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CITY COUNCIL MINUTES

City Council Chambers
Tuesday, May 5, 1970

The meeting was called to order by Mayor Johnston at 7:05 P. M.

Present on roll call 8: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, Leary and Mayor Johnston. Absent 1: Zatkovich. Mr. Zatkovich coming in at 7:15 P.M.

The Flag Salute was led by Mr. Dean.

A Proclamation was read proclaiming May 1st through May 7th, 1970, as 'Respect for Law Week.'

Mayor Johnston presented the proclamation to the Northwest District Governor of the Optimist Club.

A Proclamation was read declaring May 9th, 1970, as Fire Service Recognition Day.

Mayor Johnston urged the citizens to visit the Fire Station in their neighborhood on May 9th and view the apparatus and equipment that is available to the public.

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Mayor Johnston asked if there were any omissions or corrections to the minutes of April 21st, 1970.

Mrs. Banfield moved that the minutes of April 21st be approved as submitted. Seconded by Mr. Dean. Voice vote was taken. Motion carried.

PETITION:

Mickey's Inc. requesting rezoning of the north side of East 34th between A and East B Street from an "R-4" to an "C-2" District.

Referred to the City Planning Dept.

RESOLUTIONS:

Resolution No. 20665 (postponed from the meeting of April 28th)

Relieving Herman Walker of his position as Model Cities Director.

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

Mayor Johnston moved that the resolution be Tabled. Seconded by Mr. Finnigan. Voice vote was taken. Motion carried.

The Resolution was TABLED.

Resolution No. 20666

Awarding contract to Tonnesen Construction, Inc. on its bid of \$3,606.00 and on the supplemental bid in the amount of \$1,590.00.

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

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

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

Nays 0. Absent 1: Zatkovich (temporarily).

The Resolution was declared passed by the Chairman.

Resolution No. 20667

Awarding contract to Lincoln Construction on its bid of \$3,594.00 for W. O. No. 56590.

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

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

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

Nays 0. Absent 1: Zatkovich (temporarily).

The Resolution was declared passed by the Chairman.

Resolution No. 20668

Awarding contract to Lincoln Construction Company on its bid of \$2,978.00 for W. O. 56591.

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

Mr. Zatkovich coming in at this time.

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

Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.

Nays 0. Absent 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20669

Awarding contract to Blackline Asphalt Sales, Inc. for the furnishing of asphalt products for the calendar year 1970.

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

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

Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.

Nays 0. Absent 0.

The Resolution was declared passed by the Chairman.

Resolution No. 20670

Awarding contract to Tucci & Sons, for (6) Improvement districts on its bid of \$261,104.65.

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

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

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

Resolution No. 20671

Authorizing the sale of surplus motorcycles to Drager Cycle Company and Western Auto Wholesale.

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

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

Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.
Nays 0. Absent 0.
The Resolution was declared passed by the Chairman.

Resolution No. 20672

Establishing a ten-minute parking zone in front of Fry's Grocery Store located at 5403 So. M Street.

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

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

Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.
Nays 0. Absent 0.
The Resolution was declared passed by the Chairman.

Resolution No. 20673

Appointing an Executive Director of the Human Resources Council.

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

Mr. Oles, City Manager, suggested that Resolution No. 20673, 20674 and 20675 be postponed as they were submitted prematurely on the agenda. These resolutions should be considered after the passage of Ordinance No. 19108 and 19109, he added.

Mr. O'Leary said he was surprised that the resolutions were placed on this week's agenda.

Mr. Oles said according to the instructions and advice he received from the O.E.O. regional office, the persons who are to be the Executive Director and Deputy Executive Director of the Human Resources Council, is a very important matter to them, because O. E. O. has offered a ten-day or two-week course of instruction prior to their actually being invested with any responsibility.

Mrs. Banfield felt, before the City Council takes over the CAP Agency, a complete investigation of the O. E. O. and O. D. I. programs should be made including an audit of the books.

Dr. Herrmann moved to continue Resolution No. 20673 for three weeks, until May 26, 1970. Seconded by Mayor Johnston. Roll call was taken on the motion. Motion carried.

Mr. Dean asked that his vote be changed to the prevailing side. Roll call resulted as follows: Ayes 6: Banfield, Dean, Finnigan, Herrmann, O'Leary, and Mayor Johnston. Nays 3: Cvitanich, Jarstad and Zatkovich. Motion carried.

The Resolution was postponed until May 26, 1970.

Resolution No. 20674

Appointing a Deputy Executive Director of the Human Resources Council.

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

Mr. Cvitanich thought that an ordinance patterned after the Maricopa Plan should be placed on the agenda before action is taken on these resolutions.

Mayor Johnston explained that the ordinance under first reading on this agenda does encompass the Maricopa County plan.

Mr. Jarstad explained that members of the Council have previously reviewed a chart which outlined the requirements that are needed to become a CAP agency. He recalled that (35) steps have to be carried out before the Council can become the CAP agency. In the meantime, the O. D. I. organization is administering the program. Mr. Jarstad asked how pertinent is the appointments of these two men as he knew the Council had just completed the third step of the requirements.

Mr. Geoffrey C. Cross, Assistant City Attorney, explained that basically the Legal Dept. has been given the task of planning the take over of the O. D. I. program. As a result, there is an immediate need for personnel, who will receive training in Seattle. A staff is needed at the earliest possible date if the City is to take over the CAP agency. He noted that federal funding cannot come about until the agency is recognized.

Mr. Cvitanich moved that the resolution be postponed for three weeks, until May 26th, 1970. Seconded by Mr. O'Leary. Voice vote was taken. Motion carried.

The Resolution was postponed until May 26, 1970.

Resolution No. 20675

Authorizing the City Manager to select a management consultant firm to assist in the organization of programs under the Economic Opportunitites Act in the City of Tacoma and not to exceed the cost of \$10,000.00.

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

Mr. Jarstad moved to postpone resolution No. 20675 for three weeks, until May 26, 1970. Seconded by Mr. Cvitanich. Voice vote was taken. Motion carried.

The Resolution was postponed until May 26, 1970.

Resolution No. 20676

Amending Rule 12 of the Rules for the Government of the City Council.

Mayor Johnston moved that the resolution be adopted. Seconded by Mr. Finnigan.

Mayor Johnston explained this resolution must be laid over for at least one week as it relates to the change in the Council rules.

The Resolution was postponed one week, until May 12, 1970.

Resolution No. 20677

Requesting the County Assessor & County Treasurer of the County of Pierce to ascertain whether or not there is a prior tax liability due regarding the Goodwill Industries, Inc.

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

Mrs. Banfield noted that in 1968 a citizen of the community paid her taxes in

protest because of the Goodwill Industries' exemption. She read a portion of a letter dated Nov. 22, 1968, from a Pierce County Deputy Prosecuting Attorney which explained that the Goodwill's claim of exemption did not provide information which would qualify its property being treated in a special manner. Also a communication was read dated, March 10th, 1970, from J.S. Roberts, Director of Appraisals, pointing out that at the time the Goodwill organization was placed on the rolls, the Pierce County Prosecuting Attorney formally ruled that on the basis of their claim for exemption, they were not eligible.

Mrs. Banfield also pointed out that recently Roy Craig, County Assessor, sent a communication to the Pierce County Prosecuting Attorney dated, April 28, 1970, asking the following questions: (1) May Pierce County cause prior year assessments to be placed on the real property roll where it has been carried on the roll as exempt property; if so, for how many prior years may the assessment be extended. (2) May Pierce County cause prior year assessments to be placed on the personal property rolls when no listing has been requested, and the real property has been listed as exempt; if so, how many prior years may the assessment be extended. In a letter dated, April 30th from a Deputy Prosecuting Attorney, it was explained that the answer to both questions is 'yes' and for at least two years. The Deputy Prosecuting Attorney had interpreted Mr. Craig's inquiry to relate to the years of 1968 and 1969, however, he also stated that it may be that the tax liability may extend back further than that and his office will in the future be researching the matter and will accordingly advise Mr. Craig.

Mrs. Banfield mentioned that she was still checking into the list of tax exempt property and she will be submitting resolutions at a later date on those matters. She also noted that a 1970 State law exempts from taxation all but the gross sales or income of non-profit corporations operating sheltered workshops. She felt that many taxpayers are reluctant to pay property taxes because of certain properties being exempt.

She felt that the City Council has every right to collect retroactive taxes that are due and payable.

Dr. Herrmann said that Pierce County has jurisdiction over property taxes and exemptions. This resolution under discussion involves the City in three areas which rightfully the City has no jurisdiction.

Mr. Cvitanich felt if money is due the City, it is the Council's responsibility to see that the City receives its fair share for the people of the community.

Mr. Jarstad asked that a copy of the letters referred to by Mrs. Banfield be made available for the Council since they are legal opinions. He also asked that an opinion be rendered by the City Attorney relative to the various statements made by the County Prosecutor's office. He asked that more study be given to this matter by the City Council.

Mayor Johnston said he felt that this resolution implies that the County Assessor has been delinquent in his function and he did not feel that the Council should be a party to any resolution that suggests that the County officials are delinquent in their responsibility.

Mr. Finnigan wondered why this resolution concerns just Goodwill Industries, Inc. Approximately two years ago the Council after an extensive hearing, left Goodwill and three similar institutions in a tax exempt status relative to the B & O taxes.

Mrs. Banfield explained that two years ago the Council was concerned with the City's B & O taxes, not real property taxes. She said she has not specifically picked out the Goodwill Industries and as previously mentioned, a further study is being made into all tax exempt property.

After some discussion, Mr. Cvitanich moved that the resolution be amended after the "Be It Resolved" portion of the resolution, on the first line by changing the word "County Commissioner" to read "County Assessor and County Treasurer". Seconded by Mr. O'Leary. Voice vote was taken. Motion carried.

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

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Ayes 5: Banfield, Cvitanich, Dean, O'Leary and Zatkovich
 Nays 4: Finnigan, Herrmann, Jarstad and Mayor Johnston. Absent 0.
 The Resolution was declared passed by the Chairman.

Resolution No. 20678

Adopting a Program for Community Improvement of the City of Tacoma (workable program) for 1970-1971.

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

Mr. Buehler, Director of Planning, explained the application for recertification was submitted to the City Council for review on November, 1969, but was referred back to the Planning Dept. for modification. The Planning staff has modified the program only in the areas of budget limitations.

Mr. Cvitanich called attention to the explanation sheet submitted by the Planning Dept., dated April 29, 1970, relative to Item C-Concentrated Code Enforcement Program. He added he felt there was a great discrepancy between the City's Building Code as opposed to the Fire Code. The number of apartments recently constructed in Tacoma leave a lot to be desired in terms of fire protection. He thought the Council must strengthen the City's Fire Code. If there is a weakness in the law, it must be considered, and before he could support this resolution, he would have to have more information on this particular item.

Mayor Johnston felt that a program as important as the Workable Program for the entire City should not hinge on a future proposed amendment. He felt that the Building Code for Tacoma, as well as its Fire Code, are adequate and are enforced as required.

Mr. Finnigan said there are many phases that make up the actual Workable Program but this resolution simply adopts the Workable Program for 1970-1971 to keep the programs already approved moving forward.

Mrs. Banfield said she could not vote for the resolution as the entire program is a waste of money as she felt it involved too many overlapping studies.

Mr. Cvitanich called the Council's attention to the Application on Page 20, Paragraph 4, Item 3, whereby it states that someone pushed for passage of HB 516 (Washington Housing Act) which subsequently failed in the last session of the legislature. He asked who advocated that such a measure should be adopted.

Mr. Buehler explained he did not know as this report was prepared last October when the Urban Renewal Dept. was charged with its responsibility.

Mr. Cvitanich reminded the Council that it had established a policy that no member of the City's staff was to lobby at Olympia unless they were directed to do so by the City Council.

Mr. Sullivan, Urban Renewal Director, explained the Workable Program is a condition precedent to the undertaking of any urban renewal project. The Urban Renewal Plan for the Fawcett Street Project will in all probability be amended and a certified Workable Program will be an asset to this procedure.

Mr. Cvitanich moved that the item on Page 20, Paragraph 4, No. 3 of the Workable Program be deleted. Seconded by Mr. Finnigan. Voice vote was taken. Motion carried.

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

Ayes 6: Dean, Finnigan, Herrmann, Jarstad, Zatkovich and Mayor Johnston
 Nays 3: Banfield, Cvitanich and O'Leary. Absent 0.
 The Resolution was declared passed by the Chairman.

Resolution No. 20679

Authorizing the purchase of certain real property located on the west side of Broadway between 13th & 15th Sts. in the Urban Renewal Project Wash. R-14 from Baker Investment Co., for the sum of \$33,500.00.

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

Mr. Sullivan, Director of Urban Renewal, explained this resolution and resolution No. 20680 has reference to the same parcels of land which Urban Renewal is buying the buildings and removing them by a less than fee acquisition. Resolution No. 20679 is the execution of an owner-participation agreement by the Baker Investment Co. in which they pledge to improve the property in conformance with the Urban Renewal plan and also to provide for a construction of an improvement on the property.

Mr. Sullivan explained that his department is commencing the second phase of the acquisition program pursuant to the direction of the Council and the New Tacoma Urban Renewal Plan. He pointed out the procedure in detail that is to be followed.

Mr. Sullivan added the property is generally located on the west side of Broadway, between 13th and 15th Streets, in the ownership of Baker Investment Co. except for 50 feet which is presently the Casino Tavern, which is in other ownership. Seven buildings are located on the Baker property and are all under code standards. The redeveloper is willing to accept an amount of \$33,500. If this property would go to Court under eminent domain, the estimated value of the land would be \$400,000 or more. Mr. Sullivan continued that the owner plans to develop a self-service parking lot on this property and such plans have been submitted to the City departments for consideration. The agreement provides that construction will commence within six months and be completed in an additional six months, after the relocation program has been carried out.

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

Ayes 6: Dean, Finnigan, Herrmann, Jarstad, Zatkovich and Mayor Johnston.
Nays 3: Banfield, Cvitanich and O'Leary. Absent 0.
The Resolution was declared passed by the Chairman.

Resolution No. 20680

Authorizing the execution of an Owner-Participation Agreement with certain participants in the Urban Renewal Project Wash. R-14.

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

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

Ayes 6: Dean, Finnigan, Herrmann, Jarstad, Zatkovich and Mayor Johnston.
Nays 3: Banfield, Cvitanich and O'Leary. Absent 0.
The Resolution was declared passed by the Chairman.

FIRST READING OF ORDINANCES:

Ordinance No. 19107

Amending Section 1.06.390 of the official code relative to office hours for City employees.

Mr. Cvitanich explained this ordinance amends the administrative code so that all departments will maintain a skeleton crew until 5 P.M. each working day.

Mr. Van Camp, business representative of the Civil Service League, called the Council's attention that Pierce County Departments close their offices at 4:30 P.M. and do not open until 8:30 A.M. He had not heard of any complaints from the public since the City offices had closed at 4:30. The City employees feel that it would be fair for the City offices to close at that hour.

The ordinance was placed in order of final reading.

Ordinance No. 19108

Amending the official code by adding Chapter 1.25 relative to creating a Human Resources Council.

Mr. Oles, City Manager, explained this ordinance was drafted based on the Maricopa County Plan as previously requested by the Council. He thought, perhaps, some changes will be made by Council before the final reading of the ordinance.

Mr. Cvitanich felt that a provision relative to an annual internal audit of the CAP agency should be included in the ordinance. The audit would then be submitted to the Council for approval.

Mr. O'Leary said in one of the plans reviewed, there was a table of organization whereby a Board of Evaluation was appointed separate and apart from the CAP Board to evaluate the organization.

Mr. Oles explained there are two methods which can be used; one is to name a permanent body such as a Board of Evaluation and the other to employ someone periodically to make such an evaluation of the program. He felt either one would accomplish the purpose intended.

Mr. Cross, Assistant City Attorney, explained that the Council could direct some type of audit or evaluation procedure. The Council as the governing board has the duty to evaluate the over-all program and objectives as well as the results, he added.

Mr. Cvitanich asked that the ordinance include who would be responsible for the financial audit so there would be no questions in future years.

Mrs. Banfield reiterated her requests that a complete audit and investigation of the O. D. I. and O. E. O. programs be made before the Council takes over.

Mr. Oles explained that the City Council must be the court of last appeal as to whether the evaluation and the operation is sound; however, he did suggest that a separate auditing procedure be set up regarding the performance as well as to the financial stability of the agency. These results can then be reported to the City Council, he added.

Mr. O'Leary explained he has read some of the evaluations that were made of the O. E. O. program from persons within the organization and he did not feel they were adequate. He felt that a Board of Evaluation appointed over and above the Board of the CAPATE would submit a better report.

Dr. Herrmann said he wondered if the funds were available to hire such a stewardship accounting firm to do the work or would it require would it require an additional appropriation.

Mr. Oles thought the Council should make sure that the regulations of the O.E.O. have been formally changed and are legally effective so the Council can act. Therefore, the first item is to adopt the ordinance creating such an agency. The Council then must find themselves within the legal limitations and regulations of the agency before any money is appropriated. He said he has been assured that money is available for a planning grant when all procedures have been completed.

Mr. Finnigan noticed in the ordinance that the word 'Council' is used many times pertaining to both the Human Resources Council and the City Council. He asked that it be spelled out 'City Council' when it pertains to that body.

Mr. O'Leary thought that, perhaps, a better name could be given for the agency as it might be confused with the name of other boards in the City.

Mayor Johnston asked Mr. Oles to present these suggestions to the Council next week.

Mr. Oles said he would take care of the matter.

The ordinance was placed in order of final reading.

Ordinance No. 19109

Amending the compensation plan by adding two new subsections to section 1.12.414

providing salaries for the Executive Director and Deputy Executive Director of the Human Resources Council.

Mr. Finnigan thought that the salary of the Director should be higher as the person would be directly responsible for the entire operation.

Mr. Oles, City Manager, said according to the advice received from the O. E. O. office in Seattle, the positions would require men of equal ability but not precisely in the same manner. The suggestion has been made that the person who is the Director should be one of broad business experience who has never been connected with this type of a program. The Deputy Director should be a person who has had broad experience within the program.

Mr. Finnigan felt this approach was certainly not in keeping with normal business procedure.

Mr. Oles pointed out there are five steps in any position under the City pay plan and a person could be placed in whatever step the Council desires.

The ordinance was placed in order of final reading.

Ordinance No. 19110

Granting a nonexclusive franchise for a CATV to Tele-Communications, Inc.

Mr. Jarstad pointed out that Community Tele-Communications, Inc. had previously been awarded a franchise on two occasions by the entire Council. However, recently the award was rejected on a tie vote when the entire Council was not present. Consequently, he felt it was important that the entire Council vote again on the matter. He explained in light of the new FCC regulations this company is one of the finest organizations in the world today and is prepared to serve the citizens of Tacoma even though it would be the third franchise within the community.

Mr. Cvitanich said he would be willing to listen to the representative from the company if he presents new information.

Mr. Sherrill Dunn, representing Community Tele-Communications, Inc., explained that his company has recently arranged with Reader's Digest and the National Education Television network to use their programming facilities. He felt that the citizens of Tacoma need and deserve to have these extras which can only be presented through Cable Television. He also mentioned the company would establish training and utilize unemployed people in the City. The company is also prepared upon receiving the franchise to deposit with the City an advance payment for future revenues of \$25,000.

Mr. Cvitanich felt it was unethical and inappropriate for this company to come before the Council at this time, as he felt it unfair to the other Cable TV companies who were unsuccessful bidders. Also of mentioning an advance payment was also improper, he added.

Mr. Jarstad brought up that other companies had also offered to make an advance payment, which would add up to \$75,000 which would be available to the City at this time. This would be of great help to the City in its financial situation during the remainder of the year, he added.

Mr. John Monson, President of Tacoma Cable Co., explained he was not for or against this franchise. However, he did feel that a third franchise would result in reduced revenue to the City, poorer service to the customers and higher customer rates.

Mayor Johnston asked Mr. Monson if there have been any changes in the corporate structure of his company since the franchise was awarded in January.

Mr. Monson explained only minor changes have been made, but he would be happy to go over the entire corporate and financial picture at a Council study session if the Council so desires. He also remarked that Tacoma Cable Co., Inc., is not for sale.

Mr. Cvitanich pointed out that at the time the Council awarded the Cable TV franchises, it was made very clear that the franchises could not be sold or transferred to anyone without the City Council's knowledge.

Mr. Marshall Riconosciuto, 709 No. G St., former president of Tacoma Cable Co., Inc. explained that the matter of awarding more than one franchise for the City of Tacoma was discussed at length over a long period of time. The conclusion presented was that only two franchises should be awarded. Then after a period of time, if the companies could not perform, additional franchises would be granted by the Council. He advised the Council that his only interest now in CATV is selling cable hookups for Tacoma Cable.

Mr. Jarstad explained that the other companies had informed the Council in detail how they were to finance the operation in Tacoma. He said he would ask that Tacoma Cable Co. present a periodic report to the Council on how the work is progressing as the Council is trying its best to have the Cable TV companies who service the citizens of Tacoma, do so to the best of their ability.

Dr. Herrmann reminded the Council the franchise is not an exclusive franchise. Originally two franchises were granted by the Council. He did not know of any study or previous statement made by any member of the Council that would indicate that the Council would not award any more than two franchises.

Mr. Zatkovich felt perhaps a study session should be held on the matter as a continued hearing of this type seemed to him to be improper.

Mayor Johnston said, there is a probability that he would not be at the Council meeting in three weeks. He would, therefore, move to postpone Ordinance No. 19110 until June 2, 1970. Seconded by Dr. Herrmann.

Mr. Cvitanich moved to amend the above motion to remove the ordinance from the agenda. Seconded by Mrs. Banfield. Roll call was taken resulting as follows:

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

Nays 4: Finnigan, Herrmann, Jarstad and Mayor Johnston. Absent 0. Motion carried.

The Ordinance was removed from the agenda.

FINAL READING OF ORDINANCES:

Ordinance No. 19089 (postponed from the meeting of April 28th)

Providing for the improvement of L I D 4916 for paving on Prospect from So. 74th 76th Streets.

Mayor Johnston explained that a substitute ordinance has been submitted which includes I Street from So. 88th to So. 90th Street as directed by the Council last week.

Mr. O'Leary moved to accept the substitute ordinance. Seconded by Mr. Cvitanich. Voice vote was taken. Motion carried.

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

Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.

Nays 0. Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 19098

Accepting a gift of certain materials, supplies and equipment from Charles P. Larson, M. D. to the Tacoma Police Dept.

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

Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.

Nays 0. Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 19099

Appropriating the sum of \$15,000.00 or so much thereof as may be necessary for the purpose of paying certain necessary expenses incurred and to be incurred by the Tacoma-Pierce County Humane Society.

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

Ayes 6: Dean, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.
Nays 3: Banfield, Cvitanich and Finnigan. Absent 0.
The ordinance was declared passed by the Chairman.

Ordinance No. 19100

Providing for the improvement of L I D 4910 for paving on South 7th from Mullen to Huson and other nearby streets.

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

Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.
Nays 0. Absent 0.
The Ordinance was declared passed by the Chairman.

Ordinance No. 19101

Providing for the improvement of LID 4933 for paving on So. Monroe from 6th Ave. to So. 7th and other nearby streets.

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

Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.
Nays 0. Absent 0.
The Ordinance was declared passed by the Chairman.

Ordinance No. 19102

Approving and confirming the assessment roll for L I D 5477 for water mains in East 65th from East I to 975 feet west of East L Street.

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

Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.
Nays 0. Absent 0.
The Ordinance was declared passed by the Chairman.

Ordinance No. 19103

Approving and confirming the assessment roll for L I D 6890 for street lights on So. 92nd from Yakima Ave. to L; Sheridan Ave. from So. 93rd to 96th and other nearby streets.

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

Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.
Nays 0. Absent 0.
The Ordinance was declared passed by the Chairman.

Ordinance No. 19104

Approving and confirming the assessment roll for L I D 4879 for paving on So. 10th from Sprague Ave. to Ferry Street.

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

Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.

Nays 0. Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 19105

Approving and confirming the assessment roll for L I D 4836 for paving on So. Fawcett Ave. from So. 76th to 78th and other nearby streets.

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

Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.

Nays 0. Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 19106

Approving and confirming the assessment roll for L I D 4807 for paving on No. 10th from Huson to Mullen and other nearby streets.

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

Ayes 9: Banfield, Cvitanich, Dean, Finnigan, Herrmann, Jarstad, O'Leary, Zatkovich and Mayor Johnston.

Nays 0. Absent 0.

The Ordinance was declared passed by the Chairman.

UNFINISHED BUSINESS:

The Director of Public Utilities presents the assessment roll for the cost of the following:

- a. L I D 5475 for water mains in East 96th from East E to McKinley Ave.
- b. L I D 5481 for water mains in East 56th from Pipe Line No. 4 R/W to Roosevelt Avenue produced.
- c. L I D 5485 for water mains in So. 74th from Mason Ave. to Madison Street.

Fixing Monday June 22nd at 4 P. M. as the date for hearing.

Mr. Cvitanich moved that June 22nd be set as the date for hearing on the above assessment rolls. Seconded by Mr. Finnigan. Voice vote was taken. Motion carried.

Mr. Cvitanich explained that the audit committee had met with four auditing firms and it is hoped that all proposals will be submitted so recommendations can be made to the Council meeting next week.

Mr. Jarstad explained that he was impressed with all four audit proposals and felt great progress had been made at this meeting.

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Mr. Cvitanich informed the Council that Mr. Biesen, Executive Director of the Association of Washington Cities has asked that the Council appoint someone to serve on the Resolutions and Nominations Committees for the Association convention as soon as possible.

Mr. Cvitanich said the FAI committee had met with a group of bankers who had appeared before the Council and unfortunately their proposal was not submitted in time for this agenda. He asked the City Clerk to send a copy of the letter to the Council for its perusal.

Mr. Dean pointed out that the Tacoma Youth Symphony's Tour Fund members is sponsoring a concert of the Zurich Chamber Orchestra at Eastvold Chapel at Pacific Lutheran University, which will be held on May 10th at 3 P.M.

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REPORTS BY CITY MANAGER:

- a. Proposed Low-Ash Coal Processing Plant.
- b. Pacific Northwest Public Buyers Conference from April 10 & 11th attended by Lou Menconi.
- c. Oregon-Washington Joint Conference of American Public Works Ass'n. from March 25-27, 1970, attended by John Bronow and Yoshio Kosai.
- d. Juvenile Curfew Violators from April 23 thru April 29th.
- e. Accomplishments in 1969 - Plans for 1970.

Placed on file.

Mr. Oles, City Manager, explained there is an agreement with the Federal Aviation Administration to furnish desk room for an information office at the Tacoma-Industrial Airport. He believed this has been done informally in the past but the Legal Dept. has advised him that a motion would be in order on this particular matter.

Mr. Cvitanich moved that room be made for an information desk to be used by FAA at the Tacoma Industrial Airport. Seconded by Mr. O'Leary. Voice vote was taken. Motion carried.

Mr. Oles explained that a letter was received from the Comprehensive Mental Health Center of Tacoma and Pierce County requesting the City Council to appropriate \$30,000 to their organization. He said they are also asking for a study session on the matter.

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Mayor Johnston said this would be referred to the FA&I committee for a recommendation to the Council on the matter.

Mr. Oles explained that the Association of Washington Cities has informed him that a meeting on the Sea Coast bill will be held at the Sea-Tac Motor Inn at 8 P.M. on May 6th. He said he would be attending the meeting. He also hoped that the Council members could also attend.

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Mr. Cvitanich said he had been called to testify before a Senate Committee at 4:30 P.M., Wednesday, May 6th, regarding the oil leases at the same location. He hoped anyone interested would also attend this particular hearing.

Mr. Cvitanich said on Saturday morning, May 9th, a meeting is being held on solid waste at the Sea-Tac Airport, 3rd floor. They have also asked that someone from the City be present, he added.

Mr. Oles reported that the Labor Arbitration Committee will meet Wednesday, May 6th, at 3 P.M. and at that time it is anticipated that a ninth member of the committee will be named.

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Mr. Oles requested that each member of the Council inform him of the license numbers of the cars they use in parking at the County-City Bldg., which is available for their use. He said he would then be able to impound unauthorized cars that are parked there.

Mr. Oles explained that the Building Committee will meet at 9 A.M. on Thursday, May 7th, 1970.

Mr. Oles submitted the amendment that had been forwarded by the Board of County Commissioners relative to the Justice Court redistricting plan. Eventually, this will result in an additional Municipal Judge, he added.

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Mr. Oles explained that positions of a Bridge Carpenter and a Bridge Tender are now opened. He said he has taken the liberty of replacing these people from the proper list through the Personnel Dept. as they are essential to the welfare of the City.

Mr. Oles explained that the police have done an excellent job regarding tracking down pornography but there has been a notable lack of cooperation by the courts.

Mayor Johnston thought perhaps a more severe ordinance could be passed by the Council on the matter.

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COMMENTS BY MEMBERS OF THE CITY COUNCIL:

Mr. Cvitanich remarked that the Civil Service League had been asked to vacate its office on the 2nd floor. He asked that Mr. Oles check into the matter as he felt the League should have an office in the building as it does represent City employees.

Mr. Oles explained that studies are being made and he hoped that problems relative to space will be resolved by the next Council meeting. He would send a memo to Mr. VanCamp, representative of the Civil Service League, on the matter.

Mrs. Banfield asked that Mr. Oles look into the matter of a church, namely, the First United Methodist Church, allowing people to speak on the recall issue. She thought, perhaps, permitting such a speaker in a church could result in the removal of its tax exemption.

Mr. Oles felt this was a matter well worth consideration.

Mr. Zatkovich asked that a legal opinion be forwarded to the Council relative to the recall committee as he felt it had also violated the State recall law.

Mr. Hamilton, Chief Assistant City Attorney, explained he would discuss the matter with the County Prosecuting Attorney.

Mr. Finnigan reminded the Council that during the last campaign many Council members made speeches in churches.

Mr. Oles, City Manager, explained he also resented an alleged accusation by a minister who had stated that Mr. Oles was a dangerous subversive and trying to overthrow the government. Mr. Oles said that twenty-five years ago, on May 5th, he was flying into Denmark with a group of other Army Officers to accept the surrender of German troops in that country. 248

Mr. Zatkovich announced that a meeting of the Insurance committee will be held on May 12th, 10 A.M.

Mayor Johnston explained that a letter had been received from the Mt. Tacoma High School German Club asking for the support of the Council such as was given last year as they are working for a trip to Europe in the spring of 1971. The students are available for any work that anyone wishes them to do, he added.

Mayor Johnston explained that he had presented a resolution to the Council sometime ago relative to the committee system. He asked Mr. Cvitanich, Chairman of the FAI committee, if their recommendation was available for the Council.

Mr. Cvitanich explained the committee will submit a recommendation as soon as possible.

CITIZEN'S COMMENTS:

The following person expressed his views on various subject matters to the City Council:

Mr. Tom Wells, 841 East 48th, Tacoma.

Mr. Finnigan was excused at 12:15 A.M.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Commanding Officer Workshop attended by Capt. Dale L. Deskins at Pacific-Grove California on April 19th to 24th, 1970.
- b. Recent actions taken by the Model Cities Executive Board-dated April 27, 1970.
- c. Public Works filing Demonstration Grant - Refuse Crusher.
- d. Public Works filing Progress Report - Refuse Crusher.
- e. Primary Action Plan for Police Community Crime Control - Police Dept.

Placed on file.

Mrs. Banfield moved to adjourn the meeting. Seconded by Mr. Cvitanich. The meeting was adjourned at 12:25 A.M., May 6, 1970.

Attest:

Josephine Melton
Josephine Melton-City Clerk

Gordon N. Johnston
Gordon N. Johnston - Mayor