

CITY COUNCIL MINUTES

City Council Chambers, 7:00 P. M.
Tuesday, May 8, 1962

Council met in regular session. Present on roll call 7: Cvitanich, Murtland, Olson, Porter, Price, Steele and Mayor Tollefson. Absent 2: Bott and Haley. Haley coming in at 7:05 P. M. and Bott coming in at 7:10 P. M.

Mrs. Price moved that the minutes of April 24, 1962 be approved as submitted. Seconded by Mr. Steele. Voice vote taken. Motion carried.

PETITIONS:

a. Petition submitted by Hokold Investment Corp. requesting the rezoning of property located at 73rd and So. Hosmer from an "R-2" to a "CFP" District. ²²⁹

b. Petition submitted by Hokold Investment Corp. requesting the rezoning of property located at 73rd to 76th St. on So. Alaska from an "R-2" to an "R-4-L" District. ²⁹⁰

c. Petition submitted by M. E. Chase requesting the rezoning of property located at So. 74th and Tyler from an "R-2" to an "R-4-L" District.

Referred to the Planning Commission.

RESOLUTIONS:

Resolution No. 17033:

Fixing Tuesday, June 5, 1962 at 7:00 P. M. as the date for hearing on the vacation of a portion of Ainsworth Ave. between the N. P. Ry. right-of-way and Center St. (Petition of Max Rosen) ²⁷²

It was moved by Mr. Cvitanich 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. 17034:

Awarding contract to Stacy-Benson & Associates for L I D 2322 on their bid of \$7,675.25 which was determined to be the lowest and best bid.

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.

Resolution No. 17035:

Rejecting all bids received on L I D 4679 for the reason they exceeded the Engineer's estimate.

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

Mrs. Olson said she did not think there was enough difference in the Engineer's estimate and the lowest bid submitted to reject the bids.

Mr. Hamilton, Assistant City Attorney, explained that the specifications were drawn up on a "foot board measure." Two of the three bids submitted were figured on a "per 1000 board foot"; the other bid submitted was figured on a "foot board measure." However, the extensions were carried out correctly and all three of the bids were comparable. The staff felt the specifications were ambiguous, inasmuch as lumber is sold in "1000 foot board measure", which is the normal term used in the trade. Therefore, the problem involved is the question of interpretation of the specifications as written. He said, it was entirely up to the Council how they wish to proceed, whether to reject or to accept a bid.

Mrs. Olson asked if the firms who had bid on the specifications objected to the ambiguity of the wording of the actual bid cost.

Mr. Hamilton said there were no objections.

Mrs. Olson moved to set the Resolution over for one week to have a properly worded Resolution prepared, or perhaps, the problem resolved by the Public Works Dept. No Second.

Mayor Tollefson asked Mr. Hamilton if he believed the legal staff could substantiate the awarding of this bid to Woodworth and Co. on the possibility of the Council waiving the defect, and also, if the legal staff could substantiate the bid of Morris Construction who was the second low bidder who submitted their bid correctly.

Mr. Hamilton said he thought they could.

Mr. Archie Blair, Attorney representing Woodworth and Co., stated that lumber is measured by "1000 board foot," therefore, it was an obvious clerical error in the specifications. The question is whether the City Council wishes to award the contract to the low bidder or whether they wish to call for new bids.

Mr. Steele moved that the Resolution be rejected and the contract be awarded to Woodworth and Co. as being the lowest and best bid in the amount of \$137,840.93. No second.

Roll was taken on the Resolution resulting as follows:

Ayes 2; Nays 7, Bott, Cvitanich, Murtland, Olson, Porter, Price and Steele. Absent 0.

The Resolution was then declared Lost by the Chairman.

Mrs. Olson then moved that a Resolution be prepared for next week's agenda awarding the contract to the lowest and best bidder. Seconded by Mr. Cvitanich.

Mr. Murtland moved to amend Mrs. Olson's motion to award the contract to Woodworth and Co. Seconded by Mr. Bott. Roll call was taken on Mr. Murtland's amendment to award the contract to Woodworth and Co. Ayes 7; Nays 2; Haley and Tollefson. Motion carried.

Roll call was taken on Mrs. Olson's motion as amended. Ayes 7; Nays 2; Haley and Tollefson. Motion carried.

Resolution No. 17036:

Awarding contract to Woodworth & Co. for L I D 4686 on their bid of \$52,731.85 which was determined to be the lowest and best bid.

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

Voice vote was taken on the Resolution.

The Resolution was then declared, adopted by the Chairman.

Resolution No. 17037:

Awarding contract to Stacy-Benson & Associates for L I D 4699 on their bid of \$42,397.55 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. 17038:

Authorizing the proper officers of the City to execute a real estate contract to M. L. & Joan E. Milton for property near No. 48th & Bristol Streets for the sum of \$3300.00.

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

Mr. Haley asked for an explanation of the Resolution.

Mr. Rowlands explained, a number of lots throughout the City are owned by the L. I. D. Guaranty Fund, they have been acquired over the years for non-payment of assessments, taxes, etc. In order to get control of the lots, it is necessary to purchase the County's interest from the standpoint of taxes. The Treasurer's Dept. maintains a list of these properties and they are advertised periodically, whereby the public has an opportunity to buy the property at a public sale and the profits are put in the L. I. D. Guaranty Fund.

Mr. Hamilton, Assistant City Attorney, stated that under the State Statutes these properties are held for a period of two years, during which time the owner can redeem. At the end of the redemption period the City takes the Treasurer's deed and holds it in trust for the L. I. D. Guaranty Fund, then they are available for public or private sale. The City has the option of paying the County's delinquent taxes without interest; if it fails to do so in a years time, the City loses its lien.

Mr. Cvitanich asked if the City has purchased some of this property in various parts of the City for recreational purposes.

Mr. Buehler, Director of Planning, explained, before the property is put up for public sale, a list of the property is sent to all interested governmental agencies, such as the Park Board, Schools, etc. In this same general area, the City set aside approximately 10 acres for an additional expansion for a Senior High School near the Point De fiance School.

Mr. Cvitanich asked if the Zoning Ordinance requires builders to set aside areas for recreation purposes in housing developments.

Mr. Buehler stated that would be under the sub-division regulations. There is no provision made in the Zoning Ordinances.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 17039:

Authorizing the proper officers of the City to execute a real estate contract to M. L. & Joan E. Milton for property located near No. 43th and Bristol Streets for the sum of \$1100.00.

It was moved by Mr. Haley 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. 17040:

Authorizing the proper officers of the City to execute a real estate contract to M. L. and Joan E. Milton for property located near No. 48th and Vassault Streets for the sum of \$3500.00.

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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. 17041:

Authorizing the proper officers of the City to execute a real estate contract to M. L. and Joan E. Milton for property located near No. 46th and Bristol St. for the sum of \$5500.00.

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

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 17042:

Authorizing the proper officers of the City to execute a real estate contract to Nick Genna, Jr. for property located on No. Vassault near No. 43rd for the sum of \$1150.00.

It was moved by Mr. Cvitanich 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. 17043:

Authorizing the proper officers of the City to execute a real estate contract to John Vittoni for property located near No. 45th and Bristol Streets.

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. 17044:

Authorizing the proper officers of the City to execute a real estate contract to James H. & Cornelia Lasley for property located near No. 50th and Bristol for the sum of \$175.00.

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

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 17045:

Authorizing the proper officers of the City to execute a real estate contract to Jardeen Bros. for property located near No. 48th and Bristol for the sum of \$2650.00.

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

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 17046:

Authorizing the proper officers of the City to execute a real estate contract to Hokold, Inc. for property located near So. 74th and between Sheridan and "J" Streets for the sum of \$8500.00.

It was moved by Mrs. Price that the Resolution be adopted. Seconded by Mayor Tollefson.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 17047:

Authorizing the proper officers of the City to execute a real estate contract to Manfred J. Vierthaler for property located on So. 42nd St. near Steele St. for the sum of \$660.00.

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. 17048:

Authorizing the proper officers of the City to execute a real estate contract to James & Rose Wood for property located on No. Vassault near 44th St. for the sum of \$1900.00.

It was moved by Mrs. Price that the Resolution be adopted. Seconded by Mayor Tollefson.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman. •

Resolution No 17049:

Authorizing the proper officers of the City to execute an assessment deed to Riley & Janice A. Jordan for the sum of \$200.00 for property located on So Alder near 45th Street

It was moved by Mr. Cvitanich that the Resolution be adopted seconded by Mr. Haley.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No 17050:

Authorizing the proper officers of the City to execute a real estate contract to Miller Construction Co. for property on No. 46th St. near Cassault & Bristol Streets for the sum of \$45,600.00

It was moved by Mr. Murtland that the Resolution be adopted seconded by Mayor Tollefson.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 17051:

Authorizing the proper officers of the City to execute a supplemental agreement with the N. P. Railway Co. for construction of sewers between So. M and Lawrence Streets.

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

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No 17052:

Concurring in the request of the Local Authority to the Public Housing Administration that the payment of the Federal & local contributions of the United States Housing Act of 1937, as amended, be made applicable by the annual contributions contracts to such additional Projects.

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

Mr. Rowlands asked Harald Bergerson, Executive Director of the Tacoma Housing Authority, to give a brief resume of the Resolution.

Mr. Bergerson explained that there is an agreement between the City of Tacoma and the Housing Authority to bring up to standards and hold 900 units of public housing at the Salishan Project. At the present time, the Housing Authority has gone through two stages of this contract. After the bonds have been paid off financing this project, probably at the end of a 35 year period, any residual receipts that are left will be divided between the City and the Federal Government in proportion to what contribution each has made toward the project. The statutes were changed again in 1961 whereby the Housing Authority and the City have a choice, whether to follow the present procedure, or the revised statute. It was the opinion of the Housing Authority Commissioners to continue the present procedure because the Commissioners felt that consistency dictated that similar conditions should prevail throughout the housing project as it is on one site.

Mr. Bergerson, further added, there are approximately 900 units of low rental public housing, and there is a waiting list of approximately 300 people.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

FIRST READING OF ORDINANCES:

Ordinance No 17055:

Vacating Woodlawn St. between So. 10th & 11th St. (petition of J. J. Sleavin) Read by title. 175

The Ordinance was then placed in order of final reading.

Ordinance No. 17056:

Vacating the north 20 feet of No. 48th St. between Mullen & Gove Streets. (petition of H. L. Wood) Read by title. 126
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The Ordinance was then placed in order of final reading.

Mr. Steele left at this time.

FINAL READING OF ORDINANCES:

Ordinance No. 17047: (postponed from the meeting of May 1, 1962)

Amending Sections 2, 5, 7 and 8 of Ordinance No. 16921 passed November 7, 1961 relating to Urban Renewal & establishing the land disposition policies and procedures in the Center St. Project. Read by title

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Mayor Tollefson said there was an amendment to the Ordinance. The only change is on page 2, 3rd paragraph, the word "qualified" in the first line was deleted.

Mr. Haley moved to amend the Ordinance to delete the word "qualified." Seconded by Mrs. Price.

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

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

Ordinance No. 17054:

Amending Sec. 10.20.055 of the Official Code of the City so that the amount of City participation for the cost of repair or replacement of sidewalks or curbs shall be paid from the City Street Fund. Read by title.

Mr. Rowlands explained the cost for the construction of sidewalks, curbs or replacement of sidewalks will be paid from the City Street Fund instead of the Sidewalk Construction Fund.

Roll call was taken on the Ordinance resulting as follows:

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

REPORTS:

- a. Six Year Capital Improvement Program.
- b. Report from the Tacoma Employees' Retirement System for the month of April 1962.
- c. Report from the City Planning Dept. for the month of April 1962.

UNFINISHED BUSINESS:

The Director of Public Works presents the following assessments for the cost of improvements:

- a. L I D 3505 for sanitary sewers in the vicinity of 96th St. between Sheridan & McKinley Avenue.
- b. L I D 4669 for paving on Manitou Way from So. 66th north 1100 feet; also So. Lawrence from So. 56th to So. 58th St.
- c. L I D 4688 paving on No. Adams from No. 24th to 27th; No. 28th from Proctor to Monroe; N. 15th from Jackson to James; Harmon from No. 13th to No. 17th & Shirley from No. 30th Street.

It was moved by Mrs. Price that Monday, June 11, 1962 at 4:00 P. M. be fixed as the date of hearing on the assessment rolls.
Seconded by Mayor Tollefson.

Voice vote taken. Motion carried.

d. The Director of Public Utilities presents the assessment roll for the cost of L I D 5332 for water mains in Mildred St. from No. 17th to 24th; Lexington from No. 17th to No. 23rd; No. 23rd from Lexington to Mildred and No. 24th from Mildred to Hawthorne Drive.

It was moved by Mrs. Price that Monday, June 11, 1962 at 4:00 P. M. be fixed as the date of hearing on the assessment roll for L I D 5332. Seconded by Mr. Haley. Voice vote taken. Motion carried.

COMMENTS BY THE CITY MANAGER:

Mr. Rowlands explained, the Capital Improvement Program 1963-1968, which has been distributed to the Council, is a list of suggested recommendations as to what projects might be considered by the City Council and the Planning Commission for the next six year period. Throughout this report, the items that were deleted under each category were listed to point out what projects were initially included but were deleted due to financial limitations. Changes can be made by the Council before the plan is approved.

Mayor Tollefson asked the Council if they had anything to add at this time concerning the proposed 6-year program. He said, he realizes the Council as yet has not had sufficient time to study the program, but perhaps, the Planning Commission will have some recommendations that are not included in the program. Mayor Tollefson suggested the program be submitted to the Planning Commission for their recommendation as well as any other suggestions they might have to be brought before the Council for study.

Mr. Bott moved that the 6-year program be referred to the Planning Commission for their study and recommendations. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

Mr. Rowlands said he has been busily engaged in selecting a man to replace Chief Fisk who is retiring this month as Fire Chief. Every man in the Fire Department, from the rank of Captain to Battalion Chief had the opportunity to submit an application for the position. He said he was very proud to announce that his choice to succeed Chief Fisk is the present Battalion Chief, James W. Riser. He added, he believed Mr. Riser has the ability, initiative and leadership qualities to do a very fine job for the Tacoma Fire Department in the future years. He is a young man and it is their hope that he will have many years of service before he is ready to retire.

Mr. Rowlands introduced Mr. Riser and his wife to the members of the City Council.

Mr. Riser said with a deep sense of responsibility, he accepted the appointment. He expressed his appreciation to Mr. Rowlands for the manner in which the selection was made. The democratic way in which it was handled has earned the admiration of all the Fireman on the Fire Department. It has given incentive to all of the men to improve themselves, as it is said, "any boy has a chance to become President, now every boy on the Fire Department has a chance to become Fire Chief".

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Mr. Bott asked Mr. Rowlands if he would explain how Mr. Riser was selected.

Mr. Rowlands explained , there were 12 candidates for the position who work for the Fire Department with the rank of Captain to Battalion Chief. The applicants were requested to submit a 2500 word paper, in triplicate, pertaining to proposed changes, what they would do, how they would conduct themselves if they were Chief, etc. These applications were screened by qualified men, consisting of Lyle Goodrich, State Board for Vocational Education, who has done a tremendous job in Vocational training in the Fire Departments all over the State. Dr. Don Webster, Director, Bureau of Research at the U. of W. and the Assistant Fire Chief, William James of the Seattle Fire Department. These applications were screened to 6; one man withdrew his application, another was unable to attend, so that left 4. These four men were then interviewed last week and Mr. Riser was the person selected.

Mr. Rowlands presented a brief break down on City of Tacoma Bonded Indebtness, MC-389, which was distributed to the Council members.

COMMENTS BY THE MEMBERS OF THE CITY COUNCIL:

Mrs. Olson asked Mr. Rowlands if the Council could meet for discussion on balancing the budget next week.

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Mr. Rowlands said this has been discussed by the General Government staff and also the Utilities . It was felt, perhaps, the Council would like to wait until the entire new Council members took office in June, unless the Council wishes to proceed differently.

Mrs. Olson said she would feel derelict in her duty leaving an unbalanced budget and would like to go on record as being willing and ready to do whatever necessary to balance the budget.

Mayor Tollefson explained it would be impossible to meet this week as the Council members will be attending the Yakima convention. He thought, perhaps, the Council could meet after the convention as they may come up with a few ideas obtained there.

Mayor Tollefson stated he had read some of the covenants with the land on Urban Renewal negotiations. As far as possible the covenants dealing with private enterprises who develop this area should be as flexible as possible and yet comply with Federal and State laws. In drafting the deeds, covenants, purchase agreements, etc., the language used is to the effect that the covenants which run with the land, the restrictions on the use of the land within the area will run until 1990 with regard to Industrial properties, and until 2000 with regard to Residential property. Since conditions are moving rapidly there may be changes that will take place in that period of time. In the agreements there is language to the effect that property owners, who own a small piece of land in this particular area, would have the same right in court to bring action against any property owner to enforce the covenants, as does the City. Therefore in 25 or 30 years if there has been a radical change, some of these property owners might want to change

land use and the City would have no objections. However, someone in the area might decide they would like to restrict land use for a particular, or no, reason, and thus through enforcing the covenants unduly restrict changes. He asked Mr. Hamilton, Assistant City Attorney, if that type of language could be eliminated as far as giving rights to any third party to enforce covenants even though they don't have a contract when they buy and sell the land.

Mr. Hamilton said he would review the provisions.

Mr. Tollefson said he thought that should be examined and explained to the Council a little further.

NO COMMENTS BY THE PUBLIC

Tom Tollefson
Mayor of the City Council

Attest: *Josephine Melton*

There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 8:20 P. M.