

Council Chambers, 7:00 P. M.
Tuesday, June 28, 1960

The City Council met in regular session. Present on roll call 8: Bott, Cvitanich, Easterday, Murtland, Porter, Price, Steele and Mayor Hanson.

It was moved by Mrs. Price that the minutes of June 21st be approved as submitted. Seconded by Mr. Steele.

Voice vote on the approval of the minutes resulted as follows: Ayes 8; Nays 0; Absent 0.

PETITIONS:

Carter Lee and Lawrence J. Steele: Requesting rezoning of property on the N. E. corner of So. 19th and Woodlawn, to be rezoned from an "R-2" District to a "R-4" District.

Referred to the Planning Commission.

A petition containing twenty-three signatures protesting as a public nuisance the "La Boheme" Coffee Shop at 6th and Union Avenues.

Mr. Rowlands stated that other complaints have been received about this establishment. He said if it is found a real nuisance exists, action can be taken. However, the Attorney has advised it is difficult to determine exactly what constitutes a public nuisance. From the standpoint of other City Ordinances, such as sanitary codes, the Coffee House does comply with regulations.

Mr. Rowlands said information as to how this is handled in other cities could be furnished to the Council, if they so desire.

Mrs. Price asked if there is a time limit in regard to closing hours for this type of establishment.

Mr. Rowlands stated, at the present time there are no restrictions on the hours since no alcoholic beverages are sold. M

Mr. Bott advised that the statement appeared on the petition that several others wished to sign but did not because of fear of reprisals.

Mr. Steele stated that a short time ago a Police Officer was involved in an altercation in this area.

Mr. Rowlands stated that an arrest was made in this case and the matter was properly resolved.

Mr. Murtland said if the petitioners could make more specific complaints as to what occurs and the time of such occurrences, the Council would have more to act upon.

Mr. Easterday suggested a prowler car be placed in the area to keep a closer surveillance:

Mr. Rowlands advised this is a routine procedure but perhaps the surveillance could be stepped up at the present time. He said he would report any new developments to the Council.

Mayor Hanson stated the petition would be placed on file and the Council would be informed of any new action on the matter.

A petition containing twenty-seven signatures from property owners and merchants on Market Street between South 11th and South 13th Streets, requesting a change from one-way to two-way streets.

Mr. Cvitanich asked, what date had been set for the one-way street analysis.

Mr. Rowlands advised that the motion was made at last week's meeting but no action was taken on setting a specific date.

Mr. Cvitanich stated that a specific date should be set for the re-analysis of the one way grid system, so it can be determined whether or not it can be modified, or something done to the complete area.

Mr. Porter stated that at the time of the installation of the one-way system, it was felt that Spring was the best time of the year to initiate the change. Therefore, if the re-analysis is made during the winter months any changes could be made in the Spring and the system become effective when the weather is good.

Mr. Cvitanich said he did not feel this would be holding trust with the people of the City of Tacoma because it would be extending the one-way system almost a year longer than anticipated before giving them a re-analysis of the project.

Mayor Hanson said he felt there would be a time when the Council will want to again re-evaluate this system. Perhaps it will be appropriate to file this petition pending the Council's decision to re-evaluate it. He did not feel it was necessary to fix the date immediately.

Mr. Bott then moved that the petition be placed on file until the one-way grid pattern is discussed. Motion seconded by Mr. Porter.

Voice vote was taken on the motion, resulting as follows: Ayes 8; Nays 0; Absent 0.

COMMUNICATIONS:

Communications from Robert A. DeGreef, Mrs. E. R. Brooks and J. L. Rondeau, protesting the creation of L I D 4667:

Mr. James L. Rondeau of 7213 South Yakima Avenue briefed the Council on the background of L I D 4667. He said, about two years ago, he, Mr. R. A. DeGreef, J. L. Brooks family and the Lutheran Church, verbally petitioned the City for the vacation of South 73rd Street between Park Avenue and Yakima Avenue. At that time, Mr. Kunigk, Superintendent of the Water Division, advised against the filing the vacation petition, as the Water Department was contemplating replacing the wooden mains under the street in question.

In the interim, these wooden mains were replaced with cast iron mains by the City.

Approximately one year later the residents on So. 73rd Street between I and Yakima, petitioned for this improvement to provide better access to their property. The City added the portion of 78rd, between Park and Yakima Avenues.

At the L I D hearing on March 22nd, the L I D Committee recommended the area of So. 73rd between Park and Yakima be deleted due to the fact the residents in the area wished to have the area vacated. However, we were told that there would be certain things we would have to pay, such as storm drains, and we agreed to pay that.

JUN 28 1960

243

About two weeks ago, he said, they received a letter from the Public Works Department asking where they wished to have driveways placed. They were amazed to have received this request, he said, as they presumed their portion had been deleted from the L I D. No notice had been received by property owners in regard to the May 10th meeting at which time this deletion was declared illegal.

Mr. Rowlands explained that in the minutes of the L I D Committee on March 22nd, it states a petition was being circulated for vacating the area, but upon checking it was found no vacation had been filed with any City Department.

Mr. Rondeau stated the petition has not yet been filed, as he was not certain all City Departments were in favor of the vacation. He further stated that in order to get the petition going, the \$100.00 fee could be paid tonight.

Mr. Rondeau continued in regards to the vacating of 73rd Street between Park and Yakima Avenues, explaining that if vacated, the Lutheran Church would use the land for a parking lot, but if 73rd Street were cut through as in the L I D, the front door of the Minister's home would be practically on the street.

He asked the Council to reconsider the L I D and invited them to visit the areas involved.

Mr. Rowlands stated that the established procedure is being followed, and legally you cannot separate one block from the balance of the L I D, as they are contiguous, and to separate it would nullify the entire L I D.

Mr. McCormick City Attorney, advised there were two types of L I D's one where there are isolated streets banded together in one L I D. The other is where contiguous streets are in one L I D. The isolated streets can be dropped from an L I D but where the streets are contiguous a portion of the L I D cannot be removed at the time of the hearing. The only thing that can be done is either approve or disapprove this District and start a new L I D.

Then, he said, the petition can be filed vacating the street and the district can be re-created.

Mr. Bott stated he believed the Council should view the area before a decision is made.

Mr. Murtland stated, to be fair in this matter, it should be realized that by delaying the L I D, those persons in the area with plans to build homes are not able to proceed.

Mrs. Smart, who owns property on South 73rd Street between Yakima and I Streets, and who was one of the petitioners of the district told the Council of their plans to build a home at this location. In order to obtain a F. H. A. loan, she said they require that a street and sewers be installed in the area, and that is one reason they were anxious to have this L I D approved, as that is the only thing that is delaying the approval of their F. H. A. loan.

Mr. Bott moved that this matter be postponed for one week, and in the interim the Council check the area for their own information. Motion seconded by Mrs. Price.

Mrs. Brooks, who resides in the area, asked for an explanation as to why the property owners did not receive a notice of the second hearing on May 10th.

Mayor Hanson stated that was another item he wished to clear up, and assured Mrs. Brooks it would be checked further.

Voice vote was then taken on the motion, resulting as follows: Ayes 8; Nays 0; Absent 0.

JUN 28 1960

RESOLUTIONS:Resolution No. 16189:

Fixing Tuesday, July 26, 1960 at 7:00 P. M. as the date for hearing on the vacation of the alley between Mullen and Gove Streets extended, from So. 50th Street to So. 52nd Streets.

Moved by Mr. Easterday to adopt, seconded by Mr. Cvitanich.

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

Ayes 8; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resblution No. 16190:

Fixing Tuesday, July 26, 1960 at 7:00 P. M. as the date for hearing on the vacation of Roosevelt Avenue between 68th Street extended and 71st Street extended.

Moved by Mr. Easterday to adopt, seconded by Mr. Steele.

Mr. Buehler advised that since this vacation was initiated by the Council the proper procedure is to hold a hearing before the Planning Commission previous to the hearing before Council.

Therefore, he suggested that the Resolution be amended by changing the date of July 26th, to August 9th, to give sufficient time for the Planning Commission hearing.

Mr. Easterday moved that the date be changed to August 9th, 1960. Motion seconded by Mr. Steele.

Voice vote was taken on the motion to amend, resulting as follows:

Ayes 8; Nays 0; Absent 0.

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

Ayes 8; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16191:

Awarding contract to Morris Construction Co. for L I D 2256 on their bid of \$3,033.73 which is determined to be the lowest and best bid.

Moved by Mrs. Price to adopt, seconded by Mr. Steele.

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

Ayes 8; Nays 0; Absent 0.

The Resolution was declared adopted by the Chairman.

Resblution No. 16192:

Awarding contract to Pacific Coast Coal and Oil Company and Griffin Fuel Company for furnishing the Fuel requirements for the period July 1, 1960 to June 30, 1961.

It was moved by Mr. Bott that the Resolution be adopted. Motion seconded by Mr. Easterday.

Mr. Rowlands advised this was a combined bid with the County and School Board, which will save these governmental agencies money.

Mr. Cvitanich asked why part of the contract was given to the Pacific Coast Coal and Oil Company and the balance to Griffin Fuel Co.

Mr. Rowlands advised that there were eight different items, each of which were awarded on a separate basis.

Voice vote was taken on the motion to adopt, resulting as follows:

Ayes 8; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16193:

Awarding contract to Hoagland-Findlay Engineering Company for improvements to the Sewage Treatment Plant No. 1, on their bid of \$58,600.00, which was determined to be the lowest and best bid.

It was moved by Mr. Easterday that the Resolution be adopted. Motion seconded by Mrs. Price.

Mr. Rowlands stated that the Hoagland-Findlay Engineering Company of Seattle was the only bidder. He explained possibly the reason for this was that they had participated in the construction of the original plant. Their bid, he added, is considerably lower than the estimate by the Consultants.

Voice vote was taken on the motion to adopt, resulting as follows:

Ayes 8; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16194:

Awarding contract to Crown Coach Corporation for furnishing 2 pumping engines and one hose wagon, for the sum of \$90,002.02.

It was moved by Mrs. Price that the Resolution be adopted. Motion seconded by Mr. Steele.

Mr. Rowlands advised these bids have been reviewed by the Fire Chief and his mechanics for the past two weeks, to make certain the specifications have been met.

It was determined this was the lowest and best bid. He added that it was hoped a lower bid would be received, as this is \$5,500 to \$6,000 more than we had hoped to pay for all this equipment, but it is still less than the bids dismissed by the Council several weeks ago.

Mr. Bott asked if the equipment was comparable.

Mr. Rowlands said it was comparable, in fact, it is better as far as the

engine is concerned. He pointed out that over-all on the Training Tower, Fire Training Center, Hose and other equipment purchased, it is felt we will stay within the \$360,000 which was set aside in the special millage.

Mr. Cvitanich asked Chief Fisk about "a bank of lights" being constructed at Station No. 2, and how much has been invested in this project.

Chief Fisk explained they had removed the hose from an old Mack Truck and had installed a bank of lights received from Civil Defense for less than \$200.00. Also, they are carrying the salvage tarps on the engine as required by the National Board of Underwriters, plus foam facilities.

He added they have sufficient personnel to man this additional wagon, which will give the City more points.

Mr. Rowlands stated they were proud of the mechanics in making another hose wagon available at a very reasonable cost. The equipment has been obtained so the wagon can be placed in operation, and, he emphasized, this will give the City more points to help in their fire rating.

Resolution No. 16195:

Approving the contract between the Western Clinic of Tacoma and the Police Pension Board, for employees of the Police Department for the year beginning July 1, 1960.

It was moved by Mr. Easterday to adopt the Resolution. Motion seconded by Mr. Murtland.

Mayor Hanson said this is similar in coverage as has been extended in the past. It conforms with the requirements of State Law, and in certain respects goes farther with reference to providing medicines and medical care where confinement in a hospital or at home is not necessary.

Mr. Cvitanich said he was somewhat concerned over point 16 on page 2 which states in part that none of the provisions of this contract shall be extended to cover conditions existing prior to the date of employment. He said he felt the wording should be "shown by the physical examination prior to employment".

Mayor Hanson said these conditions were examined by the Police Pension Board and the contract was approved unanimously by them. It was also examined by the City Attorney's Office, and it was through their recommendation that the bid of the Western Clinic was chosen. He added, in regard to Mr. Cvitanich's question, that the provision is a standard one, but it does not necessarily exclude treatment in the case of an aggravation of a previously existing condition.

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

Ayes 8; Nays 0; Absent 0.

The Resolution was declared adopted by the Chairman.

Resolution No. 16196:

Authorizing the proper officers of the City to sell to Wally and Ben Etsekese a triangular piece of property located at Wright Avenue and South Fife Street and lying southerly of the flume line right-of-way, for the sum of \$550.00 cash.

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

JUN 28 1960

247

Mr. Cvitanich asked why there were no bids taken on this property ?

Mr. Benedetti said this is a small triangular piece of property which the Water Division received as a result of a street vacation in the area. The reason the Water Division did not feel it was proper to advertise this particular parcel is that it is isolated and cannot be utilized independently for any real purpose. Its only use would be to the Water Division and the abutting property owner.

On that basis, the Department did obtain a proper appraisal of the land and the abutting property owner has agreed to pay that amount.

Mayor Hanson said the reason then for the departure from the general policy of calling for bids was to prevent another person from obtaining the property whose sold purpose was to take unfair advantage of the adjoining property owner.

Mr. Steele said in this way the property will be developed by the Etseksan's, the adjoining property owners.

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

Ayes 8; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16197:

Accepting the offer of the Downtown Parking Corporation for the payment of all legal fees to the firm of Preston, Thorgrimson and Herowitz in connection with a test suit for the financing of the downtown parking garages. 153

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

Mr. Cvitanich asked who the parties would be in this suit.

Mr. McCormick, City Attorney, said the City proposes to file a suit under the declaratory act, asking the State Supreme Court to rule on various legal questions involved.

Mr. Bott asked if this test case is won, by the City, will the City be committed to proceed with the garages on the terms previously submitted by the Parking Group.

Mr. McCormick stated no, but advised terms approved by the City Council would be contained in an Ordinance.

Mayor Hanson stated, the Council, however, has previously indicated by a six to three vote, the City's intentions to proceed. Of course, the Council can, if good reason is found, reverse its position.

Mr. Medved, 1305 Pacific Avenue said he would like to know how far the City is going on the parking garages before the opponents are given a chance to speak to the new Council members. He said it was his understanding that a new public hearing was to be held since there are several new Council members.

Mayor Hanson advised Mr. Medved that there would be another hearing, and proper notice would be given in the near future.

He said this Resolution simply accepts a gift to enable the preparation of the suit in order to test legislation which has not heretofore been tested.

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

Ayes 8; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

JUN 28 1960

Resolution No. 16198:

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32
91
Authorizing the employment of personnel from time to time as is necessary to accomplish and complete the Fawcett Urban Renewal area (Wash R-3) and the Center Street Urban Renewal Project (Wash R-1).

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

Mr. Rowlands said if the Council members will check the MC Table of Organization, they will notice the permanent departmental employees are segregated from the temporary project employees. The temporary employees will fluctuate depending on the extent to which each particular project has progressed. For example, on the Center Street Project, there is now employed a Project Engineer, an Engineering Aide III, and a Project Records Clerk. Temporary help is put on the payroll only as they are needed, and are being paid from Federal funds.

Mr. Cvitanich asked for clarification of two points in the MC. The first is "In addition, specific portions of employment are not budgeted." and second, "The budget priorities".

Mr. Jacobson, Urban Renewal Director, said the Federal Budget is not set up on the same basis as the City Budget, and Federal Project funds must be kept entirely separate and may not be commingled with City Funds. Therefore, it is not possible for the City to take Federal funds and use them in preparing their annual budget. The City may use Federal funds to pay employees authorized under the Federal budget, but may not take these funds and include them in the City Budget.

Mr. Rowlands said the next point of "budget priorities" pertains to the fact that the exact date of the contract is not known.

Mr. Jacobson said the contract is based on the assumption that the project will be completed as late as July of 1964, but the work program is to get it finished in 1963 if possible. This budget is for the entire time with no specific ending date. The budget is not based yearly or on specific positions but rather on the amount of funds necessary to carry out certain activities.

Mr. Rowlands said it is impossible to spell out specifically over a period of two or three years the amount of money needed.

Mr. Cvitanich asked Mr. Jacobson for a list of the salary scale within the Urban Renewal Department.

Mr. Jacobson said he would supply such a list and send it out Friday with the Agenda.

Mr. Carlborn asked how much the Fawcett Street Urban Renewal Project was going to cost and if the Public would have the right to vote on it.

Mr. Jacobson explained they are presently preparing the plan and cost for the Fawcett Project. It will not become a project until there is a public hearing before the City Council. If it is necessary to raise City funds for this by General Obligation Bonds or any other means requiring a public vote, then it will be put to the people for a vote. The City Council will decide the method of financing the project.

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

Ayes 8; Nays 0; Absent 0.
The Resolution was declared adopted by the Chairman.

JUN 28 1960

Resolution No. 16199:

Urbing the City Council to wholeheartedly support, endorse and urge the immediate construction and completion of the Naches Tunnel and the connecting highways necessary for the completion of said project.

239
276

It was moved by Mr. Steele that the Resblution be adopted. Seconded by Mr. Bott.

Mayor Hanson said this Resolution re-affirms the position taken some time ago by the City Council

Mr. Easterday commented briefly on the trip taken to Yakima in the interest of the Naches Tunnel. He said he and Mr. Munsey, represented Tacoma and had a very nice trip.

Mr. Cvitanich asked that a copy of the Resolution be sent to the State Highway Department.

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

Ayes 8; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16200:

Authorizing the proper officers of the City to execute an agreement with the State Highway Department for the channelization of Wakefield Drive at "C" Street at an approximate cost of \$4,100.00.

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

Mr. Rowlands said the Public Works Department would like to gather more information, and requested a postponement of one week on this Resolution.

It was moved by Mr. Easterday to postpone the Resolution for one week to July 5th, 1960. Motion seconded by Mrs. Price. Voice vote was taken on the motion, resulting as follows: Ayes 8; Nays 0; Absent 0.

Resblution No. 16201:

Authorizing the proper officers of the City to execute a supplemental agreement to the water agreement dated June 29, 1956 between the City and the St. Regis Paper Company.

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

Mr. Benedetti said this will authorize the City to increase the water commitment to St. Regis up to ten million gallons per day. Their present thinking is that they will require about seven and one-half million gallons per day. As the

Council is aware the Water Department has, since 1936, served water to the Pulp Mill in quantities that have increased up to the present day to 21 million gallons of water, plus the 7 1/2 they will need with the expansion of their plant.

Approximately nine months ago the Water Rate Contract was re-negotiated and the rates were increased 55%. It is the Departments' intention to furnish this water at the same rate now in effect. That rate will hold for an additional 40 months at which time the contract will be open for re-negotiations and new rates if that should become necessary.

Mr. Benedetti added, the department will be able to provide the additional water to St. Regis without jeopardizing any other customers and will still be capable of taking care of other industries which may want to locate in the City.

Mr. Cvitanich asked what percentage of City water was provided to St. Regis.

Mr. Benedetti said the average daily consumption is about 50%. The contract calls for 21 million and they use about 19 million gallons.

Mayor Hanson said this will mean an additional income without an appreciable amount of increased cost.

Mr. Benedetti said this will require no plant expenditure. The St. Regis Paper Company will have to install pipe line facilities to the extent of approximately \$70,000 to bring the additional main facilities from the City streets to the point of take-off inside their plant. They will then turn over those facilities to the Water Department for maintenance.

Mayor Hanson asked what this would mean as far as income is concerned.

Mr. Benedetti said it would probably mean about a \$60,000.00 a year increase in revenue.

Mr. Carlborn complained that St. Regis should pay their proportionate share.

Mr. Murtland asked how the Department arrives at the particular rate for this water supply.

Mr. Benedetti said this was studied very thoroughly and a survey was made of the entire northwest. He said it must be remembered that in this case only one meter must be read, there is only one pipe line. In addition, the St. Regis pipeline uses 21 million gallons of water a day and they are what is called a high-low customer as their demand does not vary. If it does vary, there is a penalty. All these matters are taken into consideration, and it was felt that the rate of \$33.24 per million gallons is a very fair one.

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

Ayes 8; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16202:

Authorizing the proper officers of the City to execute a release of an easement to Frank J. Johnson for two anchors and guy wires on his property near South 35th and Lawrence Streets.

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

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

Ayes 8; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

JUN 28 1960

251

Mayor Hanson asked that the rules be suspended to consider the Resolutions inviting additional Japanese Officials from Kokura to visit the City of Tacoma.

It was moved by Mr. Murtland to suspend the Council Rules for the consideration of Resolutions, numbers 16203 and 16204. Motion seconded by Mrs. Price. Voice vote was taken on the motion, resulting as follows: Ayes 8; Nays 0; Absent 0.

Resolution No. 16203:

Extending a cordial and official invitation to Council Chairman Takeo Yokoyama and his wife, of Kokura, Japan, to visit the City of Tacoma at the time that Mayor and Mrs. Hayashi will be in Tacoma, or at any other time convenient to them. 30

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

Mayor Hanson said Mayor Hayashi will be visiting Tacoma July 25th through the 28th. Arrangements will be made for this visit. He has asked, particularly for the purposes of ease in clearance in obtaining visas, that we extend official invitations to Council Chairman Takeo Yokoyama and his wife and Mr. Soma, President of the Electric Works in Kokura.

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

Ayes 8; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16204:

Extending a cordial and official invitation to Mr. Shigeru Soma, President of the Showa Dengyo Electric Works of Kokura, Japan, at the time that Mayor and Mrs. Hayashi will be in Tacoma, or at any other time convenient to him. 30

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

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

Ayes 8; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

At this time Mr. Murtland moved to suspend the rules to consider a Resolution he desired to introduce at this time. Motion seconded by Mr. Cvitanich. Voice vote was taken on the motion, resulting as follows: Ayes 8; Nays 0; Absent 0.

Resolution No. 16205:

Adopting certain rules to guide the Council in its deliberations on the 255

selection of the person to be appointed to the filling of all councilmanic vacancies by the majority vote of the remaining council members.

It was moved by Mr. Murtland that the Resolution be adopted. Motion seconded by Mr. Bott.

Mr. Murtland said he felt the Council's previous position of holding executive meetings to discuss the appointment of a new Council member has been proper, but he felt that the matter should now be brought to the public in the manner suggested in this Resolution, which provides that several nominees be elected by a majority of the Council members; these names would be made public at next Tuesday's meeting, and the final balloting would then be delayed until the following meeting. For that reason he urged adoption of this Resolution.

Mr. Bott said he was in agreement with this idea as he felt the election was a weighty responsibility.

Mr. Easterday said this appointment has been discussed so thoroughly by the Council that he could see no reason for a postponement. Therefore he would vote against this Resolution.

Mr. Porter said he agreed with Mr. Easterday that the Council has had an ample opportunity to consider everyone who has been recommended and who has volunteered for this position. He believed the time has come to make a decision.

Mr. Cvitanich said that since this appointment is so important, he felt wholeheartedly that it should be postponed for several weeks until they find the individual for whom they are searching.

Mayor Hanson said he knew each Council member feels the importance of this decision.

Mr. Murtland said he was introducing this Resolution as he feels there is a need for the public to know those persons the Council is seriously considering.

Mr. Porter said he felt the names had already been given much publicity in most cases.

Mr. Bott said this was a problem that affects the City, and the Council is in effect usurping the privilege that the elector normally has although this is the prescribed procedure of appointing a successor.

Mr. Porter said due to the seriousness and need of having another member on the Council, it is time to elect one to the position.

Mr. Cvitanich said in his interpretation the Charter does not spell out this matter too clearly and he asked Mr. McCormick to render a legal opinion on the procedure of appointing a new member.

Mr. McCormick said there is no definite procedure set out as to the mechanics of how vacancies are to be filled by the remaining Council members. The Charter simply states that whenever a vacancy occurs in the office of Council member, the Council shall fill such vacancy by appointment, etc. It is up to the Council to adopt its own procedure, however, the final action must be taken in public; and also the policy has been to adopt a Resolution requiring the vote of at least five members of the Council.

Mr. Cvitanich said he felt this should be outlined more clearly for the Council's use in the future.

Mr. Easterday asked for a roll call on the Resolution, which resulted as follows:

Ayes 4; Nays 4; Easterday, Porter, Price and Steele. Absent 0.
The Resolution was declared lost on roll call by the Chairman.

JUN 28 1960

253

FIRST READING OF ORDINANCES:

Ordinance No. 16601:

Vacating North Steele Street between North 28th Street and the alley between North 28th and North 29th Streets. (Petition of A. J. Jellen, et al.) Read by title and placed in order of final reading.

224
273

FINAL READING OF ORDINANCES:

Ordinance No. 16599:

Vacating the northwest corner of South 19th and Prospect Streets. (Petition of Jardeen Brothers, et al.) Read by title and passed.

233
2

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

Roll call: Ayes 8; Nays 0; Absent 0.

Ordinance No. 16600:

Appropriating the sum of \$6,700.00 from the General Fund for the purpose of taking a special census count. Read by title.

23
24

Mr. Easterday said he has heard that the final United States Census figures will show a substantial increase over the preliminary figures. He said he would vote for this Ordinance but he suggested that the City not move too fast and try to accomplish the entire project, as something might develop which will prove gratifying to all.

Mr. Rowlands said as explained last week, the checks will be carefully reviewed as they are made to see the extent of the discrepancies in each enumeration district.

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

Roll call: Ayes 8; Nays 0; Absent 0.

Mr. Rowlands advised that passage of this Ordinance requires a unanimous vote, / ^{inasmuch as it contains an emergency appropriation} He pointed out that as outlined last week the Council will be kept informed weekly as to what is taking place.

Mr. Buehler said if sufficient discrepancies are not found it will not be worth continuing the check. As explained before, in some enumeration districts there was found as high as an 8% error. The overall census tract variance was approximately 3 1/2%.

Mr. Cvitanich said the question in his mind as he voted no, was the fact that the two census tracts picked were high density multiple family dwellings. If this Ordinance were so prepared as to provide for a pay-as-you-go census recheck, he could see changing his "no" vote.

Mr. Buehler explained that it was intended to take one census tract and complete it so that figures would be available showing the advisability or inadvisability of proceeding with the count.

Mr. Cvitanich said he agrees with that plan, however, this ordinance asks for \$6,700.00 specifically. He said he would compromise to the extent that

after the completion of the first census tract, the Council would receive a report as to the negative or positive aspect of the population and the cost of the count. Then the Council could proceed from there. Beyond that, he would go no further.

Mr. Murtland asked if it could be amended.

Mayor Hanson replied it could be after a motion to reconsider the Ordinance.

Mr. Cvitanich being on the prevailing side, moved to reconsider the Ordinance. Motion seconded by Mr. Porter. Voice vote was taken on the motion to reconsider, resulted as follows: Ayes 8; Nays 0; Absent 0.

The following amendment was suggested by the City Attorney.

"The funds herein appropriated shall be expended in the following manner - one census tract shall be completed and a report made to the Council before any additional funds shall be expended for enumerating any additional tracts, and then only upon express authorization of the Council by Resolution."

Mr. Cvitanich to amend Ordinance No. 16600 by the addition of a new section, to read as follows: "Section 3. The funds herein appropriated shall be expended in the following manner--one census tract shall be completed and a report made to the Council before any additional funds shall be expended for enumerating any additional tracts and then only upon express authorization of the Council by resolution." Motion seconded by Mr. Murtland. Voice vote was taken on the motion to amend, resulting as follows: Ayes 8; Nays 0; Absent 0.

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

Roll call: Ayes 8; Nays 0; Absent 0.

UNFINISHED BUSINESS:

The Director of Public Works presents the assessment roll for the cost of the improvement in L I D6763 for ornamental street lights in the area of South 35th Street to South 64th Street from Tacoma Avenue to South Thompson Avenue.

It was moved by Mr. Easterday that Monday, August 8, 1960 be fixed as the date for hearing. Motion seconded by Mrs. Price. Voice vote was taken on the motion, resulting as follows: Ayes 8; Nays 0; Absent 0.

REPORTS:

MC-306 - "Parking Meter Survey".

Mr. Rowlands said the recommendation on this will be brought before the Council next week. The Board of Contracts and Awards analysis is being completed on the various meters and the cost of the meters, etc..

23
26
27

ITEMS FOR FILING IN THE OFFICE OF THE CITY CLERK:

Belt Line Division - Monthly financial report dated May 31, 1960.
 Light Division - Monthly financial report dated May 31, 1960.
 Water Division - Monthly financial report dated May 31, 1960.
 Personnel Department - Monthly report for May, 1960.
 Police Department - Monthly report for May, 1960.
 Finance Department - Annual report for the year 1959.

COMMENTS:

Mayor Hanson said the item of business now before the Council was the appointment to fill the unexpired term of Council Position No. 2. As every one is aware, the Council has spent a great deal of time over the past few weeks discussing possible appointees.

Mr. Murtland moved that the Council postpone consideration of the matter another week. Motion seconded by Mr. Bott.

Mr. Steele proposed the Council proceed with the appointment.

Mr. Murtland said his motion was made in mind of the thought and spirit of his Resolution which he introduced.

Voice vote was taken on the motion to postpone the appointment, resulting as follows: Ayes 3; Nays 5; Easterday, Steele, Price, Porter and Mayor Hanson.

Mr. Porter moved that the Council proceed with the nomination for the person to fill this position, giving everyone in the Council a chance to make all the nominations they wish and that they proceed to vote by secret ballot on the nominees. The nominee receiving the majority at any time to be declared elected. In case no nominee receives a majority, that all of those except the two receiving the highest number of votes be declared eliminated and they proceed to take another ballot on the two remaining to fill the position. Motion seconded by Mr. Easterday.

Mr. Murtland said he would have to vote against that motion as far as the secret ballot is concerned, if he voted against no other. He felt that is not proper and the Council should, since this is to be a public meeting, make known their vote. So, at least as far as that point is concerned, he would have to vote against the motion. He said he might object to other parts, but that is the major part at this point.

Mr. Cvitanich asked if there was any reason the vote could not be by roll call or show of hands rather than secret ballot.

Mr. Porter said he personally had no objection to roll call or show of hands but it is customary in all elections, that he can recall, that even the runoffs or primaries be by secret ballot.

Mr. Cvitanich said that was correct. However, the Council is here in a public gathering and he thought the people were entitled to this information. They have waited for a long time and have a tremendous anxiety.

Mr. Easterday said when the Council elected a Mayor, it was a public meeting. The place was packed with friends of the candidates and the Council members wrote the name of their candidate down. The first time no one received a majority. They proceeded as Mr. Porter said, they eliminated all but the top two and there being nine council people present, they elected a Mayor in that manner. He thought that was done on the two previous occasions when the Mayor was elected in a public meeting. Whether he voted for Mr. Hanson or Mr. Anderson, no one will ever

know unless I tell them, he added.

Mr. Cvitanich said he would like to answer Mr. Easterday - in that he was not present.

Mr. Murtland said he would like to answer Mr. Easterday and say that was history. There happens to be some new members on the Council.

Mr. Easterday said he was new at that time too.

Mr. Porter said he always felt the reason for using secret ballots in cases of this type was because the person elected is going to have to work harmoniously with all the other members of the Council, and it is to the best interest of the public that we all work in harmony. If someone knows who voted against them perhaps there would be a grudge carried over which might affect their voting at times.

Mr. Murtland said he feels if that were true that candidate should not even be considered. After all, anyone that is willing to fill this bill should be willing to take a chance that someone might vote against him, and if he is not big enough to overlook that, and work with us afterwards, then he should not be considered.

Mr. Bott said that is a nice way to look at it, but sometime in practicality, it does not work out that way.

Mr. Porter said he had no personal objection to voting publicly. Perhaps, if Mr. Murtland does not like the motion, he should move to amend it.

Mr. Murtland moved to amend Mr. Porter's motion, that the entire matter of voting on the nominees by show of the hands for each name that is nominated as called by the Chair. Motion seconded by Mr. Cvitanich. It was asked that a roll call be taken on the motion. This was done, resulting as follows: Ayes 6; Nays 2, Easterday and Mrs. Price (passing) Absent 0. The motion was carried.

Mr. Porter said the Council has spent considerable time in executive sessions, and felt the Council has gone as far as it can in these sessions. He could see nothing more to be gained by spending two or three hours a night on the subject, so if the position isn't filled tonight, his opinion right now was that he did not wish to waste his time attending any more executive sessions. But, he said, he was willing to come out in an open public meeting any time and fill that position with a qualified person.

Roll call was then taken on Mr. Porter's motion as amended, resulting as follows: Ayes 5; Nays 3; Bott, Cvitanich, Murtland; Absent 0.

Mayor Hanson asked that the Council proceed with the nominations:

Mr. Cvitanich nominated Mr. Frank Charleston.

Mayor Hanson said the name of Frank Charleston has been received in nomination.

Mr. Murtland nominated Mr. Bradley Bannon.

Mayor Hanson said the name of Bradley Bannon has been received in nomination.

Mr. Porter nominated Dawn Olson.

Mayor Hanson said the name of Dawn Olson has been received in nomination.

Mr. Bott nominated Maurice Finnigan.

Mayor Hanson said the name of Maurice Finnigan has been received in nomination.

Mayor Hanson asked if it was the thinking of the Council that discussion be opened to the audience.

Mr. Porter said he would object to that, inasmuch as the Council has to make the decision, as set forth by the City Charter.

Mr. Porter added that there were several other people he would like to nominate, but inasmuch as he can only vote for one, it would not be very useful for him to nominate several other people.

Mayor Hanson called for other nominations. Receiving none, he declared the nominations closed. He called for discussion.

Mr. Porter said there was no provision in the motion accepted by the Council by majority vote for discussion. He wondered, if there is to be discussion, if that shouldn't be decided by the vote of the Council first. Inasmuch as the Council has had many hours of discussion on various people including every one nominated tonight.

Mayor Hanson said he would rule that in order to cut off the right of Council discussion, a two-thirds vote would be required.

Mr. Porter said the Council rules do not provide for this. Neither does Roberts Rules of Order spell out the voting, except in the filing of a blank vote, so he believed they were governed by the motion passed.

Mayor Hanson said if that is not provided any place, then the Chair rules, and if the Council wants to appeal the rule of the Chair, it can be done. But, he was going to accept discussion unless there is a motion to the contrary.

Mr. Cvitanich said the Council has suffered somewhat from the press and radio, and he thought Mr. Morgan was as well qualified to speak on his candidate as anyone else. As a matter of fact, he gave an excellent resume from what he had heard

Mr. Murtland spoke in behalf of his candidate Bradley B. Bannon. He is presently an insurance man with his business being located in the 38th and Yakima Street area. He has been there for many years. He is a resident of the north end, somewhere in the North 36th Street area. He is a native of Tacoma and lives with his wife and 3 children. He was in the Navy during the War. He has been active in the Businessmen's group in the 38th Street District. He is a non-controversial figure, as he is not closely affiliated with any national political party. He belongs to the musicians union having had his own band in the 1930's. He was an officer in the service where he gained some executive experience. For these reasons he has submitted his name.

Mr. Bott said this is a non-partisan office and should be treated as such. Therefore, his feeling is that Council should find someone who has not been identified as a leader in either one of the two political parties, and can represent the electorate as a whole in a better way. Mr. Finnegan is a past exalted ruler of the Elks and is very fine and dignified gentleman. He is familiar with parliamentary rules and procedure. He is a family man and lives with his family on North Yakima Avenue and is the vice president of National Blower Company. He has had the experience of meeting payrolls which Mr. Bott felt was very important because if someone knows how the money comes in, then he is a little more aware of how Council okays the expenditures here, from the Council's standpoint.

Mr. Cvitanich said in behalf of Mr. Charleston, he is a very sincere gentleman. He is within the labor movement. He is well acquainted with many individuals on the Council at the present time, whom labor helped place into office. He said he was not saying this to try to intimidate anyone into voting for him, but Mr. Charleston has come a long way and if some of you would take the time to sit down and talk to this man, you will see what a great individual he is. Mr. Cvitanich said he thought Mr. Charleston is much bigger than any man who sits at this Council Table today.

Mayor Hanson agreed that any one of the four would make an excellent Council member and asked if there was any further discussion.

JUN 28 1960

Mr. Murtland said he had one more comment. He asked the Council in its vote, with all sincerity, to view their vote on the basis of ~~the~~ bringing a party into the Council that might in any way divide this group any more than it is. 'We have been divided and torn.' Someone that has been affiliated in one particular way in a very large political party and is still active, could cause possible additional division within our City, and for that reason he felt they should bring in a party that is not controversial, either in a political sense or any other sense.

Mr. Porter said he had always felt that the best citizens were those who take an interest in elections and have an active interest in voting, and, in line with that he certainly thinks that the best public official would be one who takes an active interest in government.

Although he has the highest regard for these candidates there is one amongst the four who he felt has a very great knowledge of government, and of the Manager form of government, which the Council operates under and is sworn to uphold, and that person, in his opinion, is Dawn Olson.

Mayor Hanson then proceeded with the voting. He called for a show of hands, resulting as follows:

Frank Charleston received one vote (Cvitanich)

Brad Bannon received one vote (Murtland)

Maurice Finnigan received one vote (Bott)

Dawn Olson received five votes (Easterday, Price, Porter, Steels and Mayor Hanson.)

Mayor Hanson said the majority of five, elected Dawn Olson to fill the vacant position on the Council. In the interest of unity, perhaps it would be in order for a motion to make it unanimous.

Mr. Porter then moved that a unanimous vote be cast for Dawn Olson. Motion seconded by Mrs. Price.

Mr. McCormick, City Attorney, said, for the record, he has prepared a Resolution in blank so that the appointment will be definite in the records in proper Resolution form in case of bond issues or anything else later on as to the validity of the appointment. He asked the Council to now pass formally on the Resolution.

RESOLUTIONS:

Resolution No. 16206:

Appointing Dawn Olson to fill out the unexpired term of City Council position No. 2, being the position on the council held by Ben Hanson prior to his election as Mayor.

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

Mr. Bott said, out of deference to what he previously said about peace and harmony prevailing in the Council, he thought it would be wise, now that they have expressed themselves, that they do show a unanimous vote.

Mr. Murtland said he has always opposed the idea of having a unanimous vote merely to express something that does not exist. He said however, this

JUN 28 1960

259

does not mean that we will not work in harmony, as Mrs. Olson will understand, that there can be a difference of opinion. He wished to speak against the idea on the basis that there were votes for other persons and for that reason it should not be made unanimous just because it has been done before.

Mr. Cvitanich called for a roll call on the Resolution.

Roll call was then taken, resulting as follows:

Yes 6; Nays 2, Murtland and Cvitanich; Absent 0.

The Resolution was then declared adopted by the Chairman.

Mrs. Price said she was very happy to have another woman on the Council. She felt a very wise choice had been made. She knew Mrs. Olson as a very fair and understanding person and she was sure Mrs. Olson would work well with the Council and serve the community well.

Members of the audience were then allowed to speak, and comments were made for and against the Council's secret procedures.

Mr. McDaniel said he thought the conduct of the Council business should be open and above board.

Mr. Alfred Kammerzell said he didn't feel the Council was fulfilling its responsibility to the people in that they persisted in having executive sessions which creates suspicion and distrust amongst the voters.

140
252

Mr. Easterday stated that closed committee meetings were started under the old form of government when the commissioners met as a committee of the whole.

Mr. Kammerzell replied that was the reason the Charter was changed.

Mr. Cvitanich stated that any time any public funds are discussed, it should be at a public meeting, as we are having tonight.

Mr. Bott stated he would like to make another point clear, it has been said that the platform used by many of the new members, was in opposition to secret meetings, and further stated he was still against them. But, he explained, the type of meeting referred to was where one group of the Council would get together and have a meeting without including the entire Council.

Mayor Hanson left at this time and Mr. Porter, Deputy Mayor, assumed the Chair.

Mr. Dean Cooper commended the Council for the amount of work they have put forth in selecting a new member. He felt they should be given a vote of confidence.

Mr. Claude Munsey, former State Representative, said he thought the Council had acted properly, and that they have performed their duty under the provisions of the Charter.

There being no further business to come before the City Council, upon motion duly seconded and passed, the meeting adjourned at 10:40 P. M.



Mayor of the City Council

Attest: 

Deputy City Clerk