

Desk

## CITY COUNCIL MINUTES

City Council Chambers, 7:00 P. M.  
Tuesday, June 13, 1961

Mr. Bott moved that Mrs. Price be the presiding officer in the absence of Mayor Hanson and Deputy Mayor Porter. Seconded by Mr. Easterday. Voice vote taken. Motion carried.

Council met in regular session. Present on roll call 5: Bott, Easterday, Olson, Price and Steele. Absent: Cvitanich, Murtland, Porter and Mayor Hanson.

Mr. Easterday moved that the minutes of May 31, 1961 be approved as submitted. Seconded by Mr. Bott. Voice vote taken. Motion carried. (Mrs. Price not voting as she was absent from the meeting of May 31st, 1961.)

### HEARINGS AND APPEALS:

The City Planning Commission recommending the denial of the petition of Ray Powell requesting the rezoning of property located on the south side of So. 40th Street between Alder and Union Ave. from an "R-3" to an "M-1" District. Appeal has been filed by Mr. Powell.

Mr. Easterday moved that July 11, 1961 be set as the date for hearing on the appeal. Seconded by Mr. Bott. Voice vote taken. Motion carried.

This is the date set for hearing on the appeal filed by Harold A. Dabroe from the decision of the Planning Commission in denying his petition for the rezoning of property located at the northwest corner of So. 38th & J Street from an "R-3" to a "C-1" District.

Mr. Easterday said since there were so many members of the Council absent he would move that the hearing on the appeal be postponed for two weeks. Seconded by Mrs. Olson.

After a brief discussion on the motion, Mr. Easterday with the consent of Mrs. Olson amended his motion to postpone the hearing for 1 week, until June 20, 1961. Voice vote taken. Motion carried.

### RESOLUTIONS:

#### Resolution No 16606:

Approving the plat of Berkeley Groves Addition for property located on East "T" Street to Roosevelt Ave. between East 68th and East 72nd Street.

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. 16607:

Approving the plat of Herstad's 3rd Addition for property bordering East T St. on the west between East 68th and 72nd Street.

It was moved by Mr. Easterday 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. 16608.

Revising certain sections of the limited access provisions for the Tacoma Freeway, Primary State Highway No. 1 in the area of East D to East R and in East R to the east corporate limits of the City of Tacoma.

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

Mr. Rowlands said this coincides with the plan outlined by the State Highway Dept. at the Public hearing held in the Utilities Building in 1957, at which time representatives of the Highway Dept. outlined the route through the City. The reason for this particular Resolution is to make certain that access is provided for the existing residents abutting the Freeway.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16609:

Authorizing and directing the Public Utility Board of the City to award the contract for the construction of water mains in So. 28th from Yakima Ave. to J Street in the amount not to exceed \$7,300 payable from the Center St. Urban Renewal Project Expenditures Account No. Wash. R-1.

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

Mr. Bott said the Resolution stated that the "Public Utility Board of the City of Tacoma be and they are hereby authorized and directed to award the contract." He asked if there had been any bids on this project.

Mr. McCormick explained that the Resolution would authorize the calling for bids.

Mr. Bott said he thought the Resolution should be worded more clearly then, and state "calling for bids and awarding contract."

Mrs. Olson then moved to amend the Resolution by inserting the words "to call for bids" between "directed" and "to award the contract." in the last paragraph. Seconded by Mr. Bott. Voice vote taken. Motion carried.

Voice vote was taken on the Resolution as amended.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16610:

Authorizing the creation and appointment of a Citizens Interim Committee.

It was moved by Mr. Steele 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.

FIRST READING OF ORDINANCES:

Ordinance No. 16829:

Amending the Official Code of the City relating to zoning by adding a new section known as Section 13.06.115-3 to include property on the south west corner of So. 64th & Yakima Ave. in a "C-P-N" Planned Neighborhood Shopping Center District (petition of Harley R. Bailey)

Read by title and placed in order of final reading.

Ordinance No. 16830:

Amending section 5.20.110 of the Official Code of the City in reference to Commercial Service-Cash Deposit on garbage. Read by title.

Mr. Rowlands said at the present time there are a number of unclaimed deposits dating back for some years. Often times it is difficult to locate these individuals. It is felt if the City goes to the trouble of trying to locate these people, it is certainly worth a fifty-cent service charge. Of course, if the whereabouts of the people cannot be ascertained, the money reverts to the Utility Fund. This is actually a gesture of good will in trying to locate those persons who have not picked up their deposits.

Mrs. Olson asked if the City has pursued the policy of searching for these people in the past.

Mr. Rowlands said to his knowledge it has been done in the Garbage and Sewer Utility, but not in an aggressive way.

Mrs. Olson asked if the City would pursue a more aggressive policy in trying to find these people if this 50 cent charge is made.

Mr. Rowlands said he thought this should be the case.

Mrs. Olson said before the Council adopts this Ordinance, it should be made clear through an amendment that the City does intend to pursue a policy to make a real attempt to find these people.

Mr. Rowlands said the words "a search has been made" could be added to the Ordinance.

Mrs. Olson then moved to amend the Ordinance to read "a search therefore has been made" in place of "a search is necessary. Seconded by Mr. Steele.

Mr. Bott said there is in effect a statute that provides after seven years the money reverts to the fund and it is not collectable. Therefore, he thought there should be some period of time included in the Resolution, such as, after a year or two year's inactivity a search will be made and a charge made against the deposit.

After further discussion as to the time limit, Mr. McCormick, City Attorney, suggested that since this is first reading of the Ordinance, the Council allow him to check the Statutes, after which he will prepare amendments to coincide with the suggestions of the Council for their consideration next week.

The Ordinance was then placed in order of final reading.

Ordinance No. 16831:

Amending Section 5. 20. 180 of the Official Code of the City by changing the table of rates for use of the Refuse Disposal area to include a schedule of rates for County Residents. Read by title.

Mr. Bott asked if the City has been making a charge differentiating between the County and City in the past.

Mr. Rowlands explained that heretofore a charge has not been made for residential people dumping refuse. This Ordinance will provide for this charge and also differentiate between the County resident and the City resident; and also adjust the fee in re county commercial vehicles dumping in City owned dumps.

The Ordinance was then placed in order of final reading.

Ordinance No. 16832:

Vacating a 17 foot strip of property on the east side of Union Avenue between So. 47th and So. 48th Street. (petition of Roger A. Guilmett, et al) Read by title and placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 16812: ( ) postponed from the meeting of May 23, 1961;

Amending Sec. 1.06.226 & 227 of the Official Code of the City in reference to "Cancellation and amounts due the City." Read by title.

Mr. Rowlands said this Ordinance had been postponed from the meeting of May 23, 1961 in order that the Utilities Department be given an opportunity to study the Ordinance. He added, they have submitted several suggestions which the General Government staff reviewed and have no objections to the changes, therefore, a copy of the Ordinance incorporating these changes has been distributed to the Council. The changes proposed are in the first paragraph, Section 1.06.226-No amounts in excess of \$1500.00 can be written off without the authorization by resolution of the Council or of the Public Utility Board, upon recommendation of the City Manager for the general government and upon recommendation of the Director of Public Utilities for the Department of Public Utilities, as the case may be.

Under the second paragraph of this section it is provided that amounts due the City, not greater than \$1500.00 may, after reasonable efforts for the collection or settlement thereof have been exhausted, be authorized to be canceled, written off or settled in part upon recommendation of the City Attorney and with the approval of the City Manager or the Director of Utilities as the case may be.

Mr. Steele moved that Ordinance No. 16812 be amended to correspond with the recommended changes; that Section 1, first paragraph, 4th line from the bottom after the word "Council" read "or of the Public Utility Board upon recommendation of the City Manager for the general government and upon recommendation of the Director of Public Utilities for the Department of Public Utilities as the case may be." Also in the second paragraph of Section 1, 4th line from the bottom, after the words "in part" add the words "upon recommendation of" and in the 3rd line from the bottom add "and" before "with the approval of the City Manager". Seconded by Mr. Bott. Voice vote was taken on the motion. Motion passed.

Mrs. Olson then noted that at the end of the Original Ordinance No. 16812 it is stated that the changes are so extensive that underscoring of the changes has been omitted. She asked for an explanation of this statement.

Mr. McCormick explained that Ordinance No. 16812 amends a previous Ordinance enacted in 1918 and the changes are so extensive, the sections are almost completely rewritten, that it was impossible to underline the amendments.

Mrs. Olson said in this case, she would move that the Ordinance be postponed for 1 week in order that the Council may compare it with the original Ordinance. Seconded by Mr. Easterday. Voice vote taken. Motion carried.

Ordinance No. 16825:

Authorizing and directing the City Attorney of the City of Tacoma to condemn property for the purpose of the construction, installation and maintenance of a storm sewer in the vicinity of So. Tacoma Way. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 5; Nays 0; Absent 4; Cvitanich, Murtland, Porter and Mayor Hanson. The Ordinance was then declared passed by the Chairman.

Ordinance No. 16826:

Creating and establishing a new fund in the City of Tacoma known as the "Public Works Building Fund." Read by title.

Mr. Easterday explained that in the beginning he opposed the Public Works Maintenance Center but he realizes that it takes 5 votes to pass the Ordinance this evening, therefore, he will vote for the creation of the fund even though he does not approve of the expenditure of the money.

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

Ayes 5; Nays 0; Absent 4; Cvitanich, Murtland, Porter and Mayor Hanson. The Ordinance was then declared passed by the Chairman.

Ordinance No. 16827:

Creating and establishing a new fund in the City of Tacoma known as "The 15th Street Bridge Construction Fund." Read by title and passed.

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

Ayes 5; Nays 0; Absent 4; Cvitanich, Murtland, Porter and Mayor Hanson. The Ordinance was then declared passed by the Chairman.

Mr. Rowlands said the State Highway Dept. is working very closely with the Public Works Dept. in developing traffic counts and surveys in this area. If the 15th Street Bridge can be synchronized with the "A" Street extension from the interchange it will be all one complex.

Ordinance No. 16828:

Amending Sections 4, 6 & 7 of Ordinance No. 16660 in reference to Bench Advertising. Read by title and passed.

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

Ayes 5; Nays 0; Absent 4; Cvitanich, Murtland, Porter and Mayor Hanson. The Ordinance was then declared passed by the Chairman.

UNFINISHED BUSINESS:

The Director of Public Works presents the assessment roll for the cost of the improvement for L I D 6770 for modern lights on existing wooden poles in the vicinity of North 14th & Shirley and nearby streets.

Fixing Monday, July 24, 1961 at 4:00 P. M. as the date for hearing.

Mr. Easterday moved that Monday, July 24, 1961 at 4:00 P. M. be fixed as the date for hearing on the assessment roll for L I D 6770. Seconded by Mr. Steele. Voice vote taken. Motion carried.

ITEMS FOR FILING IN THE OFFICE OF THE CITY CLERK:

- a. Employee's Retirement System report for the month of May, 1961.
- b. Progress report from the Urban Renewal Office.

COMMENTS:

Mr. Rowlands said a few weeks ago information was requested by the Council on the cost of the escalade. He said MC-355 which will be distributed to the Council at the present time, indicates clearly that the original estimates for the cost of these projects was reasonably accurate, since approximately \$875,000.00 will have been expended by the time the eight moving ramps are completed.

It is also pointed out that the City is negotiating with the Washington State Tax Commission to eliminate the sales tax on the project since the City contends that the Escalades come under the provisions for public roads or rights-of-way and are not therefore subject to the State Sales tax. A ruling should be forthcoming on this shortly, he added.

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Mr. Rowlands explained that MC 356 has also been distributed to the Council regarding the Cheney Stadium construction costs to date, which shows that there has not been as much expended for the construction than was anticipated.

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Mr. Rowlands asked if it was agreeable with the Council, he would be taking a few days vacation for a trip to Washington, D. C. to attend a meeting of the I. C. M. A. Executive Board. The expense of the trip, he added, is underwritten by the I. C. M. A. On Monday he will also arrange a meeting with Senator Magnuson and Congressman Tollefson regarding the Mt. Rainier Ordinance Depot. He said many facts have been gathered on this situation and

he was quite happy to hear that the Congressional Committee will hear all the facts because the Defense Dept. has been quite adamant toward the proposition. It is felt that the facts will justify retention and continuation of the operation because the Defense Dept. is not eliminating the activity; it is merely transferring it to Tooele, Utah which will be quite costly. It is felt that the Defense Dept. was definitely in error, premature and inaccurate in the assessment of the situation. This is the approach that is being taken by the County and City Officials on this matter.

Mr. Bott moved that Mr. Rowlands be excused to attend this Conference in Washington D. C. Seconded by Mr. Easterday

Mr. Steele asked, if he understood correctly, that the I. C. M. A. was bearing the cost of this trip.

Mr. Rowlands said the I. C. M. A. will pay his traveling expenses and other expenses while he is attending the meeting. However, he will be staying in Washington two additional days to meet with the Senator and Congressman on Monday and to participate in the International Association of Municipalities on Tuesday morning.

Mr. Bott said he would amend his motion so that Mr. Rowlands is excused for the necessary length of time and any additional expenses to be borne by the City. Seconded by Mr. Easterday. Voice vote taken. Motion carried.

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Mr. Easterday said he would like to request that a Resolution be prepared to change the Council's meeting from Tuesday evening to Monday evening as he felt this would be more convenient for all.

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Mr. Easterday said several members of the Council have received a letter from Mayer Peterson Builders regarding their recent purchase of the parcel of land known as the Swan Creek area. He asked that the letter be read by the Clerk. He said he did not particularly like the thought expressed in the letter which stated, "You buy, or we'll have the City create a condition you don't like." He thought the City would come up with a non-controversial solution to its dumping problem, a solution which doesn't involve Swan Canyon.

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Mrs. Price said she had a comment she would like to make for the record. Approximately 3 weeks from May 23rd to June 6th there was a Resolution, No. 16555, on the Agenda, introduced by Mr. Cvitanich in regard to an audit. This was originally held over due to the illness of Mr. Cvitanich. However, on May 31st, she was unable to attend the Council meeting due to illness and, therefore, she did not vote on the Resolution. She said she would like to state at this time that reference has been made to her vote on this specific Resolution, and she would like to make it clear that she was not in attendance when the Resolution passed. Last week, she added, Mr. Cvitanich introduced another Resolution No. 16604 requesting that the Council avail itself of the offer of the Tacoma Chapter of the Washington Society of Certified Public Accountants to assist them in setting up the procedure of selecting a firm of certified public accountants. At that time the Resolution as amended was passed unanimously. Later on in the meeting,



she made a motion that the Council meet with the Certified Public Accountants on June 20th, 1961. That motion was carried.

She also stated, that when she took office, she took an oath of office which says: "I do solemnly swear that I will support the Constitution of the United States and the constitution of the State of Washington, that I will comply with the City Charter, and all Ordinances of the City, and that I will faithfully and impartially discharge the duties of the office", that she has done to the best of her ability and will continue to do so as long as she is in office

Mrs. Price said, when this meeting with the Public Accountants is held next Tuesday noon she is certain that all of the Council members will be able to come to some conclusion as to the kind of audit that is required by the City Charter, and she will certainly express herself on the matter and will support the Charter.

Further, Mrs. Price continued, in January of 1961, the Council requested Mr. Rowlands to terminate the contract with Lybrand Ross Bros. and Montgomery, Certified Public Accountants, so that a local firm might be hired to audit the books. This is what the Council has been working on and contemplating doing for this year.

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Mr. Steele reported that he attended the Flag Day Ceremony at the New Tacoma Cemetary at 2:00 P. M. Sunday, June 11th, and represented the City of Tacoma.

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Mrs. Price reminded the Council of the Fishing Derby to be held Thursday at 1:00 P. M at the Point Defiance Boat House.

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Mrs. Olson leaving at this time.

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Mr. Bott said he had the pleasure of representing the City today in bringing greetings to the Northwest Conference of Methodist Ministers.

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Mr. Bott also said there has been a great deal of discussion about a pressure group or majority group trying to avoid this audit. He said he takes exception to that statement and did not feel that he was a member of any majority or minority group. He is simply a member of the City Council and votes as he feels is right. He, along with other members of the Council, is desirous of meeting with this group of professional accountants who will give their advice on how the Council can properly implement the Charter.

Another matter, he said, is that much has been said about the Council and other representatives of the City abusing expense account privileges while on City conventions and other City business. For the record, he would like it known that the Council members are paid the equivalent of \$100 a month or \$1200 a year maximum. For the last month, he along with other members of the

Council have been serving with no pay as the \$1200 allotted to each member has been expended. He thought these accusations of abusing expense accounts have been unjust

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Mr. Bott remarked that he was more than happy to hear that Mr. McCormick, City Attorney, was presented with a scroll at the recent convention in Seattle in recognition of his outstanding work on behalf of the City of Tacoma and the City attorneys. He thought this was a very fine compliment to Mr. McCormick

Mrs. Price said she had asked Mr. McCormick to bring the commendation with him this evening, which is the first and only award of this type to be made. Mrs. Price read the commendation and said the Council, and the City as a whole, should be very proud of this recognition also.

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Mr. Easterday said he attended the convention in Seattle of the Association of Washington Cities last Thursday and enjoyed it very much. He said he received a copy of the local paper which stated that some group of the City Council had boycotted the convention. He would like to state at this time for those members referred to, that Mr. Porter was unable to attend because of his business, Mr. Cvitanich because of his health, and Mrs. Olson because her children needed her attention. For himself, he said, at the previous convention he had unsuccessfully advocated an initiative to get for the cities a share of the sales tax, and didn't want to attend this convention and make himself obnoxious by saying, "I told you so." He wanted it known he was not boycotting the convention; rather he stayed away to prevent casting an unfavorable light.

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Mr. Bott said another point he would like to mention, due to Mr. Rowlands efforts in getting the committee of Council men & Mayors interested, there is a possibility that the Underwriters' requirements and standards might be reexamined to such an extent that by modernizing the standards, Tacoma alone would be able to save considerably more than the cost of the representation of the entire body to the organization, by far.

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Mr. Harry R. Thompson of 4944 N. Vischer St., said that he has received a notice from the City of Tacoma which states that on or after July 1, 1961 they will proceed with foreclosure proceedings against his home because he refuses to pay a sidewalk assessment. The reason he refuses to pay this assessment, he added, is that he is not satisfied with the sidewalk in its present condition. At the time of the construction a truck ran over the sidewalk braking the cement. He said he has complained to the Public Works Dept. and has received no action.

Mrs. Price asked that Mr. Rowlands call this to the attention of the

City Council Minutes - Page 11 - June 13, 1961

Public Works Dept. and see that this is taken care of.

Mr. Rowlands said that he would take care of the matter and if Mr. Thompson would check with his office there would be some solution to this very soon.

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Mrs. Botts said she recently filed a claim against the City for personal injuries that she received after falling into a caved in area on a public street. She asked what the progress was on this claim.

Mrs. Price said she was certain that the claim had been referred to the City Attorney for his study and Mrs. Botts would receive notification as soon as a decision was reached.

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There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 8:55 P. M.

Ellen Price  
Acting Mayor

Attest:

Josephine Melton  
City Clerk