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CITY COUNCIL MINUTES

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

Council met in regular session. Present on roll call 6: Cvitanich, Easterday, Murtland, Olson, Porter and Price. Absent 3: Bott, Steels and Mayor Hanson. Mayor Hanson coming in at 7:10 P.M. Mr. Bott coming in at 7:45 P.M. In the absence of Mayor Hanson, Mr. Porter, Deputy Mayor, presided.

It was moved by Mrs. Price that the minutes of December 20, 1960 be approved as submitted. Seconded by Mr. Easterday. Voice vote on the motion resulted as follows: Ayes 6; Nays 0; Absent 3, Bott, Steels and Mayor Hanson.

HEARINGS AND APPEALS:

Mayor Hanson coming in at this time and assuming the Chair.

This is the date set for hearing on the petition submitted by Lyle Smith, et al, for the vacation of East "E" Street from East 26th Street to the alley between East 25th and East 26th Streets.

Mr. Buehler, Planning Director, explained that the Planning Commission, at their meeting of November 21, 1960, recommended approval of this vacation subject to four conditions, briefly as follows: (1) The petitioner reconstruct the existing curb, (2) The petitioner relocate storm drains, (3) Retention of an easement for the Light Division and (4) The granting of an easement for the Telephone Company.

Mr. Buehler said the petitioners are aware of these conditions and between now and the time the Ordinance is presented to the Council these conditions will have to be fulfilled. He said the petitioners plan to utilize the proposed vacation for the expansion of an existing motel and trailer court facility.

Mr. Easterday moved that the Council concur in the recommendation of the Planning Commission and that the proper Ordinance be drawn vacating the property. Seconded by Mrs. Price. Voice vote on the motion resulted as follows: Ayes 7; Nays 0; Absent 2, Bott and Steels.

RESOLUTIONS:

Resolution No. 16383

Fixing Monday, January 23, 1961 at 4:00 P.M. as the date for hearing on L I D 4664 for permanent paving in the Tanglewood Addition near East "C" and 56th Street.

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

Voice vote was taken on the Resolution resulting as follows:

Ayes 7; Nays 0; Absent 2, Bott and Steels.
The Resolution was then declared adopted by the Chairman.

Resolution No. 16384

Fixing Monday, January 23, 1961 at 4:00 P.M. as the date for hearing on L I D 5331 for cast iron water mains in No. 34th from Union to Puget Sound Avenue; alley in No. 33rd to 34th Street and in No. 35th from Puget Sound to Warner; Warner from No. 35th to 36th and in No. 36th from Union to Lawrence.

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

Voice vote was taken on the Resolution resulting as follows:

Ayes 7; Nays 0; Absent 2, Bott and Steele.
The Resolution was then declared adopted by the Chairman.

Resolution No. 16385

Awarding contract to Shell Oil Company for the annual supply of oil for the year 1961.

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

Voice vote was taken on the Resolution resulting as follows:

Ayes 7; Nays 0; Absent 2, Bott and Steele.
The Resolution was then declared adopted by the Chairman.

Resolution No. 16386

Awarding contract to the Tacoma Daily Index for the Official City printing for the calendar year 1961 at 88¢ per column inch per insertion.

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

Voice vote was taken on the Resolution resulting as follows:

Ayes 7; Nays 0; Absent 2, Bott and Steele.
The Resolution was then declared adopted by the Chairman.

Resolution No. 16387

Authorizing the sale of certain lands held for the use of the Light Division located near the Cushman Transmission Line right-of-way at Highland Street near No. 21st Street, to the Metropolitan Park Board.

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

Voice vote was taken on the Resolution resulting as follows:

Ayes 7; Nays 0; Absent 2, Bott and Steele.
The Resolution was then declared adopted by the Chairman.

Resolution No. 16388

Authorizing the proper officer of the City to execute and deliver to the City of Tacoma a local improvement assessment deed upon payment of \$776.96 by the General Fund, for property located at No. 35th Street east of Vassault to be used for park purposes.

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

Mr. Rowlands said this is a very good proposition for the Park Board as it will provide them with 15 acres of land which can be developed for park purposes in the future to serve this particular area. He said it will be necessary for a payment of \$776.96 to be made from the General Fund to the L I D Guaranty Fund to accomplish this and he felt there should be some tentative understanding with the Park Board that they in turn will reimburse the City in this amount. Initially, it was thought that this payment of \$776.96 would not be necessary since the City sold some adjacent property some time ago for \$20,000, which more than made up the amount of money the L I D Guaranty Fund required; but in checking with the City Attorney it was found that this amount would definitely have to be set aside for these lots in the L I D Guaranty Fund.

Mrs. Price asked, in the event the City bought this property and the Park Board was not interested in buying it, would it be possible for the City to sell the property to a private party.

Mr. McCormick, City Attorney, said the State Law sets up a procedure whereby one public body can transfer without consideration, or upon terms and conditions agreed upon, property to another public body by going through Superior Court. In this particular case a condition could be included if it is so desired, that if the Park Board does not use the property for park purposes, it will revert back to the City.

Mrs. Price said what she desired to know, if the City would be obligated to give the property to the Park if the City purchases this property.

Mr. McCormick said there is a provision under State Law whereas the property can be acquired by the City from the Guaranty Fund free of this trust if it is designed for public use. Later, if conditions arose that the property could not be used for this purpose, then the City would be free to sell the property. However, he added the City cannot acquire the property for speculative purposes, that is with the thought of selling it to private parties.

Mr. Easterday inquired if this proposition was initiated at the request of the Park Board.

Mr. Buehler, Planning Director, said this site has been reserved some 12 years for future park purposes and discussions have been held with the Park Board right along on the matter. The only point that has not been finalized is the sum of \$776.96, since the understanding was, at the last Park Board meeting, that the money would not have to be collected. However, he added, since then the City Attorney has ruled that this sum must be paid, which he thought would be acceptable to the Park Board.

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

Ayes 7; Nays 0; Absent 2, Bott and Steele.
The Resolution was then declared adopted by the Chairman.

Resolution No. 16389

Accepting certain offers to sell real property situated within an Urban Renewal Project designated Project No. Wash. R-1.

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

Mr. Rowlands advised the Council that there was an additional piece of property that the Urban Renewal Department would like to have added to this Resolution which will complete a particular area in the Center Street Urban Renewal Project.

Mrs. Price moved that the property at 2709 So. G Street sold to Rose M. Vencelik be added. Seconded by Mr. Porter. Voice vote on the motion resulted as follows: Ayes 7; Nays 0; Absent 2, Bott and Steele.

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

Ayes 7; Nays 0; Absent 2, Bott and Steele.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16390

Authorizing the proper officers of the City to execute an agreement with Pierce County for the improvement of 96th Street from Sheridan Avenue to Park Avenue in the extent of \$13,000.

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

Voice vote was taken on the Resolution resulting as follows:

Ayes 7; Nays 0; Absent 2, Bott and Steele

The Resolution was then declared adopted by the Chairman.

Resolution No. 16391

Authorizing the proper officers of the City to execute an agreement with Pierce County for the improvement of 96th Street from Pacific Avenue to Park Avenue to the extent of \$15,000.

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

Voice vote was taken on the Resolution resulting as follows:

Ayes 7; Nays 0; Absent 2, Bott and Steele

The Resolution was then declared adopted by the Chairman.

FIRST READING OF ORDINANCES:

Ordinance No. 16711:

Vacating that portion of So. 18th Street between Seashore Drive and Walters Road. (Petition of N. A. Hansen, et al.)

Read by title and placed in order of final reading.

Ordinance No. 16712:

Repealing Ordinance No. 15269 entitled "General Street and Bridge Construction Fund of 1955" and authorizing the transfer of all fund assets to the "General Street and Bridge Construction Fund of 1958."

Read by title and placed in order of final reading.

Ordinance No. 16713:

Repealing Ordinance No. 15270 entitled "General Street Lighting Construction Fund of 1955" and authorizing the transfer of all fund assets to the "General Street Lighting Construction Fund of 1958."

Read by title and placed in order of final reading.

Ordinance No. 16714:

Appropriating the sum of \$45,000 or so much as may be necessary from the Firemen's Relief and Pension Fund for the purpose of paying retroactive pension payments. Read by title.

Mr. Cvitanich asked Mr. McCormick if it would be proper for him to vote on this Ordinance as well as Ordinance No. 16715 pertaining to the Police.

Mr. McCormick said in his opinion Mr. Cvitanich did have the right as this simply appropriates money by an emergency appropriation to pay to retired pensioners of the Fire and Police Departments certain additional pensions which were authorized and ordered by State Law. Mr. McCormick said it is mandatory that this be paid and insofar as Mr. Cvitanich is personally concerned, the maximum is \$150 per month and there is no way that he will be affected by it.

Mr. Easterday said as he understands, this is the result of the Spokane case which was carried to the Supreme Court.

Mr. McCormick said that was correct.

Mr. Rowlands, City Manager, explained there are 73 Fire Department pensioners involved in this Ordinance for a total of \$45,000. He said fortunately there are sufficient funds available in that fund to take care of this unanticipated expenditure.

Mr. Hartland asked how retroactive were these payments.

Mr. McCormick said in regard to the Firemen, this is retroactive to June 12, 1957 and for the Police it is retroactive to July 1, 1957. He explained that in 1957 the Legislature enacted Chapter 84 which granted to retired Police and Fire personnel, who were receiving pensions less than \$150.00 per month, an increase in their pensions to a minimum pension of \$150.00. However, he added this act was declared unconstitutional by our Supreme Court. In 1959 the Legislature re-enacted these provisions which were signed by the Governor and became effective on January 27, 1959.

He said the City has been paying the increased pensions to the retired Policemen and Firemen beginning January 27, 1959. This retroactive pay involves only the period of time from the 1957 date to January 27, 1959.

The Ordinance was then placed in order of final reading.

Ordinance No. 16715:

Authorizing the proper officers of the City to transfer the sum of \$18,787.55 or so much as may be necessary from the General Fund to the Police Relief and Pension Fund for payment of retroactive pensions. Read by title.

Mr. Rowlands said there are 29 Police pensioners involved in this Ordinance. He said this money will have to be taken from the General Fund.

Mr. Cvitanich asked once again if it would be proper for him to vote on this Ordinance when it comes up for final reading.

Mr. McCormick said in his opinion it would be.

The Ordinance was then placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 16708:

Mr. Bott coming in at this time.

Amending the Official Code of the City relating to zoning by adding a new section known as Sec. 13.05,170 (2) to include property located in the area bounded by East 26th and East 27th from McKinley Avenue to East "K" in an "M-2" Heavy Industrial District. (Petition of Holroyd Land Co., Inc.) Read by title.

Mr. Murtland asked what was the difference between an "M-2" District and an "M-1" District.

Mr. Rowlands said an "M-2" District designates a Heavy Industrial District while an "M-1" designates a Light Industrial District.

Mr. Buehler said the "M-2" would be the heavier type of classification taking in some processing plants, etc. and an "M-1" would include the warehousing type of operation.

Mr. Buehler added that an "M-2" is about as heavy a type of classification there is in the City with the exception of some of the chemical and fertilizer plants which require an "M-3" classification.

Mr. Murtland asked what the Holroyd Co. had at this site at the present time.

Mr. Buehler explained that they started to erect a mixing plant or storage bins for dropping cement into mixing machines which are mounted on trucks. However, he added, the Building Inspector stopped the construction since it was determined that this type of operation would require an "M-2" zoning, even though the cement is not actually manufactured on the premise.

Mr. Buehler said the advent of the Freeway has changed the picture in this area and the majority of the area will probably be "M-2" zoning. The immediate area is already characterized by a number of non-conforming "M-2" type Industries.

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

Ayes 8; Nays 0; Absent 1, Steele.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16709:

Providing for the improvement of L I D 4678 for permanent pavement in the alley between So. Tacoma Way and Washington from So. 47th to So. 48th Street. Read by title and passed.

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

Ayes 8; Nays 0; Absent 1, Steele.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16710:

Approving and confirming the Assessment Roll for L I D 5916 for cast iron water mains in the area bounded by Alaska Street; So. 88th; Park Avenue and So. 96th Streets. Read by title and passed. 51:590

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

Ayes 8; Nays 0; Absent 1, Steele.

The Ordinance was then declared passed by the Chairman.

REPORTS:

MC - 332 - Accomplishments in 1960 - Plans for 1961.

Placed on file.

COMMENTS:

Mr. Easterday commented on the very fine Editorial in the News Tribune on January 1, 1960 on a New Year's Resolution. He said everyone should read this if they have not already done so.

Mayor Hanson said this Editorial was an admonition in the direction of thrift and the consciousness of the need to live within the income whether it be family, City, State or Nation.

Mr. Cvitanich explained Mrs. Edrington, Executive Secretary of the Tacoma Real Estate Board, who had a heart attack recently, asked him to convey her thanks to the Fire and Police personnel for their assistance during this crucial time.

Mr. Easterday said there was a pigeon show scheduled to take place in South Tacoma soon and he hoped that the proper officers would see that everything in connection with this will comply with the prevailing Ordinance.

Mayor Hanson said a letter has been received from the Mayor of the City of Bremerton expressing approval of Tacoma's Municipal Airport. He said he had contacted Mayor Domstad in this regard as he knew the Bremerton City Council had favored the project and asked if the Mayor would be willing to indicate whether or not they continued their favorable position. 51:560
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Mr. Cvitanich said although he was opposed to the Airport on several counts of his own, he did not want anyone to think that he is supporting the signing of the petitions that are being circulated. He said he was opposed to the Airport for his own basic reasons and if his name is used at all he did not want this misunderstood.

Mr. Bott said recently he had the opportunity to talk to two women who were circulating these petitions for signatures against the Airport. He said he asked what their reason was for doing this and their remark was that they were being paid for it. He said he thought the public should well look into the motives of the people who are opposing this project and the methods they are using. 51:560
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There being no further business to come before the Council, upon motion duly seconded and passed the meeting adjourned at 8:10 P.M.