

CITY COUNCIL MINUTES

City Council Chambers, 7:00 P. M.
Tuesday, June 12, 1962

Council met in regular session. Present on roll call 8: Bott, Cvitanich, Finnigan, Haley, Herrmann, Murtland, Price and Mayor Tollefson. Absent 1, Steele. Mr. Steele coming in at 7:20 P. M.

Mrs. Price moved that the minutes of May 29, 1962 be approved as submitted. Seconded by Dr. Herrmann. Voice vote taken. Motion carried.

HEARINGS & APPEALS:

The City Planning Commission recommending the denial of the petition submitted by Miller Construction Co., for the rezoning of the area of So. 82nd 53 to So. 84th Streets, and So. Sheridan to So. L projected from "R-2" to an "R-4-L" District.

Mayor Tollefson explained that the time for filing an appeal had expired on June 4th, 1962.

No one appearing to be heard on the matter, it was moved by Mrs. Price that the Council concur in the recommendation of the Planning Commission that the petition be denied. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

PETITIONS:

a. Coester A. Hogan, requesting the rezoning of property located at the nearest intersecting streets of No. 46th and Pearl Streets from an "R-2" and "C-1" to a "C-2" District.

b. Worthen, Wing, Seifert & Forbes, requesting the rezoning of property located at 2421 So. 42nd St. from an "R-2" to an "R-4" District.

Petitions a. and b. referred to the Planning Commission.

COMMUNICATIONS:

Communication from L. W. Craig, County Assessor, requesting that he be notified which three members of the City Council will represent the City on this year's Board of Equalization, which will convene in the Assessor's office on Monday at 9:00 A. M., July 2, 1962.

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Mayor Tollefson said the members who served on the Board last year were, Mr. Cvitanich, Mrs. Olson and Mr. Steele. He asked if anyone would like to volunteer to serve on the Board this year.

For the benefit of the new members, Mayor Tollefson explained, the Board of Equalization sits with the County Commissioners and the Assessor to hear complaints by the public regarding the assessed value of their property, and it is up to the Board to determine if it is the fair value of the property under the circumstances. Mayor Tollefson stated he would serve as a member of the Board with Mr. Cvitanich. Mr. Finnigan, Dr. Herrmann and Mrs. Price offered to serve as alternates.

RESOLUTIONS:

Resolution No. 17089:

Fixing Monday, July 23, 1962 at 4:00 P. M. as the date for hearing on L. I. D. 6801 for modern street lights on So. 10th from Yakima Ave. to J St.

Mrs. Price moved that the Resolution be adopted. Seconded by Mr. Haley.

Voice vote taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 17090:

Fixing Monday, July 9, 1962 at 4:00 P. M. as the date for hearing on L. I. D. 6802 for street lights on No. 11th from Madison St. to Stevens St.

Mr. Haley moved that the Resolution be adopted. Seconded by Mr. Finnigan.

Voice vote taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 17091:

Awarding contract to Tom Tonnesen for Improv. No. 2333 on their bid of \$12,660.67 which was determined to be the lowest and best bid.

Mrs. Price moved that the Resolution be adopted. Seconded by Mr. Haley.

Voice vote taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 17092:

Awarding contract to Lige Dickson Co. for Improv. No. 4464 and 3031-K-2 Unit A., on their bid of \$159,282.13 which was determined to be the lowest and best bid.

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

Voice vote taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 17093:

Awarding contract to Cascade Asphalt Paving Co. for Work Order 53479 on their bid of \$8,284.00 which was determined to be the lowest and best bid.

Mr. Finnigan moved that the Resolution be adopted. Seconded by Mr. Haley.

Voice vote taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 17094:

Awarding contract to Cascade Asphalt Paving Co., for W. O. No. 53480 on their bid of \$13,567.70 which was determined to be the lowest and best bid.

Mr. Haley moved that the Resolution be adopted. Seconded by Mr. Finnigan.

Voice vote taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 17095:

Rejecting the bid of Woodworth & Co., for L I D 4685, 4702 & 4709 inasmuch as it was above the Engineer's estimate.

Mr. Haley moved that the Resolution be adopted. Seconded by Mrs. Price.

Mr. Rowlands explained that only one bid was received, and it was \$5,084.35 above the Engineer's estimate.

Voice vote taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

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Resolution No. 17096:

Approving the contract between the Western Clinic and the Police Pension Board of the City for medical services for the employees of the Police Dept., effective as of July 1, 1962 through July 1, 1963.

Mrs. Price moved that the Resolution be adopted. Seconded by Dr. Herrmann.

Mr. Rowlands explained, this is a renewal of the contract for next year, which is the same as the existing contract with no increase in rates.

Mr. Cvitanich asked Mr. McCormick if it was proper for him to vote on this Resolution.

Mr. McCormick, City Attorney, advised him that it would be proper.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 17097:

Authorizing that the position of the City Public Information Officer be appointed by the City Manager to serve at this pleasure.

Mr. Haley moved that the Resolution be adopted. Seconded by Dr. Herrmann.

Mr. Bott questioned the language of the Resolution. He asked that the Resolution be amended to read, "the transferring of the present Public Relation's Officer to the Office of the City Manager." As the Resolution is drawn, it appears it is a newly created position, rather than being transferred from one Dept. to another.

Mr. Murtland said he would like to know the background on the appointment, as he was not present when this was discussed.

Mayor Tollefson explained, it is the intention of the City Council that the personnel be the same, but it is a transfer from the Legislative Dept. to that of the City Manager. This is the general language of all appointments by the City Manager. The reason for the transfer is that the Council and Mayor did not, in his estimation, have sufficient work for the Public Relation's Officer to perform, over and above his duties as Public Relation Officer for the Transit Company. He thought the language and intent of the Resolution was proper.

Mr. Bott said, he did not anticipate there would be any change in personnel, however, he thought the Resolution should read, "the Public Relation's Office should be transferred from the Legislative Dept. to the City Manager's office."

Mr. McCormick said, the reason the Resolution was written in its present language is that this position is now set up in the Compensation Plan as appointive. However, the salary is budgeted in the Legislative Dept. for this year. When the budget is made up for 1963, it can be placed in the proper Dept.

Mr. Steele arrived at 7:20 P. M.

Mr. Bott asked if he would get the same salary.
Mayor Tollefson said he would for the balance of the year as it is budgeted for the year.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Mr. Steele moved that the Rules be suspended to consider Resolution No. 17098 which does not appear on the agenda. Seconded by Mrs. Price. Voice vote taken. Motion carried.

Resolution No. 17098:

Appointing Patrick M. Steele to serve as an ex-officio member of the City Planning Commission during the period of his present term as a member of the City Council.

Mr. Steele moved that the Resolution be adopted. Seconded by Mr. Haley.

Mr. Cvitanich requested that a roll call be taken on this Resolution.
Roll call was taken on the Resolution resulting as follows:

Ayes 8, Nays 1, Cvitanich; Absent 0.

The Resolution was then declared adopted by the Chairman.

FIRST READING OF ORDINANCES:

Ordinance No. 17084:

Appropriating the sum of \$500.00 or so much as may be necessary from the General Fund for the purpose of purchasing additional recreational equipment for the Metropolitan Park Board.

Mr. Murtland asked for an explanation of the Ordinance as he was not present when it was discussed at a prior meeting.

Mr. Rowlands explained the money was to be used by the Park Board to purchase materials to build salmon cookers for the salmon bakes which will be held at Owen's Beach this summer. Thereafter, they will be at the disposal of private citizens who wish to rent them from the Park Board. Any monies that are not used by the Park Board will be returned to the City.

The Ordinance was then placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 17081:

Amending Chap. 13.06 of the Official Code of the City by adding a new section 13.06.120 (28) to include property on the northwest corner of So. 64th St. and Park Aves. in the "C-1" Commercial District. (Time Oil Co. petition)

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 1, Steele; Absent 0.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 17082:

Amending Chap. 13.06 of the Official Code of the City by adding a new section 13.06.112 to include property on the S. E. corner of So. 72nd St. Interchange (PSH #1) in the "C-F-P" District. (Hokold Investment Corp. petition) 229

Mayor Tollefson left at this time.

Mr. Murtland presided as Chairman.

Mr. Cvitanich asked what was the projected figure for traffic for the intersection at 72nd Street.

Mr. Schuster, Director of Public Works explained, it was 7200 and the projected figure was about 8,000 for the year 1975.

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Tollefson.

The Ordinance was then declared passed by the Chairman.

Mayor Tollefson returned and resumed his office as Chairman.

Ordinance No. 17083:

Approving and confirming the Assessment Roll for L I D 3527 for sanitary sewers in A St. from East 84th to East 92nd Street.

Roll call was taken on the Ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was then declared passed by the Chairman.

REPORTS:

- a. MC-391--Budget and Levy for the Firemen's Pension Fund.

Mr. Rowlands distributed a communication to the Council members from Walt Lambert, Secretary to the Washington State Council of Firefighters, regarding the Firemen's Pension millage, stated in part, "Our Attorney has advised us that the cities must levy both mills if the firemen's pension fund is not actuarially sound or sound from an actuary's standpoint, thus he has prepared necessary mandamus papers and complaints to prevent abuse of the law as interpreted by the Attorney General's staff, and incidently by us, since the passage of this law." Also, they have requested that we indicate to them in the very near

future our intentions regarding the amount of millage to be levied this year and the balance of the Firemen's Fund at this fiscal year's end.

Mr. Rowlands further stated unless the Council has other intentions, it was not his thought to recommend levying any additional millage this year. He asked Mr. McCormick if he would explain the interpretation of the Attorney General's opinion.

Mr. McCormick, City Attorney, stated this can be determined only by the decision of the Supreme Court or by further action of the Legislature. As it is now written, there is enough ambiguity for the Attorney General to construe it one way and some of the City Attorneys another. Although in his last opinion he is supplementing his former opinion, stating, "if the mill is not used for the Pension Fund, it could be levied and used for other General Governmental purposes." He points out that an actuarially sound Fund must not only be able to pay the expenditures for the next ensuing year, but also that the fund must be able to pay all of the potential claims based on the mortality rate, the same as any other actuarial fund.

Mr. Steele asked if other City Attorneys as well as Mr. McCormick have come to any conclusion as to the advisability of waiting until the 1963 Legislative Session with reference to what action the Legislature might take, not only regarding the Firemen's Fund but also the Police Pension Fund, and all other State Retirement Funds. He thought this would take a terrific amount of money, as Mr. McCormick pointed out, to put this Fund on an actuarially sound basis.

Mr. McCormick explained this had not been discussed with other City Attorneys because this opinion was just submitted a week ago. In his opinion it would be the only sensible solution to have this clarified at the next State Legislature.

Mr. Gaisford, Director of Finance, pointed out that the Firemen's Pension Fund in 1963 has cash available in this particular fund plus revenues to be received in 1963 which will leave an approximate unfunded liability of about \$174,000.00 to operate the fund. In his estimation, it would take approximately one mill of the tax levy to operate the fund for 1963. Actuaries are now working on a report which should be received this month to determine the unfunded liability. In 1957 the unfunded liability of the Firemen's Pension Fund was approximately \$8,000,000.00. He would estimate the unfunded liability as of 1963 would be between \$11,000,000.00 and \$12,000,000.00.

Mr. Rowlands said, Mr. Gaisford stated that \$174,000.00 would have to be contributed to pay commitments next year: Then if the Attorney General's opinion is interpreted directly, instead of having \$174,000.00 it would take \$330,000.00 which is approximately \$150,000.00 to \$160,000.00 more than the Council would appropriate for this purpose next year under the normal theory of pay as you go basis.

b. 1963 Budget and Legislative Conference.

Mr. Rowlands called the Council's attention to the 1963 Budget and

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Legislative Conference to be held on Friday, July 27, 1962 from 10 A. M. to 4 P. M. at the Winthrop Hotel in Tacoma. Discussions will be held on what approach should be made to the 1963 Session to provide a broader revenue base for cities, and proposed New Enabling Authority desired by First Class Cities, etc. He stated, it would take approximately two or three months to prepare material to be presented to the Legislature.

c. Current Municipal Problems-Retirement Systems-By Earle Tinius, Exec. Sec. Statewide City Employees Retirement System.

Placed on file.

UNFINISHED BUSINESS:

a. The Director of Public Works presents the assessment roll for the cost of L I D 6773 for street lighting from East 43rd to East 56th, from Pacific Ave. to East C Streets.

Mrs. Price moved that Monday, July 9, 1962 be fixed as the date for hearing on the assessment roll for L I D 6773. Seconded by Mr. Steele. Voice vote was taken. Motion carried.

The Director of Utilities presents the following assessment rolls for hearing.

b. L I D 5338 for cast iron water mains in Vassault St. from No. 42nd to No. 46th Street.

c. L I D 5340 for cast iron water mains in McGhee from So. 58th to the cul-de-sac.

Mrs. Price moved that Monday, July 23, 1962 be fixed as the date for hearing on the assessment rolls for L I D 5338 and L I D 5340. Seconded by Mr. Steele. Voice vote was taken. Motion carried.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

a. Report from the Municipal Court for the month of May 1962.

b. 21st Annual Report - Tacoma Employees' Retirement System for 1961.

COMMENTS BY THE CITY MANAGER:

Mr. Rowlands distributed copies of a letter to the Council members from J. Schueneman, Chief Technical Assistance Branch, Division of Air Pollution, United States Public Health Service. He stated that at the present time, Dr. Bucove, Director of Health, has received a technical treatise from the Cincinnati office. He and Bob Stockman of the State Air Pollution Division are now trying to develop plans which have been in the offing for the past 1 1/2 years in respect to creating a study of the Puget Sound area, from Seattle as far as Ft. Lewis, including Tacoma, Bremerton and, perhaps, Everett. As pointed out in the letter, they recognize a special problem which has to be considered

in connection with the smelter. That report will be forthcoming from Dr. Bucove's office. They have considered with the staff, the local people and the people from the Washington State Dept. of Health, activities that might be initiated now through pooling of State and local resources and with supplemental Public Health Service assistance. These activities would be directed toward a basic evaluation of the air pollution complex in the Puget Sound area and incorporate minimum steps necessary to adequately explore that part which may involve the smelter. Mr. Rowlands added, it is just a matter of waiting for the report from the State Health Dept.

Mr. Rowlands stated he had received a phone call from the State Department in Washington, D. C. and was informed that Tacoma was selected as one of three Cities on the West Coast to be visited by an Iranian Municipal Official, Mr. Esmil Hariri. Mr. Hariri is interested in learning about Municipal budgeting, accounting, taxation and licensing activities. He would also like to visit the offices of Urban Renewal and Airport operations. He will be here for about one week in the latter part of July.

Mr. Rowlands stated there is a meeting of the 27th Annual Institute of Government to be held July 11, and 12th, 1962 which is sponsored by the Bureau of Governmental Reserch at the University of Washington. He thought, perhaps, some of the Council members would express an interest in attending some of the sessions. Transportation will be arranged for anyone wishing to attend.

COMMENTS BY THE MEMBERS OF THE CITY COUNCIL:

Mrs. Price asked if Mr. Steele could report back to the Council on the appeals and hearings held before the Planning Commission, inasmuch as he is now a member of the Planning Commission.

Mayor Tollefson said, an ex-officio member of the Planning Commission usually votes on a matter according to his own opinion. He did not think it was the intention of the Council and the appointment, that any member should report back to the Council, furthermore, he thought they should maintain the practice they have followed in the past.

Mrs. Price said, she did not particularly want Mr. Steele's opinion, but rather, a report on what the comments of the Planning Commission were and an explanation of their vote.

Mr. Steele said, if he could be of any assistance to any member of the Council, he would be happy to inform them what has transpired in the Planning Commission meetings.

COMMENTS BY THE PUBLIC:

Mr. A. Fidler, Manager of the Tacoma Pierce County Humane Society, said he would like to talk to the Council relative to enforcing the Dog

Leash Ordinance. He stated the Society does not have the personnel to enforce the law. They have 102 complaints which have not been processed that are mostly to enforce the leash law. There are 2,000 dogs yet to be licensed in the City, however, it will take personal contact to collect these fees. The first 7600 dog owners come in voluntarily for their licenses, 3,000 come in with a little persuasion, the balance of 2,000 require personal contact. The money set aside on an unbalanced budget has been spent, also there is continued maintenance at the shelter which has to be done because of the damage the dogs create. Telephone complaints have doubled since June 1st. Also there is 22 weeks of vacations for the personnel starting next week which the Society has to cover because of the shortage of funds for relief. This will mean there will be only one truck to take care of all the calls during the day and night for the City and the County. The Union has given the Society written notice that the hours of the night man has to be divided into two shifts of eight hours each. The night man now is a watchman and occasionally goes out on emergency calls and works 15 1/2 hours each night. He said, he wanted some guidance from the Council on how far they want the Society to enforce the Leash Law with no available funds.

Mr. Cvitanich asked how many dogs have they impounded over and above their normal routine of business since the Leash Law became effective.

Mr. Fidler said they had impounded approximately 50 dogs and a good number of notices have been given out.

Mrs. Price suggested the Council meet with the Society to discuss some of their problems and their budget.

Mr. Bott then moved that the Council members met on June 26th at a Noon Study Session with the Society to discuss their problems. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

Mayor Tollefson asked Mr. Fidler if that was agreeable, and if he could have all the data pertaining to the various cost and expense, and what the Society would need.

Mr. Fidler said that date was agreeable to them and he would have the facts and figures available.

Mayor Tollefson suggested that the Society continue with their program of tolerance concerning the Leash Law until the meeting to determine what steps to take.

Mr. Haley asked to be excused from the Council meetings until July 31st as he and his family would be vacationing and would be attending to business matters in the East.

Mrs. Price moved that Mr. Haley be excused from the Council meetings until July 31st, 1962. Seconded by Mr. Bott. Voice vote taken. Motion carried.

Mayor Tollefson asked Mr. Haley if he would have time while he is back East to find out what some of the difficulties are, or what may be the bad points of Urban Renewal which may help the City of Tacoma in avoiding pitfalls.

Mr. Haley stated he would be in Philadelphia where there is a tremendous Urban Renewal program in progress and he would be happy to investigate the matter for the Council. He would be in Pittsburgh and Boston for a few days, where he would also look things over.

There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 8:40 P. M.