

CITY COUNCIL MINUTES

City Council Chambers, 7:00 P. M.
Tuesday, October 3, 1961

Council met in regular session. Present on roll call 6: Bott Cvitanich, Easterday, Olson, Porter and Steele. Absent 3: Murtland, Price and Mayor Hanson. Mr. Murtland and Mrs. Price coming in at 7:05 P. M. In the absence of Mayor Hanson, Mr. Porter, Deputy Mayor, presided.

Mrs. Olson said since the minutes of September 19th are so lengthy and much of the material verbatim, she would move that the approval of the minutes be set over for one week to allow additional time to study them. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

Mrs. Price and Mr. Murtland coming in at this time.

HEARINGS AND APPEALS:

This is the date fixed for hearing on the petition submitted by C. A. Hogan for vacation of the alley from No. 45th to No. 46th between Pearl and Vischer Streets.

53:167
54:132
54:156

Mr. Biehler, Planning Director explained that all of the property on both sides of the alley to be vacated is owned by Mr. Hogan. The property is zoned commercial and a super market is under construction. None of the City Departments had any objections to the vacation other than to request that the petitioner pay the necessary costs for the relocation of the light and other services located in the alley. It was the recommendation of the Planning Commission that the vacation be granted.

Mr. Easterday moved that the Council concur in the recommendation of the Planning Commission and that the proper Ordinance be drawn. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

RESOLUTIONS:Resolution No. 16755:

Fixing Monday, October 23, 1961 at 4:00 P. M. as the date for hearing on L I D 4682 for paving of So. 54th from Fawcett to Park; Grandview from East 68th to East 72nd; also storm drains on East 68th from Grandview to Homestead Avenue.

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

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16756:

Fixing Monday, October 23, 1961 at 4:00 P. M. as the date for hearing on L I D 6789 for modern street lights on existing wooden poles on No. 12th from Proctor to Mason Avenue.

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

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16757:

Fixing Tuesday, October 31st, 1961 at 7:00 P. M. as the date for hearing on the petition submitted by the Immanuel Baptist Church for the vacation of the alley between Pacific Avenue & C Street extended between So. 93rd extended and South 94th. 188

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

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16758:

Fixing Tuesday, October 31st, 1961 at 7:00 P. M. as the date for hearing on the petition submitted by Emanuel T. Muntz for the vacation of No. 42nd St. between Forest & Waterview and the alley between Forest and Waterview from No. 42nd to No. 43rd Street. 188

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

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

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Resolution No. 16759:

Awarding contract to E. J. Rody & Sons for L I D 2324 on their bid of \$17,625.10 which was determined to be the lowest and best bid.

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

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16760:

Awarding contract to Woodworth & Co., & Tucci & Sons for Improv. No. 3027- E 2 on their joint bid of \$89,896.00 plus tax which was determined to be the lowest and best bid.

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

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16761:

Accepting certain offers to sell Real Property situated within the Center Street Urban Renewal Project, Designated Project No. Wash. R-1.

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

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16762:

Authorizing the Director of Public Works of the City after the 3rd day of October 1961 to cause the removal and destruction of said poisonous Nightshade and brush upon the premises of the southwest corner of East 31st and J Streets.

Mr. Rowlands said this Resolution is no longer necessary as action has been taken by the property owner, and the lot is now cleared of the poisonous nightshade and brush.

Dr. Fargher said a letter was received today that the lot had been cleared. An Inspector was sent out and found everything had been taken care of satisfactorily.

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Mr. Easterday then moved that the Resolution be tabled. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

Resolution No. 16763:

Authorizing the proper officers of the City to grant easement rights to George and Josephine Nicolai across a 20 foot strip of land owned by the City to permit access for two roadways, generally located on the Cushman Transmission Line right of way two miles west of Purdy.

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

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16764:

Authorizing the proper officers of the City to execute a supplemental agreement with the Brotherhood of Locomotive Firemen & Enginemen relating to the working conditions and rates of pay for said employees.

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

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16765:

Authorizing the proper officers of the City to enter into a contract with the Town of Ruston for the sale of electric power and energy for a period of twenty years from June 30, 1961.

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

Mr. Benedetti, Acting Utilities Director, explained that this is a 20 year contract between Tacoma City Light and the Town of Ruston whereby the City's utility will continue to furnish the town with wholesale power. The contract provides for consideration of rate adjustments at 2 1/2 year intervals.

Mr. Murland asked if there was any restriction on what the town of Ruston could charge their customers.

Mr. Benedetti said there was no restriction in the agreement itself.

Mr. Murland said the City has nothing in its practise, then, of attempting to establish any particular rate, either maximum or minimum or both when selling electricity to an area such as this.

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Mr. Benedetti said they did not.

Mr. Murtland said the point he was trying to bring out was that it would be possible for Ruston to charge its customers less than the City charges.

Mr. Benedetti said it would be possible but from a practical standpoint he did not think it would be realized.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16766:

Authorizing the proper officers of the City to execute a partial release of easement for property between Alameda and Vassault Street.

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

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16767:

Authorizing the proper officers of the City to execute a partial release of easement to Mr. Lattimer for the payment of \$75.00.

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

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16768:

Directing the firm of Knight, Vale & Gregory, Certified Public Accountants, in accordance with Sec. 7.14 of the City Charter to audit all of the accounts and books of the City of Tacoma and further provide a comprehensive report of the financial condition of the City for the year 1961. 57:127

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

Mr. Bott moved that this Resolution be tabled inasmuch as the Council passed a previous Resolution and will at that time determine the area it wishes audited. Seconded by Mr. Stecie.

Mr. Porter asked Mr. McCormick if a motion to table cut off debate. Mr. McCormick said that it did cut off debate.

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Roll call was taken on the motion to table, resulting as follows:
Ayes 4; Nays 4, Cvitanich, Easterday, Olson and Porter; Absent 1, Mayor
Hanson. Motion lost.

Mr. Rowlands explained the Mayor is ill tonight, and he requested
that this Resolution be held over until his return next week, as he would like
an opportunity to discuss this with the Council.

Mr. Cvitanich asked that the Clerk read the Resolution into the record.
After the Resolution was read in full, Mr. Cvitanich asked that the Resolution
be postponed one week until October 10, 1961. Seconded by Mrs. Price.

Voice vote was taken. Motion carried.

FIRST READING OF ORDINANCES:

Ordinance No. 16900:

Amending the Official Code of the City relating to zoning by adding two
new sections 13.06.130-15 and 13.06.120-18 to include property on the west
side of No. Pearl between No. 26th and No. 30th in the "C-2" Commercial
District. Westgate Inc. -petition. Read by title and placed in order of final
reading.

Ordinance No. 16901:

Amending the Official Code of the City relating to zoning by adding a
new section 13.06.065-12 to include property on the east side of Pacific Ave.
between So. 76th and So. 79th Streets, in a "R-4-L" Low-Density Multiple
Family Dwelling District. (Major Investments Inc.) Read by title.

Mr. Rowlands said there is a correction to be made in the body of
the Ordinance. In the 7th line of the property description, the initials "T. J. "
should be added to the words "Spooner's Five Acre Lots". Inadvertently
this was omitted in the Ordinance.

Mr. Murtland then moved that the 7th line of the Ordinance be amended
by adding the initials "T. J. " so as to read "T. J. Spooner's ". Seconded by
Mr. Cvitanich. Voice vote taken. Motion carried. The Ordinance was
then placed in order of final reading.

Ordinance No. 16902:

Amending Ordinance No. 16623 which vacated the alley between Mullen
and Gove from So. 50th extended to So. 52nd Street. Read by title and placed
in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 16891:

Changing the names of certain streets in the City of Tacoma located in the southern section of the vicinity along the limited access Freeway between Center St. and So. 96th Street, effective January 1, 1962. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Mayor Hanson.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16892:

Amending Section 5.26.070 of the Official Code of the City relating to Housing Code on Right of Entry. Read by title.

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Mr. Bott said since Mayor Hanson is absent he has requested that this be held over for one week. Mr. Bott then moved that the Ordinance be postponed until October 10, 1961.

Mr. Porter said if there were no objections he would like to ask that the motion be amended to postpone for 4 weeks instead of one. He said his reason is that he has read the very fine statement presented by Mr. Howlands but has not had an opportunity to document it and would like time to do so.

Mr. Bott said he would amend his motion to postpone the Ordinance for 4 weeks to October 31, 1961. Seconded by Mr. Cvitanich. Voice vote was taken on the motion. Motion carried.

Ordinance No. 16893:

Amending the Official Code of the City by adding to Title 9-two new sections 9.24.010 and 020 in reference to Minimum Vertical Clearance Established. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Mayor Hanson

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16894:

Approving and confirming the Assessment roll for L I D 4678 for paving on the alley between So. Tacoma Way and Washington St. from South 47th to So. 48th Streets. Read by title and passed.

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Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Mayor Hanson

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16895:

Approving and confirming the Assessment roll for L I D 5327 for cast iron water mains in No. 25th from Cheyenne to Orchard Street. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Mayor Hanson.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16896:

Approving and confirming the Assessment roll for L I D 5328 for cast iron water mains in So. 19th from Geiger to Jackson. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Mayor Hanson.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16897:

Providing for the improvement of L I D 3516 for sanitary sewers in the area between Mt. View Ave. & Titlow Road, So. 12th to So. 19th Street. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Mayor Hanson.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16898:

Providing for the improvement of L I D 4686 for paving in various streets between No. 12th & No. 28th from Adams to Huson Streets. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Mayor Hanson.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16899:

Providing for the improvement of L I D 6787 for street lighting on South Yakima Avenue from So. 56th to So. 64th Streets. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1. Mayor Hanson.
The Ordinance was then declared passed by the Chairman.

UNFINISHED BUSINESS:

The Director of Public Works presents the following assessments for hearing:

L I D 2314 for concrete sidewalks on various southend streets in the vicinity of 43rd and Junett; So. 19th and Yakima.

L I D 4666 for paving curbs and gutters and street lights on various streets in the vicinity of So. 78th and Alaska.

Mr. Easterday moved that Monday, November 13, 1961 at 4:00 P. M. be fixed as the date for hearing on the assessment rolls for L I D 2314 and L I D 4666. Seconded by Mr. Steele.

Voice vote taken. Motion carried.

REPORTS:

MC-367 - Urban Renewal.

Mr. Rowlands said this is an opinion from the Legal Department which is more or less to clarify certain features in the Federal and State Urban Renewal Law.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Tacoma Employees' Retirement System report for the month of Sept. 1961.
- b. Report from the Belt Line, Water & Light Division for the month of August 1961.

COMMENTS :

Mr. Rowlands said after the meeting is recessed he would like to discuss with the Council some salary adjustments that have been considered, which should take only a few minutes.

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Mr. Bott said he thought this would be the proper time to take cognizance of the passing of a former City Commissioner and a highly respected citizen of the City of Tacoma - Fred Shoemaker.

Mr. Porter thanked Mr. Bott and said he was certain that all those who knew Mr. Shoemaker held him in high regard and under the circumstances felt that no one would object if the Council and the audience would rise and observe a few moments of silence in memory of Mr. Shoemaker.

Mr. Easterday said that he had known Mr. Shoemaker very well and that he had been a dedicated and sincere public official.

Mr. Easterday said at this time he would like to discuss the matter of appointment to the Utility Board. He said he wrote a letter to the Council members suggesting a person to fill this vacancy, and if there were no objections, he would like to move the suspension of Rule 10 in order that the Council confirm the appointment of this person.

Mr. Porter said it was his opinion that this appointment to the Utility Board must be appointed either by the Mayor in writing or by (3) members of the City Council and as yet that has not been done. He said there is also before the Council an opinion by the City Attorney requested by George Swanson, which he believed holds that the Council has changed the Council rules to make that 30 day notice necessary. He asked Mr. McCormick if he were correct.

Mr. McCormick said that was true. The Charter provides that a nomination must be made by the Mayor in writing or by (3) members of the City Council and the Rule No. 10 recently adopted by the Council says essentially that "in all above mentioned appointments, the Mayor of the City of Tacoma and/or the members of the City Council making any nomination of candidates for any such appointments shall submit the name of the person to be appointed or nominated to all members of the Council in writing at least 30 days prior to the making of such contemplated appointment". The ruling that the Legal Dept gave was to the effect that insofar as this appointment to the Utility Board is concerned, it is a Charter appointment and is not an appointment which is required and designated to be made by the Mayor by State Law. Therefore, he added Mr. Porter is correct in the statement just made.

Mr. Porter said it is the opinion of the Chair that the Council rules prevail in this case, and in order to change them there must be two readings of the Resolution; he asked Mr. McCormick if, in order to suspend Rule 10, or any other Council rule, if there is a method whereby this can be done at one meeting without first reading or prior notice.

Mr. McCormick said in the event of the suspension of any rule, it must be done by the vote of a majority-plus one of the Council members present. Therefore in his opinion if one rule can be suspended in this manner, any rule can be suspended in the same manner.

Mr. Bott said he was of the opinion Rule 10 is a very good idea. However, when he suggested the new rule it was pertaining to an expiration of a term of office, and that the Mayor should notify the Council 30 days prior to the expiration date. He asked if this would hold true in the case of a vacancy.

Mr. Porter said as he recalls the Charter states that a vacancy be filled in the same manner as the original appointment

Mr. Bott said then that would automatically cover a vacancy as well.

Mr. McCormick pointed out that unless a name is submitted in writing with the signatures of three of the Council members, it would be out of order.

Mr. Porter said it was the Chair's opinion that there would have to be a nomination and that there would have to be a vote of at least 6 to 2 this evening to suspend the rules in order to take action.

Mr. Cvitanich thanked Mr. McCormick for the speed in which he prepared the requested legal opinion on Rule 10.

Mr. Bott said it was his opinion that this matter of the Utility Board appointment should not be taken up until the Mayor can be in attendance, inasmuch as he is ill it seems only fair that he should be considered.

Mr. Bott then moved that the regular Council meeting be adjourned in order to reconvene on the budget hearings. Seconded by Mr. Murtland.

Voice vote taken. Motion carried.

Council recessed for 15 minutes.

The Council reconvened at 8:30 P. M. for the Budget Hearing.

Present on roll call 7: Bott, Cvitanich, Easterday, Murtland, Olson, Porter and Price. Absent 2; Steele and Mayor Hanson.

Mr. Porter said a request has been made by Mr. William Whinery to speak this evening.

Mr. William Whinery, State Vice President of the Washington Society of Professional Engineers, reading from a letter from Mr. Dodge, Tacoma President, said it is their opinion that salary grades for professional engineer employees should be increased by 2 1/2 salary ranges in order to make them more competitive with the Tacoma private pay schedule. They further believe that the increases should be on the basis of percentage rather than flat across the board increases. The percentage basis is the only successful method by which the professional employees can be properly compensated for increased responsibility.

Mr. Whinery remarked, as stated in the letter, they are concerned with the ability of the City of Tacoma to retain some of its top engineers unless their salaries are raised as requested.

Mr. Easterday asked how many employees this would involve in the No. 2 and better bracket, and how much money would it involve.

Mr. Rowlands said about 75 to 100 employees would be affected, and it would involve between \$42,000 and \$50,000.

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Mr. Cvitanich asked how Tacoma's pay rate compared with the state in these positions.

Mr. Rowlands said generally speaking the State is higher than Tacoma about 1 to 1 1/2 step, and Tacoma is higher than Seattle.

Mrs. Olson asked how much more in benefits do the engineers receive by working for the City than for private industry.

Mr. Whinery said private industry now offers almost identical fringe benefits plus higher salaries.

Mr. Rowlands said the fringe benefits of private industry have been catching up rapidly, and in some cases have exceeded the municipal fringe benefits.

Mr. Whinery thanked the Council for allowing him to present his request for the Technical Engineers.

Mr. Porter thanked Mr. Whinery and then asked Mr. Rowlands if there were any other matters scheduled for this evening's budget hearing.

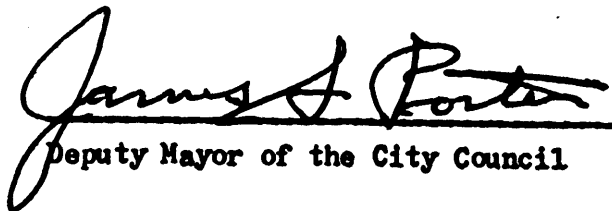
Mr. Rowlands said that there was not, but that there were three groups to be heard on Wednesday evening: The Transit, The Police and the Technical Engineers and Architects.

Mrs. Olson said she appreciated the rapid response on the request she made for the Association Dues list. However, she added, she also requested a list of publications to which the City subscribes and wondered if a supplemental list could be prepared.

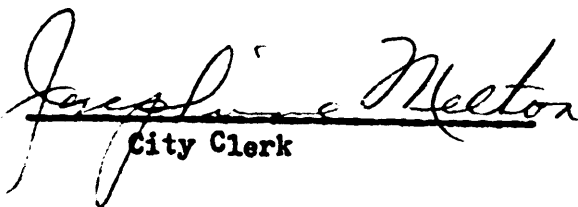
Mr. Rowlands said that was being prepared and would be available Wednesday morning.

Mr. Porter thanked the audience for their interest and attendance. He said the Council will recess the meeting to reconvene Wednesday morning at 7:00 P. M.

Meeting recessed at 9:15 P. M.


Deputy Mayor of the City Council

Attest:


City Clerk