

CITY COUNCIL MINUTES

City Council Chambers, 4:00 P. M.  
Tuesday, April 16th, 1968

Council met in regular session. Present on roll call 8: Banfield, Bott, Wileanich, Finnigan, Herrmann, Johnson, Zatkovich and Mayor Rasmussen. Absent 1, Murtland. Mr. Murtland arriving at 4:10 P. M.

Mrs. Banfield moved that the minutes of the meeting of April 2, 1968 be approved as submitted. Seconded by Mr. Zatkovich. Voice vote taken. Motion carried.

Mayor Rasmussen allowed Mrs. Banfield the floor at this time for a point of personal privilege before proceeding with the agenda.

Mrs. Banfield explained that at last Monday's study session, the Council members were handed a Model Cities Application to review by Wednesday. She said she had thoroughly studied the application. On Wednesday the Council members met again for six and one-half hours for which suggested changes and requested deletions were made in the application. 361

Mrs. Banfield said she discovered while reading a final copy of the application on Sunday, which the City Manager's staff submitted Saturday to the U. S. Department of Housing and Urban Development, that some of the changes and deletions the Council had ordered were ignored in the final draft. She mentioned that some pages were not numbered and that thirty extra pages had been added to the application without the approval of the City Council. She noted that the application included net cost figures for Tacoma's three urban renewal projects and there were conflicting figures in the application's various references to urban renewal costs.

Mrs. Banfield further added, that copies of the application when completed be placed in all branches of the Public Library, also that the fifty-nine persons who supported the application by letter be sent copies.

Mr. Rowlands, City Manager, explained that the staff had never indicated at the Council study sessions that the complete application was under review. He said the proposed budget for the Model Cities program was merely a reasonable estimate and could be changed if the application were accepted. He added, he has all the notes that were taken at the meeting and he would be happy to compare them with her notations. He said there was no deception intended.

Mayor Rasmussen said it was his understanding that he was reviewing the completed application. It wasn't his knowledge that additional information would be added except for letters of support from people who had not read the application. If additional material had been added, the record in the minutes should show it was done without the Council's knowledge.

Mr. Erling Mork, Co-ordinator of State and Federal Programs, stated that the only additions to the final copy were pages concerning the budget, as employment conditions and summaries of various reports. He said they did not have the summaries until after the Council had completed its review.

HEARINGS & APPEALS:

- a. This is the date set for hearing for the vacation of the alley immediately west of Orchard St. to Mullen from So. 56th to So. 58th St., submitted by Francoa Development Company.

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

b This is the date set for hearing for the rezoning of the south side of 56th St. East, between Pipe Line Rd. and Roosevelt Ave. from an "R-2" and "R-3" to an "R-4-L-PRD" District, submitted by Silver Falcon Inc.

Mr. Russell Buehler, Director of Planning, explained that this rezone request is for a tract of land south of the McIlvaigh Junior High School, adjoining a large park site to the east and an existing "R-4-L" zoning to the west. There has been no opposition by the public.

Mr. Buehler noted that there had been a previous request across the flume line right of way on 56th and the Planning Commission had recommended denial. At that time the City Council overruled the City Planning Commission and rezoned that piece of property to an "R-4-L" District. The applicants have agreed to a number of on and off site improvements which would tend to minimize any adverse effects the reclassification may have on the surrounding properties.

No protests being made, Dr. Herrmann moved that the City Council concur with the recommendation of the Planning Commission to approve the rezone and that an ordinance be drafted approving same. Voice vote taken. Motion carried.

PETITIONS:

a. R. W. Beyer requesting rezoning of the south side of So. 66th between Huson & Orchard St. extended from an "R-2" to an "R-3" District.

b. Silver Falcon, Inc. requesting rezoning of the south side of So. 82nd St. between Hosmer & Alaska Sts. from an "R-2" to an "R-4-L" District.

c. Edward H. Krolick requesting rezoning of property located between So. 47th and 48th Sts. in the vicinity of Fife St. from an "R-2" to an "R-4-L" District.

d. Glen R. McKinnon requesting rezoning of the west side of Thompson Ave. between So. 37th & 38th Sts. from an "R-3" to a "C-1" District.

Referred to the Planning Commission.

RESOLUTIONS:

Resolution No. 19666

Fixing Monday, May 13, 1968 at 4 P. M. as the date for hearing for L I D 5461 for water mains in public roads and R/W within the plat of Prairie Ridge No. 3.

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

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

Resolution No. 19667

Fixing Monday, May 13, 1968 at 4 P. M. as the date for hearing for L I D 6892

for street lighting on North Whitman from View Ridge Drive to No. 45th, North 45th from Vassault to Grace Street.

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

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

Resolution No. 19668

Fixing Monday, May 27, 1968 at 4 P. M. as the date for hearing for L I D 6902 for street lighting on Asotin St. from Alaska St. to 600 feet S. E.; Wapato Lake from Alaska to So. 64th St.; South 61st from Wapato Lake Dr. to Ainsworth Ave.

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

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

Resolution No. 19669

Fixing Tuesday April 30, 1968 at 4 P. M. as the date for hearing for the rezoning of the area between Mildred St. & MacArthur Sts. from So. 15th extended to So. 17th St. extended, from an "R-2" to an "RP" District. (petition of City Planning Commission.)

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

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

Resolution No. 19670

Fixing Tuesday May 7, 1968 at 4 P. M. as the date for hearing for the rezoning of property on the west side of Pacific Ave. between So. 76th & Spooner St. from an "R-2" to an "R-3" District. (petition of William G. Veris)

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

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

Resolution No. 19671

Fixing Tuesday May 14, 1968 at 4 P. M. as the date for hearing for the vacation of the north side of So. 90th St. between Asotin & Ainsworth Sts. (petition of Tacoma City Planning Commission)

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

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

Resolution No. 19672

Fixing Tuesday May 14, 1968 at 4 P. M. as the date for hearing for the vacation of the alley between Baltimore & Bennett Sts. from No. 33rd to No. 35th Sts. (petition of Tacoma City Planning Commission)

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

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

Resolution No. 19673

Authorizing and directing the proper officers of the City to close So. Wilkeson St. at its intersection with So. 38th St. by erecting suitable barriers in order to prevent vehicular traffic from entering upon or leaving So. 38th St. at the intersection with Wilkeson St. 309

Mr. Finnigan moved that the resolution be adopted. Seconded by Mr. Cvitanich. 341

Mr. Gilbert Schuster, Director of Public Works, pointed out on a map the number of persons who had signed the petition against the closure of Wilkeson St., and the number of people who have reconsidered their opposition to the closure after they had been contacted by the Public Work's staff.

Mr. Schuster explained that there is a dangerous traffic condition at this site and the Public Works Dept. proposes to change the vertical curve on 38th St. so that a better site distance can be obtained through this area. At the same time a traffic signal light will be installed at Alaska St. There is also a cul-de-sac proposed for Wilkeson St., as well as a sidewalk which would give pedestrians access to 38th St. This would prohibit vehicular traffic.

Mr. Finnigan asked if a traffic signal were installed at Alaska St., would traffic back up to the freeway.

Mr. Schuster thought there would be no problem due to the width of the roadway and the installation of a controlled traffic signal. He added, the residents in the area have asked for a traffic light for a number of years which the Department felt was warranted, except that the vertical curve should be cut down before one was installed.

A number of residents spoke against the closure of the street because of the fire and police protection.

Mr. Schuster explained this had been checked with both the Police and Fire Chiefs and they saw no particular problem in getting into the area.

After some discussion, Mr. Cvitanich requested in the future in particular instances such as this, that the matter be referred to the L I D Committee for a public hearing and then recommendations could be made to the City Council.

The Resolution was passed by voice vote.  
Ayes 8; Nays 1, Rasmussen; Absent 0.

Resolution No. 19674

Authorizing the proper officers of the City to execute an agreement between the City of Tacoma and Pacific Engineers & Planners Inc. for engineering services in connection with the improvement of Union Ave. from the south end of Union Ave. interchange of Sign Route 16 to South Tacoma Way.

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

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

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Resolution No. 19675

Authorizing the transfer of the Lease which the City now has with West Coast Airlines, Inc. to a new corporation formed by the merger of West Coast Airlines, Bonanza Air Lines and Pacific Air Lines to be known as Air West, Inc.

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

Mr. Frank Phillips, Airport Manager, stated the lease is identical to the one in existence. He stated he felt this would be the opportune time for a more satisfactory scheduled airline service for the Tacoma Industrial Airport, particularly in what they call local and regional airline service which is within a range of about one thousand miles. The Civil Aeronautics Board of Washington, D. C. has instituted a new route hearing which will be called California, Pacific Northwest Service investigation. All carriers are invited to file whatever petitions they wish relative to service. He felt that Tacoma's representation has been very satisfactory but he recommended that the City intervene on its own behalf and asked permission to submit such evidence that the City sees fit, so that any willing and able carrier will provide service for Tacoma at the most convenient airport with a minimum number of flights per day.

Mrs. Banfield moved that this resolution be postponed until next week, April 23rd, 1968. Seconded by Mr. Cvitanich.

Mr. Bott asked if postponing the resolution would be detrimental to the proposed merger.

Mr. McCormick, City Attorney, informed the Council that he had discussed this transfer with the attorneys of the three airlines, West Coast, Bonanza and Pacific Air Lines. At the present time West Coast Airlines has a three year lease for certain facilities and buildings at the Tacoma Industrial Airport. This merger has been considered and hearings have been held before the Civil Aeronautics Board in Washington, D. C. One of the provisions in the merger agreement is that they merge within a certain time after the merger has been approved by the Civil Aeronautics Association and by the President.

Mr. McCormick further stated, the enactment of this resolution assigns to Air West Inc. the same obligations that West Coast Airlines and the City had agreed upon. The new organization is a better financed firm but it will still come under the same schedule as the present airline. He had been informed that under the terms of the merger, this agreement has to be consummated before the next Council meeting and that is the reason why it was placed on the agenda for today. There is no change except the transfer of the lease to a new corporation.

After further discussion Mrs. Banfield withdrew her motion with the consent of her second.

Mrs. Banfield said, however, she would abstain from voting on the resolution.

The Resolution was passed by voice vote.  
Ayes 8; Nays 1, Banfield; Absent 0.

Resolution No. 19676

Appointing Claude C. Purvis to the Building Code Board of Appeals for a five year term expiring Feb. 4th, 1973.

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

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

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Resolution No. 19677

Authorizing the sale of salvage items to Bernie Company, Zidell Explorations and Simon & Sons.

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

Mr. Benedetti, Assistant Director of Utilities, explained that this resolution involves the periodic sale of surplus materials. He recommended that the sale be approved to the three highest bidders for the lead covered control cable, junk aluminum wire and copper.

The Resolution was passed unanimously by voice vote.  
Ayes 8; Nays 0; Absent 1, Zatkovich (temporarily).

Mr. Cvitanich stated that last week he requested reconsideration then postponement of Resolution No. 19655 which was relative to the sale of surplus and miscellaneous timber in the Tacoma's Green River Watershed. He said there is a Federal study now being made in terms of the watershed and he had heard the Public Utility Board had taken exception to the postponement. He asked Mr. Benedetti, Assistant Utilities Director, to explain this situation.

Mr. Benedetti, explained that the Federal study in question was not concerned with logging, but with the affects of recreational activity in the watershed. He noted that the study by the U. S. Public Health Service was initiated because of Tacoma's opposition to the multiple-use program proposed by the Forest Service. He further stated, that logging conducted with precaution does not affect water quality or quantity in the Green River Watershed. Mr. Benedetti said he wished to assure the Council and citizens of Tacoma that their primary concern in this watershed area is not the logging of timber, but the management of the area so as to produce the high quality of water that Tacoma has always enjoyed. Logging will always be secondary to that purpose, he added.

Mr. Benedetti then requested that the Council reaffirm their decision and pass Resolution No. 19655 relative to the timber sale so that logging can be resumed.

Mr. Cvitanich asked Mr. McCormick what procedure to follow to pass this resolution tonight.

Mr. McCormick, City Attorney, explained that this resolution was passed on April 2, 1968, then on April 9th reconsideration was called for and then postponement for two weeks, which would have been on April 23, 1968. He said the Council could withdraw their vote to reconsider and then reaffirm the adoption of the resolution.

Mr. Cvitanich moved with the consent of his second to withdraw his motion to reconsider Resolution No. 19655. Seconded by Mr. Zatkovich. Voice vote taken. Motion carried.

Mr. Bott then moved that the Council reaffirm the adoption of Resolution No. 19655 made on April 2, 1968. Seconded by Mrs. Banfield. Voice vote taken. Motion carried.

Mr. Zatkovich said he would like to refer back on the agenda to the adoption of Resolution No. 19673, he then moved to reconsider Resolution No. 19673. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

Mr. Zatkovich said since there was so much opposition relative to this hearing he thought it should be referred to the L I D Committee so that all the possibilities are checked to satisfy property owners as much as possible.

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Mayor Rasmussen explained the only reason he had voted 'no' was that further discussion with the property owners might bring about an improved situation.

Mr. Bott reminded the Council the cost of this project will be borne by the City.

Mr. Schuster, Director of Public Works, explained, if other costs had been involved in all probability it would have gone before the L I D Committee. However, during the last month the staff has contacted all the property owners.

Mr. Bott felt this had been well handled by the Public Works Department and is a matter of public safety. He felt the Council should concur with the experience and the opinion of the Department of Public Works.

Mr. Cuitanich stated he would be willing for a two week's postponement and that it should not create any problem.

Mayor Rasmussen asked how negotiations were progressing with the business people on 38th Street.

Mr. Schuster stated all the problems had been resolved in that area.

Mayor Rasmussen felt some of the property owners would be jeopardized by decreasing the value of their homes because of the closure of Wilkeson St. He said he was not so sure that this was the only solution. He asked what the traffic situation was on 38th Street.

Mr. Schuster stated there have been counts of 33,000 vehicles a day, and it is one of the heaviest travelled streets in the City.

Mr. Zatkovich felt the property owners had not been sufficiently informed.

Mr. Schuster remarked that a staff member had contacted these people on several occasions to explain the situation to them, and they felt the property owners understood the situation.

Mr. Murtland said he did not think the property value would be decreased by the closure of Wilkeson St. He felt it was within the power of the Council to protect those who travel the city streets.

Mr. Finnigan stated, in the majority of L I D hearings the Council committee is not able to satisfy all property owners even though they try their best. He felt it would be illogical at this particular time to refer this matter to the L I D Committee. He suggested that the decision made by the Council tonight on the resolution not be changed.

Mr. Zatkovich with the consent of his second, withdrew his motion to reconsider Resolution No. 19673.

FIRST READING OF ORDINANCES:

Ordinance No. 18548

Amending Sections of the official code of the City relative to hours of work for Fire Service employees, differential pay for Firefighters, Classifications and providing for special license for certain truck drivers under State Law.

Mr. Rowlands, City Manager, explained this ordinance involves various personnel changes and procedures relating to pay and compensation. One of the new positions created is an Assistant to the City Manager under range 38, replacing the position of Assistant City Manager under range 42.

Mayor Rasmussen said the Council received a communication from Mr. Rowlands, City Manager, that he had received an application from Salem, Oreg. for the position of Assistant to the City Manager. He said it is the feeling of the Council that positions in the \$1000 category should be given to long-time service City employees, and that would give them an opportunity to progress. He added, the public generally feels that the talent in the Tacoma area is being left out of

City administration. He knew that the Negro population felt they had a number of qualified people, one of whom could be an Assistant to the City Manager.

Mr. Rowlands felt if the Council looked over the general record for the past twelve years it would find that it has been his policy to promote from the immediate administrative staff. However, during the last few months other promotions have affected the men that were qualified for this new position; that is why he had recommended a person from outside the community who had like experience.

Mr. Cvitanich requested thereafter that ordinances be drafted for each individual classification instead of combining various classifications in one ordinance.

Mr. Rowlands remarked, if there is a particular proposal in this ordinance that needs clarification, it would be provided for the Council at the final reading.

Mayor Rasmussen asked Mr. McCormick, City Attorney, what the rules provided in regard to segregating items in resolutions and ordinances.

Mr. McCormick, City Attorney, answered to the best of his knowledge, the rules do not cover this matter. He said it is just a matter of policy. The Legal Dept. receives the requests from the various departments and whatever is in that request they draft a resolution or an ordinance accordingly. From now on, if the Council wishes all amendments to sections on an individual basis, should be requested separately.

Mr. Murtland asked why the title of Rodent Control Specialist and Supervisor was changed to Vector Control Specialist and Supervisor.

Dr. Kredel, Director of Health, explained that the two classifications in Sec. 4 were changed from Rodent Control Specialist and Supervisor to Vector Control Specialist and Supervisor at the request of the Union.

Mr. Fred Van Camp, Representative from the Civil Service League, asked for further information relative to Sec. 6, the Customer Service Manager classification, as an appointive position. He thought this position should be placed under the regular classified service in the pay and compensation plan of the City.

Mr. Benedetti, Assistant Director of Utilities, explained that at one time there was a position of this nature but at the retirement of the individual the department attempted to break down the responsibility into another category. However, during the interim period, additional responsibilities have been given the Comptroller's division. The reorganization that is contemplated here would group together under the Customer Accounting, Credit and Collection Manager, the Customer, Credit, Collection, Meter Reading and Field investigation sections. All of these functions are inter-related and require coordination to properly handle the total billing operation, therefore this manager position should be in an appointive category. He noted this position would be filled by an individual within the department who has been with this particular section of the utility operations for over fifteen years.

Mr. Benedetti added, that upon retirement of the individual in the appointive category, in all probability another promotion would be in order, as the person has to be familiar with the operation of the functions within the Comptroller's department.

The ordinance was placed in order of final reading.

Ordinance No. 18559

Amending Section 1.12.430 of the official code of the City by adding subsection 1112 to establish a new position of Health Administrative officers in the Health Dept.



Dr. Kredel, Director of Health & Welfare, explained this is a new position to be created, which is very necessary. By establishing this new position, it would allow more time for the Director to do the many professional duties that he should have time to perform. The County Commissioners and the City's staff agreed that this position would enhance the efficiency of the department. Many methods relative to the financing of the Health Department have been changed since the State of Washington subsidized some departments within their operation. This position would be primarily in the field of fiscal management.

Mr. Fred Van Camp, Business Representative of the Civil Service League, explained again that he did not feel this position should be under an appointive category.

Mayor Rasmussen asked Mr. McCormick, City Attorney, what procedure would have to be followed if the Council wished to place this position under the classified service.

Mr. McCormick, City Attorney, explained the County of Pierce and the City of Tacoma are jointly operating the Health Department pursuant to State statutes, under an agreement signed between the two Departments. In that agreement there are certain provisions as to whether the positions should be City employees or County employees relative to salary, contributions, etc. He added, he would have to check this agreement to determine what this position specifically provides for. He stated he would check this matter before the final reading of this ordinance.

Mayor Rasmussen asked Mr. Van Camp to check with Mr. McCormick within the next week relative to the matter and inform the Council at next week's meeting.

The ordinance was placed in order of final reading.

Ordinance No. 18560

Vacating Chandler Street between So. 28th and a point 243 feet south thereof. (petition of Doris M. Swanson)

The ordinance was placed in order of final reading.

Ordinance No. 18561

Amending Title 8 of the official code of the City by adding a new chapter 8.96 and eleven new sections 8.96.010 thru 8.96.110 relative to the control and Civil disturbances and riots.

Mr. Bott moved that on Page 2 under Section 8.96.020, second line, after the word Mayor, insert 'and the Council'. Seconded by Mr. Murtland.

Mr. Zatkovich asked Mr. McCormick, City Attorney, to explain the particular section.

Mr. McCormick explained, the reason for the Proclamation by the Mayor, set forth in the ordinance, as in all probability occasions would arise whereby the Mayor would be unable to assemble the City Council for a formal, special or regular meeting to determine whether or not this proclamation should be issued. These are emergency powers and in the absence of the Mayor, the Deputy Mayor exercises those rights, and in the absence of both the Mayor and Deputy Mayor, then any member of the Council can act. He personally felt that it would be rather unwieldy to have to obtain the consent of the Council. The Council cannot really take any official action except at a Public meeting at the present time. The purpose of this ordinance is to take care of an emergency, and in that type of an emergency there will in all probability not be time to call the Council together.

Mr. Bott felt there might be a difference of opinion at the Council level as

to whether it is an emergency and he felt there must be a joint responsibility at the Council level, even two or three instead of the full Council, should be consulted.

Mr. Murtland asked Mr. McCormick if the Council could pass an ordinance whereby it would not be necessary for the Council to meet to make a determination in a situation such as this.

Mr. McCormick explained, if the Council is included, the procedure must be spelled out whether the consent is written or oral or however it may be. If it were not spelled out, the Council might get involved in an illegal proclamation based on lack of formal approval by the Council.

Mr. Zatkovich felt this ordinance prevents any delay after an emergency has arisen in the interest of public safety and welfare.

Mayor Rasmussen explained, if these powers are ever needed, in declaring an emergency, you need them immediately. He felt Mr. Bott's amendment would not be in order at this time.

Mayor Rasmussen also assured Mr. Bott that a Mayor would not declare an emergency without the consultation of the Police Chief, Fire Chief and County Sheriff.

Mr. Johnson felt this ordinance could be watered down where it would not be workable. However, if the Mayor and Deputy Mayor are not available, perhaps, it might be wise to have the consensus of three Councilmen.

The Rev. J. R. Williams, President of the Hilltop Neighborhood Improvement Council, felt that this proposed riot control ordinance was ill-timed, oppressive and aimed directly at Negroes. He felt these broad powers should be handled by an executive portion of the Council as well as the Mayor.

Mayor Rasmussen explained that the ordinance filled a void in City laws and provided a plan to cope with earthquakes and other emergencies, as well as civil disturbances.

The Rev. Elijah Hankerson, protested, as the Negro community would interpret the law as being directed solely at Negroes.

Mr. Cvitanich felt regardless of color, people who break the law should pay the penalty.

A number of citizens spoke for and against Mr. Bott's amendment.

Mr. Zatkovich felt whoever the Mayor might be, he would concur with other persons such as the Fire Chief, Police Chief and County Sheriff. He noted that all the cities that have had these problems have this type of an ordinance.

Mr. Murtland moved to amend Mr. Bott's amendment to read as follows: "Whenever in the judgment of the Mayor and two members of the Council", then the rest of that sentence be deleted through the word 'Mayor' and change the word 'determines' to 'determine', then on line seven change the word 'he' to 'they'. No second. Motion failed for the want of a second.

Mr. Bott felt, perhaps, his amendment should be changed to 'one or two members of the Council' so that another person or two will be consulted, which would divide the responsibility of making the determination.

Mayor Rasmussen asked Mr. McCormick, City Attorney, to clarify the proposed amendment by Mr. Bott.

Mr. McCormick explained that the Mayor or the Deputy Mayor, before they issue a proclamation must have the approval and consent of at least two members of the City Council.

Mr. Johnson asked Mr. Rowlands, City Manager, if he felt this would be a workable amendment to the ordinance.

Mr. Rowlands explained that this particular kind of ordinance was discussed almost a year ago. He added, the present timing was unfortunate. No one has the precise authority at the moment.

Mr. Cvitanich felt this is a policy decision to be made by the Mayor.

The Rev. Eddie E. Karnes expressed his confidence in the judgment of the Mayor, and he felt a Mayor should not have to ask the Council to declare an emergency.

Mr. Bott withdrew his amendment with the consent of his second.

Mr. Bott then moved under Section 'c' at the end of the paragraph to insert the words, ' or in case of heating oil or liquified gas into commercial or household tanks.' Seconded by Mayor Rasmussen. Voice vote taken. Motion carried.

Mr. Harold Moss, 1270 Huson Dr., asked that the Council meet with young people and black leaders to hear their ideas before the Council takes final action on the ordinance. He felt the City of Tacoma has an opportunity to become a genuine model as to how to prevent any disturbances, as there is a wish of the young people to air their opinions with someone.

Mayor Rasmussen stated he would arrange a meeting with these young people as Mr. Moss has suggested.

The ordinance was read in full for the benefit of the audience.

Mayor Rasmussen explained that it is quite clear that the ordinance did not name any particular group in the community. He felt it was a law that would be uniform and be applied with reasonableness and it would fill a gap that is not covered at the present time.

Mr. Johnson asked the Chief of Police and the City Manager to explain what gaps exist in the present law.

Mr. Rowlands, City Manager, stated, as a result of the City Attorney's review of the existing ordinances, it was felt that if certain action had to be taken there were no ordinances at the present time that would fully cover the categories that are spelled out in this ordinance.

Mr. McCormick, City Attorney, stated he hoped that the introduction of such an ordinance as this would not create the feeling that it has, however, the staff members have been considering this ordinance for some time. Many meetings have been held and it was felt there were gaps in the criminal code which needed filling. The criminal code or this ordinance is not aimed at any particular person. The ordinance is for the protection of everyone in the City of Tacoma. Insofar as the question, there is scattered throughout the general Code certain laws relative to disorderly conduct, nuisances and breach of peace, etc. The City does not have a code which can be read by other attorneys or the public, all in one place, governing civil disturbances.

Mr. McCormick further added, this ordinance is for the purpose of providing another implement for the health and welfare of the citizens. He reiterated sections in the ordinance that were not covered by other ordinances in the City code.

Mayor Rasmussen stated, that this ordinance would only become effective in the event of a civil disorder that existed in the City of Tacoma and this would also only become effective upon the proclamation of the Mayor.

The Rev. Eddie Karnes spoke in favor of the ordinance.

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

Ordinance No. 18562

Amending Chapter 8.94 of the official code of the City by adding a new section 8.94.C20 relative to fire alarms.

Mr. McCormick, City Attorney, explained that an ordinance was passed in 1967 which added a new chapter to Title 8 governing malicious damage to fire alarm apparatus. It has been the policy of the legal office to add a penalty clause at the end of each chapter, and this penalty clause was omitted from the ordinance. As far as the ordinance is concerned, while the ordinance made it a misdemeanor, no penalty was provided. This ordinance corrects that omission.

The ordinance was placed in order of final reading.

Mr. Finnigan moved that the Rules be Suspended to take up the fair-housing ordinance which does not appear on the agenda. Seconded by Dr. Herrmann. Roll call was taken on the motion: Ayes 2; Nays 7; Banfield, Bott, Cvitanich, Johnson, Martland, Zatkovich and Mayor Rasmussen. Motion lost.

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FINAL READING OF ORDINANCES:

Ordinance No. 18549

Vacating South 29th Street between Delin Street and South D Street. (petition of Art Stolen)

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

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18550

Vacating the East side of Union Avenue between South 18th and South 19th Streets. (petition of Automobile Club of Washington)

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

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18551

Amending Chapter 13.06 of the official code and adding a new Section 13.06.065-82 to include property on the East side of Woodlawn St. between So. 11th & So. 12th Streets in an "R-4-L" District. (petition of George G. Tibbits)

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

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18552

Amending Chapter 13.06 of the official code by adding a new Section 13.06.065-83 to include property on the West side of Pacific Ave. between So. 76th and Spooner St. in an "R-4-L" District. (petition of Whitson Construction Co., Inc.)

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

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18553 (as amended)

Appropriating the sum of \$53,390.00 or so much thereof as may be necessary from the General Fund to the Metropolitan Park Board, for the purpose of continuing

the summer program of the Metropolitan Park District.

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

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18554

Amending Section 5.22.010 and repealing Section 5.26.086 of the official code relative to the 'Leash Law' for Cats and Dogs.

Mr. Cvitanich had requested information from Mr. Fidler, Humane Society Director, at last week's meeting, relative to the Humane Society's budget prior to the passage of the leash law. Mr. Cvitanich asked Mr. Fidler if he had that information.

Mr. Fidler submitted to the Council a schedule showing the normal city working hours and number of employees for the year 1961 through 1968 as well as the work report for the month of March 1968.

Mr. Cvitanich said he felt that the enforcement program was directed to means of collecting revenues instead of controlling animals.

After some discussion, Mr. Cvitanich moved that the ordinance be tabled and that the Humane Society consider a new concept of control for the animals. Seconded by Mrs. Banfield. Voice vote taken. Motion carried.

Ordinance No. 18555

Providing for the improvement of L I D 5458 for water mains in Cedar St. from So. 15th to So. 17th St.

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

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18556

Providing for the improvement of L I D 5460 for water mains in 126th Ave. East from Tacoma City Water Division Pipeline No. 2, R/W to 144th Ave. East and other nearby areas.

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

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18557

Approving & confirming the Assessment Roll for L I D 4813 for pavement on Ferdinand St. from No. 33rd to 35th St.; No. 18th from Adams to Proctor St.

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

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 19558

Approving & confirming the assessment roll for L I D 4801 for pavement on Puget Sound Ave from So. 15th to 18th, So. 15th St. from Puget Sound Ave. to Union Ave.; So. 17th from Pine St. to Cedar St.; and Junett St. from So. 7th to So. 8th Street.

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

Ayes 9; Nays 0; Absent 0.  
The Ordinance was declared passed by the Chairmen.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

Traffic Violations & Court cases during month of March 1967 & 1968.

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There being no further business to come before the Council, upon motion duly seconded and passed the meeting adjourned at 10:00 P. M.

A. L. Rasmussen  
MAYOR

Attest: Josephine Melton  
City Clerk