed by the Chairman.

Resolution No. 20068

Authorizing the purchase of 24 Beacon Ray Lights from the Safety Barricade Co. for the sum of \$1,304.91 to be appropriated from Fund "B" of the Equipment Rental Fund.

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

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

Nays 0: Absent 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20069

Authorizing a slope easement from the Light Division on the Tacoma-Cushman transmission line right-of-way to enter upon adjoining lands to use the City patrol road.

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

- Ayes 8: Banfield, Bott, Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.
- Nays 0: Absent 1, Cvitanich (temporarily).

Resolution No. 20070

Authorizing the execution & submission of a Project Application to the U. S. Department of Transportation, Federal Aviation Administration, for federal participation in improvements at the Tacoma Industrial Airport under the Federal Aid Airport Program.

Dr. Herrmann moved that the resolution be adopted. Seconded by Mr. Murtland. Mr. Frank Phillips, Airport Manager, explained this was the second procedural step for the grant agreement from the Federal government. The improvements will include completion of a parallel taxiway and the construction of holding pads, for the Airport.

Mr. Cvitanich brought to the Council's attention on Page 5 under Sec. 6 of the agreement in the middle of the paragraph states in part, "will not permit any activity thereon which would interfere with its use for airport purposes", and that would indicate that drag racing at the Airport during the 1969 Centennial celebration, would be prohibited.

Mayor Rasmussen then asked if it would be possible to close the Airport down for a period of time.

Mr. Phillips explained, the only possible way to have such drag racing would be if the F. A. A. made a determination that a particular strip of pavement was not needed for airport purposes. He added, he would do everything possible to cooperate fully as long as any demonstration was of an aeronautical nature.

Mr. Cvitanich felt the City should become more active in soliciting for other operators to be based at the Airport as competition is healthy.

Mayor Rasmussen said he would vote against this resolution as he felt it was a question of priorities and the money would be better spent on relieving traffic congestion in the 38th and Union Ave. area.

Mayor Rasmussen asked Mr. Gaisford, Director of Finance, if a resolution had been passed relative to the loaning of money to the Airport from the General fund with the stipulation that it be paid back within a period of a year.

Mr. Gaisford stated he would check into the matter.

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

- Ayes 6: Bott, Finnigan, Herrmann, Johnson, Murtland and Zatkovich.
 - Nays 3: Banfield, Cvitanich and Mayor Rasmussen. Absent 0.
- The Resolution was declared passed by the Chairman.

Resolution No. 20071

Authorizing the proper officials of the City of Tacoma to pay travel and subsistence expenses incurred by two applicants coming to the City of Tacoma for an interview in connection with the appointment of a Model Cities Director.

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

Mr. Zatkovich felt that Mayor Rasmussen had been unfairly attacked by last week's News Tribune headline of Feb. 19th, which stated that Council members charged him with trying to scuttle the Model Cities program. He also stated that he had made a phone call in regard to one applicant for the Director of the program. He found that no one had bothered to check that particular person's background. He wondered what type of background investigation had been accomplished by the screening committee. On Feb. 20th, the News Tribune had also published remarks by Thomas Dixon, Chairman of the Hilltop Citizen's Committee and he was certainly misinformed in his contention that the residents of that area should control the program.

Mayor Rasmussen explained, to the best of his knowledge there has been no background investigation conducted on any of the applications of the five finalists.

Mr. Zatkovich stated that since investigations have not been made on the two he had spoken of, he assumed no investigations had been made of the other three.

Mrs. Virginia Shackelford, a member of the Citizens' Executive Board, but speaking as an individual, contended that on Feb. 9th the screening committee had called the Board to meet to narrow down the thirty-three applicants to five and to also decide what procedure would be adopted. That evening they had decided to interview the three local men on the following Thursday and on the following Sunday, the two from out of town would be interviewed.

Mrs. Shackelford further stated, she felt there was a too casual approach to the expenditure of money and also a breakdown of communication, which she hoped the Council would remedy. She referred to Bulletin No. 3 which she considered very important and read excerpts as follows:

Verbatim requested by Mr. Cvitanich:

Mrs. Shackelford: This is the Technical Assistance Bulletin No. 3, dated Dec. 1968. Citizen participation in Model Cities; Instructions for the Citizens; but although vague references are made by people who emphasize there must be citizen participation and they use this as a rationale to state there must be citizen control; there is a difference, if you read this book because on Page 15, under the very important heading of "Delineation of responsibility and authority, it read: "In Model Cities, final responsibility and thus final decisions about programs and plans rests by statute with the elected officials of the City." Not the citizens.

Then on Page 16, where it delineates it in a little more detail, it states that the City Government for its part, properly expects (a) final decision making by elected officials accountable to the citizenry of the Model neighborhood and the City as a whole (b) administrative authority over those planning funds retained by City agencies (c) the right to review the utilization of planning funds delegating to private agencies and neighborhood groups."

End of Verbatim.

Mrs. Shackelford stated that the language is not ambiguous in the slightest. There will be problems in the Model City program when you have this many people together with varying approaches, people who wish different things which will make it a long, complicated year of planning.

Mrs. Shackelford continued, that three local men have been interviewed for the position of Model Cities Director. She suggested that the two men from out of town not be interviewed, as in all probability the majority of the citizen's body and the Board have already decided on one of two Tacomans for the directorship. She also hoped that members of the City Council would be present at the next meeting.

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Mayor Rasmussen said he was very hesitant to spend money for bringing anyone to Tacoma for an interview and this was his reason for opposing the hasty action requesting funds at last week's Council meeting.

Mayor Rasmussen explained that the Council is empowered to make the final selection of the director and may nominate persons other than the candidates recommended by the citizens' committee. He also stated that no one body can take control of the Model Cities program as it has to be a joint effort of all the people in the area, and that the funds were the direct responsibility of elected officials.

Mr. Rowlands felt that the Council could have by motion authorized this expenditure last week, and it would have been entirely proper. He mentioned that the Model City's Committee did spend many hours screening the applications that had been received. He noted that the program requires a joint effort and it will not succeed without cooperation between the City Council and the citizens of the neighborhood.

Mr. Murtland felt it was the duty of the Council in a project of this scope to get the best qualified Director. The Council had instructed the Model City's Steering Committee to screen applicants and then present five to the Council for their determination. Consequently, he felt these two men should be allowed to be interviewed and that the City provide their transportation, as is done on a nationwide basis.

Mr. Zatkovich moved that Resolution No. 20071 be tabled. Seconded by Mr. Cvitanich. Roll call was taken, resulting as follows: Ayes 4: Banfield, Cvitanich, Zatkovich and Mayor Rasmussen. Nays 5: Bott, Finnigan, Herrmann, Johnson and Murtland. Absent 0. Motion Lost.

Mr. Bott explained, he voted not to table the resolution because these gentlemen should be given some consideration, however, he felt it was the Council's responsibility to know that such individuals are qualified before they are brought to Tacoma.

Mr. Johnson felt the Steering Committee had done their best, however, he did feel that perhaps additional information should have been obtained on the background of the five finalists. He also felt that the resolution should be passed, but that the Council should instruct the Executive Committee of the Model Cities to take a look at the evidence Mr. Zatkovich has, and determine if that particular man should be eliminated and only one brought to the Council for their determination.

Mr. Finnigan thought since the Model City's Screening Committee felt these five applicants were worthy of consideration, there should be no further delays. The City is on a 90-day Planning Program which was granted to Tacoma to complete the planning of the Model Cities program, therefore, the resolution should be passed at this meeting.

Mr. John Ettner, Chairman of the Screening Committee, said he honestly believed the out-of-state men stood a chance of strong consideration. He also wanted to point out that the committee worked many hours on a voluntary basis and checked the applications and references of the local candidates to the best of its ability. He thought that further investigation was being conducted by the City Personnel Department.

Mr. Bixel, Director of Personnel, explained he was not aware that his Department was involved.

Mr. Ettner hoped this resolution would be passed as he felt these out of town applicants should be interviewed, as the Committee is willing to do whatever necessary to get the best qualified person for the Model Cities Director.

Mr. Finnigan felt the Council would be restricting themselves if they did not give these two applicants an opportunity to be interviewed.

Mr. Johnson moved to recess the meeting for five minutes so the Council might meet with Mr. Zatkovich in the conference room in regard to the information on one of the candidates. Seconded by Mr. Murtland.

Mr. Zatkovich said he would discuss the matter with the Council first, and then if they wish they can inform Mr. Ettner.

Mayor Rasmussen called for the question on Mr. Johnson's motion to recess the meeting for five minutes. Voice vote was taken. Motion carried.

After the recess, Mr. Johnson moved to remove the resolution from the agenda. Seconded by Mr. Zatkovich. Roll call was taken. Ayes 7: Banfield, Bott, Cvitanich, Johnson, Murtland, Zatkovich and Mayor Rasmussen. Nays 2: Finnigan and Herrmann. Absent 0. Motion carried.

The Resolution was removed from the agenda.

Mr. Bott asked to be excused at 8:25 P. M.

Resolution No. 20072

Amending the Urban Arterial Functional Classification of the arterial streets of the City of Tacoma.

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

Ayes 6: Banfield, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.
Nays 1: Finnigan. Absent 2: Bott. Cvitanich (temporarily).
The Resolution was declared passed by the Chairman.

Resolution No. 20073

Approving and adopting an amendment to the Six Year Comprehensive Street Program for 1969-1974.

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

Ayes 6: Banfield, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.
Nays 1: Finnigan. Absent 2: Bott. Cvitanich (temporarily).

Resolution No. 20074

Accepting certain offers to sell real property from the Bank of California for the purchase price of \$11,000 for property at 1116-18 Market Street in the Urban Renewal Project No. Wash. R-14.

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

Mr. James Wright, Director of Urban Renewal, explained this property is actually owned by the Bank of California as trustee for the Estate of Mr. LaGasa. It was his understanding that the purchase price was set at \$11,000 because some value was attributed to the building in the appraisal, due to the rental aspects. The building has not been rented recently, however, but had been rented at \$125.00 a month.

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

Ayes 6: Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.
Nays 1: Banfield. Absent 2: Bott. Cvitanich (temporarily).
The Resolution was declared passed by the Chairman.

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Resolution No. 20075

Expressing the City Council's intent to cooperate with the Centennial Committee in carrying out its plans for commemorating the 100th anniversary of the founding of the City of Tacoma.

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

Mr. Bud Bond, Public Relations Director, explained this resolution has been requested to allow the Centennial Committee to coordinate the items that are sold so the Committee can be financially self-sustaining. The resolution also spells out that no individual company or organization can sell, trade or give away anything that has a celebration reference or connotation without first obtaining written permission from the Centennial Committee, he added.

Mr. Rowlands, City Manager, reminded the Council of a study session last fall pertaining to the centennial where a joint contribution in the amount of \$15,000 from the Utilities and General Government was discussed. He noted that only \$3,000 was budgeted in the 1969 budget. He informed the Council that the Utility Dept. has appropriated \$5,000. He suggested that another special appropriation be allowed by resolution in the amount of \$6 or \$7,000 to be placed on next week's agenda.

Mr. Benedetti, Assistant Director of Utilities, explained that the Utility Board has recently authorized the expenditure of \$5,000 as it was understood that the General Government was appropriating \$10,000.

Mayor Rasmussen asked that an ordinance be drafted in the amount of \$7,000 to be allotted for the Centennial Committee which will bring the contribution of the General Government up to \$10,000 as promised.

Mr. Finnigan felt that the best approach would be to appropriate funds as the Committee presented their needs.

Mr. Gaisford, Director of Finance, explained the bills are being submitted to Mr. Bond and then they are submitted to his office for payment; an accurate record has been kept of all the bills that have been paid.

Mr. Finnigan suggested that an accounting of the bills and payments for the Centennial be placed in the Council's agenda every two weeks.

Mayor Rasmussen felt this was a good suggestion and could be accomplished.

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

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

Nays 0; Absent 1, Bott.

The Resolution was declared passed by the Chairman.

Resolution No. 20076

Endorsing and supporting the "Now, Mr. Lincoln" Campaign and the fund raising dinners to be held on Feb. 28th, 1969.

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

Mrs. Banfield stated she would have to vote 'no' on this resolution as she had not perused the matter.

Mr. Cvitanich felt in passing this resolution the Council would show hypocrisy as other matters such as this have not even been placed on the Council's agenda. He would also vote against the resolution.

Dr. Herrmann explained he had asked for this resolution as he felt it was a very worthwhile program and such a civic project of this nature should demand the support of the City Council.

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Mayor Rasmussen hoped that the resolution would pass, as it is hoped that the results of this campaign will turn out as planned.

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

Ayes 6: Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.

Nays 2: Banfield and Cvitanich. Absent 1: Bott.

The Resolution was declared passed by the Chairman.

Mr. Cvitanich moved that the Rules be suspended to consider Resolution No. 20077. Seconded by Mr. Zatkovich. Voice vote taken. Motion carried.

Resolution No. 20077

Expressing condolences to the surviving family of Frank M. Lockerby, editor of the Tacoma News Tribune who passed away on Monday, Feb. 24, 1969.

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

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

Nays 0: Absent 1, Bott.

The Resolution was declared passed by the Chairman.

FIRST READING OF ORDINANCES:

Ordinance No. 18757

Amending Section 1.12.430 of the official code to add the classification 1122 Trainee Corps Coordinator.

Mr. Bixel, Director of Personnel, explained that the examination for a Personnel Technician was given sometime ago and the Department has already made the appointment that the City Council had authorized in the 1969 budget. The position occupied by Mr. Hutchine was identified in the Personnel Department's budget in connection with the Trainee Corps program. Initially the position was funded by the City Council on a temporary basis, and as such, the position was entitled Personnel Technician. The position was funded for the year 1969 and it is the policy of the Civil Service Board, if positions are funded on a full time basis, the person should not be considered as a temporary appointee.

Mr. Bixel further stated at the Civil Service Board meeting of Feb. 4th he suggested that the Civil Service Board suspend competition for the position of Trainee Corps Coordinator and that an appointment be made as provided in the Personnel Rules. The Board, therefore unanimously approved by motion that competitive examinations be suspended for this position and an appointment be made. It was also decided that in approving this action, it was on an individual basis and each such subsequent non-competitive appointment to this position would require approval of the Board.

Mr. Bixel explained with the passage of this ordinance, the Personnel Director can legally and properly allow Mr. Hutchine to continue in this position without any drastic change in the fine program that is established now.

Mr. Zatkovich and Mr. Cvitanich felt the passage of this ordinance will help destroy the Civil Service system. They felt competitive examinations should always be held.

Mayor Rasmussen asked Mr. Van Camp, representative of the Civil Service League, if Mr. Hutchine would take the examination for Personnel Technician I and be successful, would he then be on the permanent roll as a City employee.

Mr. Van Camp, explained that Mr. Hutchine's qualifications are such that he is not eligible to take that examination, as he is not a graduate of a four year college or university.

Dr. Herrmann felt that since the Board approved the action on an individual basis it would not be an erosion of the Civil Service System, and this position is now under the classified system.

The ordinance was placed in order of final reading.

Ordinance No. 18758

Vacating East J lying between East 60th & 61st Streets. (petition of Canty-Baker).

The ordinance was placed in order of final reading.

Ordinance No. 18759

Approving and confirming the assessment roll for Sidewalk Construction Fund #68 for property at 1537 Broadway.

The ordinance was placed in order of final reading.

Ordinance No. 18760

Amending Chapter 12.10 of the official code and repealing Sec. 12.10.010 to and inclusive of 12.10.640 relative to "Water-Regulation and Rates".

Mr. Benedetti, Assistant Director of Utilities, explained the significant changes in the ordinance relating to regulating the Municipal water supply system of the City. He added, this ordinance is a re-write to modernize, update and amend the appropriate sections of the original ordinance.

Mr. Benedetti added, that no increases were recommended or are included in the basic rates for water use. The changes are predominately housekeeping changes which they felt were desirable from the standpoint of the utility and from the standpoint of the customers they are serving. He pointed out one basic change which has to do with a fixed charge for service installation from the residential size up to one and one-half inches. The other change that is considered major, is in charging for water which they serve on a wholesale basis to a district along the gravity line. The former rate was based upon the number of customers in a district, however, it is now a demand rate and the bill is based upon a district's water use demand.

Mr. Cvitanich asked that Mr. Rowlands check with Fire Chief Reiser before the final reading of the ordinance to see what it cost the department to take care of buildings in which the sprinklers had burst due to the cold spell and also the vacant buildings in the downtown area.

Mr. Rowlands said he would check into the matter.

The ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 18751 (postponed from the meeting of Feb. 18, 1969)

Approving and confirming the assessment roll for L I D 3658 for sanitary sewers in alleys between East 61st & 62nd Sts. from Portland Ave. to Q St. and other nearby streets.

Mayor Rasmussen explained this ordinance was postponed from the meeting last week for the Public Works Dept. to submit information for the Council regarding questions that were asked by Mr. Dave DeForrest who appeared before the Council representing the property owners in the area of East 44th St. who felt the assessment for this improvement far exceeded the costs quoted a number of years ago.

Mr. Anderson, City Engineer, explained that the problem seems to be threefold; (1) the method in which the department arrived at the front foot cost to determine the assessments on the property; (2) the question of the \$4.50 rate versus the \$5.50 rate which was estimated; (3) the difference between the rate per foot and the ten percent over-run for which they are being assessed.

Mr. Anderson pointed out on the map the properties which had been assessed for this L I D and explained the rate of assessments on the linear foot basis of each of the particular pieces of property. He added, the State law, in assessing this on a zone and termini basis recognizes the fact that the assessed unit of frontage is different, depending upon the shape of the property. He added, in 1963 an opinion survey was sent out and it was clearly stated that the City participated in these projects at the fixed rate for the sewer on this particular project of \$4.50 a foot. Various things have taken place since 1963. At that time they did not have a 50% petition in favor of the district to bring it to the City Council. In 1966 there had been changes in ownership and the opinion survey changed from a no vote to a yes vote. Then in 1967 the initial hearing was held establishing this L I D. The cost of construction had risen and participating funds for sanitary sewers had been depleted. The property owners were advised of these facts and they indicated they were willing to pay the total cost of the improvement; then notices were sent out based on \$5.50 a foot.

Mr. Anderson further added, tremendous increases in construction costs have occurred within the last year and the increase in the assessment amounted to approximately 10%. In other words, \$6.05 per front foot.

Mr. Dave DeForrest, 1116 East 44th St., a property owner, felt that some of the property owners had been assessed per front foot more than their share, particularly the difference between assessments of the property owned by Mr. Kloster and Mr. Wickstrom.

After some discussion, Mr. Johnson asked if the City had any participating funds at this time to pick up the difference of \$5.50 and \$6.05 on these assessments.

Mr. Anderson said this cost would amount of approximately \$390 and the department could pick it up out of the Sewer Utility Fund if the Council wishes.

Mr. Johnson moved that the ordinance be amended so the City would pay the average between \$5.50 and \$6.05 which was charged. Seconded by Dr. Herrmann. Voice vote taken. Motion carried.

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

Ayes 8: Banfield, Cvitanich, Finnigen, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.

Nays 0: Absent 1: Bott.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18754

Amending Chapter 13.06 of the official code to add two new sections 13.06.045-9 and 120-55 to include property on the N. W. corner of East 72nd & Portland Ave. in an "R-2T" and a "C-1" District. (petition of Puget Sound National Bank)

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

Ayes 6: Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.
Nays 2: Banfield and Cvitanich. Absent 1: Bott.
The Ordinance was declared passed by the Chairman.

Ordinance No. 18755

Appropriating the sum of \$23,000, or so much thereof as may be necessary, from the General Fund to Non-departmental Expenditures Fund No. 101-691 Contractural Services Account 62099 for the cost of demolition and removal of an Escalade structure located on the property purchased by Dean Witter & Company.

Mr. Zatkovich asked if the Council had ever determined where the escalade would be relocated.

Mr. Rowlands, City Manager, explained when it was first discussed, suggestions were made to relocate the escalade through the Rhodes garage; then there is also the area from Fawcett up to Tacoma Avenue. Eventually, it is hoped there will be some type of movement all the way from Pacific Ave. to Tacoma Ave., so this escalade can be relocated in one of several locations.

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

Ayes 6: Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.
Nays 2: Banfield and Cvitanich. Absent 1: Bott.
The Ordinance was declared passed by the Chairman.

Ordinance No. 18756

Amending the 1969 Budget to provide for additional personnel necessitated for Public Works projects contemplated under the Urban Arterial Construction program and an L I D Improvement program made possible by the passage of a four million dollar bond issue subsequent to the adoption of the 1969 budget.

Mr. Anderson, City Engineer, stated a survey is now being made and the Department expects to submit a report relative to the street damage by next week. In the meantime the repair crews have been concentrating on the arterial streets, and the streets are now in passable condition with temporary patches. The sweeping program has not been running on its usual schedule but will resume its normal program soon.

Mayor Rasmussen thought trucks could be allocated for two or more days to pick up the debris that has accumulated in the side streets.

Mr. Anderson said it would take more than a week using five or six trucks to pick up the debris all over the City.

Mr. Rowlands, City Manager, stated he hoped the report would be on the agenda next week and then an ordinance could be submitted for funds. He also hoped, in the same report that an analysis can be made relative to black top versus concrete for paving.

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

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

Nays 0: Absent 1: Bott.

The Ordinance was declared passed by the Chairman.

UNFINISHED BUSINESS:

Mr. Finnigan moved to reconsider the vote that was taken last week to defer action on the hearing on the B & O tax for the four organizations. Seconded by Mr. Murtland.

Mr. Finnigan stated he had learned that Dr. Herrmann was not going to be available at the Council meeting next week. He felt a full Council should be present for any further action and this would postpone the hearing to Mar. 10, 1969.

Mayor Rasmussen felt it was necessary to suspend the rules before this could be discussed.

Mr. Finnigan then moved to suspend the rules to be able to make a motion to defer action on the B & O hearings until March 10th, 1969. Seconded by Mr. Murtland. Roll call was taken, resulting as follows: Ayes 2: Finnigan and Murtland. Nays 6: Banfield, Cvitanich, Herrmann, Johnson, Zatkovich and Mayor Rasmussen. Motion Lost.

Mr. Cvitanich asked for a status report relative to the Air Pollution in the community.

Mayor Rasmussen asked Mr. Hamilton, Acting City Attorney, if any action had been taken relative to the Air Pollution Control Commission's suit against the Tacoma Smelter.

Mr. Hamilton explained that the trial date had not been set and he felt, perhaps, it would be in October or November of 1969.

Mr. Cvitanich stated, he had been informed that the Agency is enforcing the statutes in regard to incinerators, burning barrels, etc.

Mayor Rasmussen felt that in such cases as these, the law is being enforced, but at the present time the Agency was concentrating on the Industrial pollution more than on individual complaints.

Mr. Cvitanich also asked about the plan to place a monitoring devise at the point of emission, particularly at the Smelter stack.

Mayor Rasmussen stated, so far the Agency has not received permission to place such a devise on private property, however, they are equipping the mobile equipment units with testing devices for all phases of pollution control.

Mr. Rowlands, City Manager, explained the plan is to have more monitoring devices at more than one strategic location.

Mr. Johnson explained he had talked with Mr. John Ettner, the Model Cities representative and it was his suggestion that the Council peruse the top ten applications and have the persons thoroughly investigated before they are brought to the Council for interviews. He thought a resolution should be drafted stating this fact.

Mayor Rasmussen explained that each individual Council member can bring in

a candidate for this position if they wish.

Mr. Murtland was excused at 10:45 P. M.

Mayor Rasmussen read the following communication for the record. The City Council, City of Tacoma, Tacoma, Washington. Honorable Members: I, A. L. Rasmussen, the present duly elected qualified and acting Mayor of the City of Tacoma, do hereby designate Arthur R. Anderson, a bonded person, to affix a facsimile of my signature on each of the bonds of the \$20,000,000 Light and Power Revenue Bonds, 1969 Series, to be issued under date of January 1, 1969, and to manually sign each of said bonds as my proxy, all as more fully authorized and provided in Chapter 212, Washington Session Laws 1929 RCW 35.36.010, et seq. This appointment shall become effective March 3, 1969. Said Signatures shall be affixed on said bonds in the following manner; The City of Tacoma, Washington by A. L. Rasmussen, Mayor; Arthur R. Anderson, his Proxy and Respectfully submitted by A. L. Rasmussen, Mayor.

Mayor Rasmussen explained that Mr. Anderson, Chairman of the Public Utility Board had advised him that he was going to be in New York on personal business and this letter is to make it official so that Mr. Anderson may sign the bonds.

Mayor Rasmussen asked that a formal opinion be submitted to him relative to the signing of the bonds for the \$4,000,000 for the Public Works Department, as he had not been asked to submit a letter of proxy for those particular bonds. He did not feel anyone could authorize another person's signature.

Mr. Hamilton, City Attorney, explained that Mr. Thorgrimson of Seattle, Bond Counsel had drawn up the ordinance. He further stated that the State does provide for facsimile signatures. When a proxy is used, a manual signature is used, but not for a facsimile signature.

Mayor Rasmussen asked if the money from the notes that are issued under Urban Renewal is handled through the Finance Dept.

Mr. Gaisford, Director of Finance, explained that upon the sale of loan notes by the Urban Renewal Dept. the monies are deposited with the City Treasurer.

Mayor Rasmussen explained he had received notice from the Urban Renewal Dept. that they were submitting for his signature, two proposed notices of sale of bonds to be published in the Tacoma Daily Index. It was his opinion that this matter should be submitted to the Council each time in the proper form.

Mr. Wright, Director of Urban Renewal, explained this procedure was followed last year when the loan notes became due. The bid call will be March 11, 1969. The procedures which have been established are under a resolution which was passed in 1963 making it unnecessary to go through all the steps to bring this before the Council. It is an administrative process in advertising for these notes. As the Council knows, their Department works through a procedure established through HUD which is carried out in all projects in all cities all over the Country. They advertise for these notes so the City may go to the private market to get the next year's operating money at the lowest possible interest rate.

Mr. Wright further explained, that just prior to the delivery of the memorandum to the Mayor they had received instructions from HUD to execute a memorandum to the Mayor to execute the documents which are nothing but advertising for the notes in the Daily Index.

Mayor Rasmussen felt the procedures are so standardized that the Council would

not ever have to know what is going on in the City; he felt, perhaps, the Council would not want to proceed.

Mayor Rasmussen also felt this should be handled through the Finance Dept., then come before the Council in the proper form allowing the Council to vote on it, either by resolution or by ordinance.

Mr. Wright stated, a resolution has been adopted and they are working under that resolution which has also been agreed to by HUD. If there is a change to be made, it would have to be made by resolution, and he felt they would also have to check with HUD if this were to be changed.

Mayor Rasmussen stated he was not concerned with HUD but he was concerned with the amount of bonds that are to be issued without the Council's knowledge.

Mayor Rasmussen requested Mr. Rowlands, City Manager, to prepare a report for the Council on this matter. He asked that these business matters be brought to the attention of the Council at the proper time in the proper form.

Mr. Rowlands explained these were working capital funds and he would be glad to bring a report to the Council.

Mayor Rasmussen announced that a dinner meeting will be held with the Public Utility Board at 6 P. M. on March 10th, 1969.

Mayor Rasmussen informed the Council that the Baseball Committee met and the Park Board has agreed to mow the infield as they have done in the past. The repairs of the stadium have been placed under the Public Works Dept. and the other expenses will be taken care of by the Council.

Mr. Cvitanich stated there are several bills he would like some direction on, particularly HB No. 250 which directly effects the City Clerk's operation here in Tacoma, and it would be his recommendation that the Council oppose HB No. 250.

He also mentioned that at the present time there is a SB No. 535, sponsored by the Secretary of State's office and Mr. Ken Gilbert, State Supt. of Elections, about computerizing registrations on the State level. It still gives our City Clerk the right to run her own department. The poll books would be kept here, however, there would be no reports to make out or cards to file. There would be no direct charge to the City.

SB No. 330, pertaining to absentee ballots would create a multitude of problems and it would be his recommendation that the Council oppose this also.

HB No. 210 would allow registered voters the right to obtain an absentee ballot on the day of election which would also create an undo hardship on Election Day. There is adequate time to obtain absentee ballots prior to the day of election.

Mr. Cvitanich felt that the Council should oppose SB No. 330, HB No. 210 and HB 250 and agree to SB 535, the one that is sponsored by Ken Gilbert, Supt. of Elections. He asked the Council members to inform him of their decision as soon as possible.

Mayor Rasmussen announced that Mr. Cvitanich, Mr. Zatkovich and Mr. Johnson would serve on the L I D Committee for the months of March, April and May.

Mr. Johnson was excused from the meeting at 11:05 P. M.

REPORTS BY CITY MANAGER:

Law Enforcement Courses Sponsored by TCC. - Placed on file. ✓

Mr. Rowlands, City Manager, reminded the City Council that next Monday, March 3, 1969, it is hoped that the Study Session may include the Post Office representatives to discuss the new Post Office planned for Tacoma.

Mayor Rasmussen stated such a matter has not yet been before the Planning Commission.

Mr. Rowlands explained, the Federal Government has the right to build anywhere without the approval of the City.

Mr. Hamilton, Acting City Attorney, explained that the Federal Government need not comply with the zoning requirements of any inferior jurisdiction, should they not see fit to do so. As far as the acquisition of the streets are concerned, they would have the right to do that also.

Mr. Rowlands stated that Mr. Barton and Mr. Bentley who were scheduled to meet with the Council on next Monday, March 3rd, relative to the Portable Parking Structures, have requested that the meeting be changed to a later date. ✓

COMMENTS BY MEMBERS OF THE CITY COUNCIL:

Mr. Cvitanich announced that on Saturday, March 1st, Tacoma will be visited by a group of Canadian Soccer Teams. They will assemble at Cheney Stadium at 3 P. M. and it is hoped that the reader board at the stadium can be changed to welcome the Canadians. This is a goodwill gesture and it will stimulate the City's economy. He hoped that Mayor Rasmussen will be available to greet the teams on Saturday.

Mayor Rasmussen stated that the Tax & License Ordinance No. 17926 was passed unanimously with the exception of Mr. Murtland who was absent. He felt this should be made a part of the record to indicate this present Council had nothing to do with it.

Dr. Herrmann asked to be excused from next week's meeting.

Mr. Finnigan moved that Dr. Herrmann be excused from the meeting of Mar. 3rd, 1969. Seconded by Mr. Zatkovich. Voice vote taken. Motion carried.

CITIZEN'S COMMENTS:

Mr. Floyd Oles, 1018 So. 60th St. spoke in regard to racial discrimination and felt that emphasizing ethnic distinctions should be de-emphasized and as soon as possible be eliminated.

Mr. Don R. Nicholson, 6735 So. Mason, felt that the City is violating the law by renting buses for ski-school use to the Tacoma Suburban Lines. He felt that such

an action is risking the taxpayers money in the amount of \$450 a day, as the buses are not engineered for long hauls.

Mr. Rowlands, City Manager, explained the Transit Dept. has been encouraged to work out this charter program as much as possible over the years, and it has brought money to the Transis System. It is perfectly proper to negotiate an agreement with the private companies and as far as insurance is concerned, it is taken care of by the private company. Mr. Rowlands, stated, the Transit System has not violated any law, and this is beneficial to the system.

Mayor Rasmussen stated, the matter will be checked.

Mr. John P. Zelenack, 5414 So. J, spoke in criticism of the City Manager in many respects, particularly ridiculing the Mayor and City Council members when Mr. Rowlands spoke to various organizations. He also felt the article about Mr. Rowland's meeting with George Romney, Secretary of Housing and Urban Revelopment, in Washington, D. C. had given the wrong impression.

Mayor Rasmussen told Mr. Zelenak that his statements were quite correct.

Mr. Rowlands, City Manager, invited anyone who wished to hear his talks to go to the meetings where he is speaking. He stated, he tried at all times to present things in a positive approach. He had told the City Council that the International City Managers' Association's Board met with Mr. Romney on Friday at Noon and with Vice President, Spiro Agnew at the Mayflower Hotel, Friday evening. The same procedures had been followed as in previous years, so, if the idea was conveyed that he had a special conference with Mr. Romney, it was the wrong impression. Mr. Rowlands also stated he had written Mr. Zelenak a letter indicating that the Board had met with Mr. Romney.

Mrs. Banfield stated, she did not appreciate the fact Mr. Rowlands had said he was giving a rebuttal to her speech.

Mr. Rowlands stated, he did not know what anyone said about a rebuttal. He had not mentioned her name, as a matter of fact, for her information, he had been complimented by the members present for not talking about a rebuttal. He had discussed the programs in a positive approach and did not mention her speech.

Mrs. Banfield thought it would then be better to have a retraction in the paper.

Mayor Rasmussen said he thought Mr. Rowlands should also put a retraction in the paper relative to the statement made in Mr. Zelenak's letter.

Mayor Rasmussen stated, that under order of the Mayor, there is no one to go near the newspaper or radio and ask to have any of the reporters or radio people removed from the Council Chambers. He had said, they have free access to all information, and whatever they print in the papers is their responsibility.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Civil Service Board minutes of Feb. 4, 1969.
- b. Board of Park Commissioners minutes of Feb. 10, 1969.
- c. City Council Study Session minutes of Feb. 17, 1969.
- d. City Clerk advising the 30-day period has expired to file protest on L I D 5468.
- e. Report from the Tacoma Police Dept. for Jan. 1969.
- f. State Auditor report from the Transit System for Jan. 1, 1967 to Dec. 31, 1967.
- g. Report from the Light, Water & Belt Line Division for Dec. 1968.

Placed on file.

Mr. Cvitanich moved that the meeting be adjourned. Seconded by Mr. Zatkovich. Voice vote was taken and the meeting adjourned at 11:45 P. M.