

CITY COUNCIL MINUTES

City Council Chambers, 7:00 P. M.
Tuesday, April 10, 1962

Council met in regular session. Present on roll call 7: Bott, Cvitanich, Murtland, Olson, Price, Steele and Mayor Tollefson. Absent: 2, Porter and Easterday. Mr. Porter coming in at 9:00 P. M.

Mayor Tollefson said, a communication was received from Mr. Easterday submitting his resignation as Councilman due to the fact he is now gainfully employed on a construction project out of town.

Mrs. Price moved to accept Mr. Easterday's resignation with regret. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

Mayor Tollefson said a Resolution requested by Mr. Cvitanich commending Mr. Easterday, has been prepared. This does not appear on the agenda, and he would entertain a motion that the Resolution be taken up at this time.

It was moved by Mr. Cvitanich that the Rules be suspended in order to take up Resolution No. 17005. Seconded by Mrs. Price. Voice vote taken. Motion carried.

Resolution No. 17005:

Commending Forrest R. Easterday for the years of service as a member of the City Council.

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

It was moved by Mrs. Price to amend the Resolution to read, "By request of the City Council." Seconded by Mr. Bott. Voice vote taken. Motion carried.

Mr. Cvitanich moved to adopt the Resolution as amended. Seconded by Mrs. Price. Voice vote taken. Motion carried.

The Resolution was then declared adopted by the Chairman.

Mayor Tollefson asked if the Council wished to fill the vacancy created by Mr. Easterday's resignation.

Mr. Steele moved that the successful candidate, R. G. Haley, of the recent election be appointed to fill the unexpired term of Mr. Easterday. Seconded by Mr. Bott. Voice vote taken. Motion carried.

Mr. Haley was then administered the Oath of his Office by the City Clerk. He was congratulated by the Council members and resumed his seat as Councilman.

Mr. Haley remarked he was fully aware of the regular order of business as he has followed the business of the Council for the last month very carefully with a great deal of interest.

The regular order of business was then resumed.

Mrs. Price moved that the minutes of March 27, 1962 be approved as submitted. Seconded by Mr. Bott.

Mr. Bott moved to amend the minutes on Page 4, 15th line down, to read "Joe Thomas" instead of "George Thomas". Seconded by Mr. Murtland. Voice vote taken. Motion carried.

Mrs. Olson moved that a correction be made on Page 10, 21st line down, to read Mr. "Liddle" instead of "Little", and anywhere else this name was used. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

Mrs. Price moved to adopted the minutes as amended. Seconded by Mr. Steele.

Voice vote taken on the minutes as amended. Motion carried.

Mr. Tollefson said he would like to give recognition, on behalf of the Council and the City of Tacoma to, two very fine City employees, Mr. Jack Harkins, Pilot on Fire Boat, and Mr. Paul McNail, Firefighter, who designed and built, with a great deal of help, the City of Tacoma's Festival Award Winner Float in the Daffodil Parade. He said the City appreciates the work they have done on the design and the number of hours they spent preparing the float.

HEARINGS & APPEALS:

This is the date fixed for hearing on the petition for the vacation of the west 10 feet & east 10 feet of So. M between So. 28th St. (proposed) and Center St., and the alley between L and M from Center to So. 28th St. (proposed). ¹⁷³

Mr. Rowlands explained, there are three small parcels of land in the Center Street Urban Renewal Area that are to be vacated. This merely clears up a couple of areas that should have been vacated.

Mrs. Price moved that the City Council concur with the recommendation of the Planning Commission, that the vacation be approved and an Ordinance be prepared vacating the property. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

RESOLUTION No. 16971: (postponed from the meeting of April 3, 1962)

Providing for an immediate running audit of all accounts and books of the City by a firm of Certified Public Accountants.

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

Verbatim - as requested by Mr. Cvitanich.

Mr. Cvitanich: "Speaking in favor of the Resolution, we have debated this on numerous occasions, but just by way of a refresher the language in the Charter is rather mandatory. It states that the Council 'shall' provide for a running audit of all accounts and books' not 'maybe.' Now, Councilman Easterday sponsored a Resolution in an attempt to clarify this section. It was placed on the ballot, the voters, by a majority, rejected the proposition that would have amended the City Charter. "

"A lot has been said about mandates, etc., the matter was clearly explained to the voters of the City of Tacoma. They saw fit not to water down that section of the Charter which calls for an independent audit. Many arguments have been presented pro and con as to the cost etc.; by way of affecting the figures. Referring to a copy of a letter from the Tacoma Chapter of the Washington Society of CPA's dated July 10, 1961, they state that the cost would be approximately \$10,000.00, and if the independent accountant's work must be completed before the State Auditor's Office has completed its work, then the work of the State Auditor cannot be utilized by the independent accountant and then the cost is then likely to more than double the amount estimated above. This would roughly put it in the \$20,000.00 category. Mr. DeLap, a CPA, for the City of Portland appeared before this Council and stated that they have an audit similar to what's proposed in our charter that would cost approximately \$12,000.00 to \$15,000.00 a year. "

"There is a lot of question as to what the work 'Running Audit' means, so I refer to a letter dated July 19, 1953 from the Tacoma Chapter of the Washington Society of CPA'S in defining Running Audit. -- 'In Accounting and Auditing practice the term running audit used in the Charter is understood to represent a condition where the independent auditor and his staff will perform auditing functions throughout the year on a continuous basis.' Now the arguments have been posed up here on numerous occasions that this is a duplication of the State Audit. So I refer to a series of articles written by Mr. ^{D.E.} ~~Paul NEMETZ~~ Nemetz, a technical advisor to the Board of Freeholders, at the time this Charter was being drafted, 'this goes into detail in the Dept. of Finance. A report of this accounting Firm would be a public document and open to inspection by any citizen in the community. It has been suggested by certain people that this kind of an audit is unnecessary on the grounds that it duplicates the audit now made by the State Auditor. This is not true. An accounting firm under contract to the Council would make special investigation at the request of the Council, and give expert advice on all financial matters. It would make a more comprehensive examination and report on Utility Funds and expenditures than is now being made. Its Audit would be current and timely, whereas that of the State Auditor occurs from one to two years after the money is spent.'

"Now, Mr. Graham, from the office of Mr. Cliff Yelle, appeared before this Council last year, and he stated that by law the State Audit is a post audit occurring almost a year late. Now, this is not what I want or what any other person wants. It is what the language of the Charter firmly specifies; that this Council shall provide for a running audit of books and records and to date, there has never been an audit as Section 7.14 calls for.

Mr. Bott: "Inasmuch as there has been a great deal of difference of opinion, as Mr. Cvitanich has said, in the meaning of a running audit, and inasmuch as we haven't been able to get a perfect definition or accepted definition that any accountants will agree as to a running audit; I felt that possibly the intent would have something to do with it, if we had to go back into the, why the language of this particular part of our Charter. So I took the liberty to contact as many of the original Freeholders as I could contact and asked them three questions: "The first question was: 'being a member of the Freeholders' Committee what was your intent or your impression of the intent of the word 'Running Audit?' " Well, I received quite a few different opinions of what a running audit was meant at that time and I was told that it was proposed, this word was proposed by one Gentlemen, and they accepted it and they thought it was a recognized term in accounting practice which subsequently was found not to have been the case. But as near as I can find out, the consensus of opinion of a running audit was a spot checking, and a checking on your audit at different times. "

"Then the second question was, 'in your opinion has the subsequent Council taken action desired, in accord with this intent of your original phrase that you drew up at that time?' "In most instances the opinion was that the subsequent Council in their spot checking had done that. And the final question was: "Do you feel then that the expense entailed by the proposed complete audit as presently proposed is warranted, in face of the auditing systems that are now being practiced, and in it was predominately, they felt that it was not warranted. So I figured that if the intent had anything to do with it, that was the intent of the Freeholders. "

"Now, there are three Freeholders on the Council, that are here, that I did not contact because I felt that they were in a position to speak for themselves. So with that thought in mind, I think we should table this motion. But I'd be happy to hear from the Freeholders present here as to their opinion."

Mayor Tollefson: "Are you withholding your motion to table at this time?"

Mr. Bott: "Yes, I will withhold until I hear from Mr. Steele Mr. Murtland and Mayor Tollefson."

Mr. Steele: "I wouldn't want to usurp your prerogative to attempt to make a motion to table. I was going to make a motion to table this Resolution."

Mayor Tollefson: "He wanted to hear comment before he made his motion, Mr. Steele in case you did not know."

Mr. Steele: "Let that stand for a comment."

Mrs. Price: "Before that is done, I would like to, if I may, ask

Mr. Gaisford, just give us a little bit of an idea of what is being done by the State examiners, so the people that are interested and are in the audience will know what is being done in regard to the audit and how the State Audit is carried on, and is that possible?"

Mayor Tollefson: "Mrs. Price, let us first go through Mr. Bott's request. He wanted to hear a comment."

Mr. Bott: "Mr. Murtland, Mr. Steele and Mayor Tollefson were members."

Mayor Tollefson: "Mr. Steele, do you have any comments further to make, other than what Mr. Bott made?"

Mr. Steele: "I have made them on innumerable occasions, Mayor Tollefson, and I think that the procedure that has been followed by the Council in the past is in agreement with what the Freeholders had in mind and it's a legal audit in every respect and complies with the Charter provisions as our City Attorney, Mr. McCormick, has countless times ruled. I think that settles it as far as I am concerned."

Mr. Murtland: "I would assent to Mr. Steele's remarks as far as the spirit of what was meant by the language of the Charter and I also feel that it is being amply complied with as far as past Councils are concerned and probably, certainly, to a large extent, the present Council has continued along in the same way. I imagine partly the precedent, and also because what information they have received from Freeholders and from the CPA's who advised us in the past; so, that I would say that I feel no particular reason for the passage of this Resolution. I would also say that I would feel that definitely that the whereas's are not exactly proper; and Mr. Cvitanich in the making up the Resolution, if they were his wording, where he uses the fact that this is a mandate to the City Council, that therefore, we should do differently than what is being done. I do not believe that is a mandate from the electorate, that we should change the matter in which we were presently making this audit."

Mayor Tollefson: "I will echo in part what Mr. Bott has said, Mr. Steele has said, and Mr. Murtland has said. I would like to go on further to say this Resolution is merely a pronouncement in Resolution form of what the Charter already recites; and its passage would not strengthen or weaken the provision, as a matter of fact its passage would be complete nullify, because we already have that same language in the Charter, it is just a question of interpretation. On that basis I would be glad to accept a motion to table, but before I do so, I'd like to have Mrs. Price have her question answered, and then Mr. Cvitanich have his statement and I think we will proceed on with the regular order of business. Mrs. Price, will you rephrase that question?"

Mrs. Price: "No, I don't think its necessary, I just would request that Mr. Gaisford explain what the function of the State Examiner is."

Mayor Tollefson: "Mr. Gaisford is the Finance Director of the City of Tacoma, been with the City how many years, Clar?"

Mr. Gaisford: "Twenty-four and one-half years. I might say, that

under the division of Municipal Corporation there are two resident auditors, 24 hours a day in the City of Tacoma. One is stationed at the Utility Bldg., who audits the Light, Water and Belt Line. The other auditor is stationed here in the County-City Bldg., who audits all General Fund activities. In conjunction with one more audit that we do have is through our Transit System. We have a special examiner come in once a year for the examination of our Transit Division, which makes three auditors, we have at present. Two on a full time basis and one on a part time basis. As far as a comprehensive audit being made; every voucher that passes through our Division down there is audited. Every piece of revenue that is received by the City is audited. It is audited as to the correctness of the amount received by the City Treasurer; it is audited to the legality, as to any type of expenditure made by the Finance Dept. It is audited as to the proper accounting of such funds, both as to revenue and expenditures. Under the auspices of Mr. Yelle, who hires Mr. Graham as his chief examiner, they have studied crash programs throughout the Cities of the State of Washington to bring their audit up to a more realistic date. At the present time you will find that the State Examiner is about up to us in our examination in preparing our report for 1961, and within a very short space of time you will find that they will be just as current as possible."

Mayor Tollefson: "Mr. Gaisford, in addition to the auditing being done by the State, your own Department and that of the Treasurer's office, as I understand, constitute some 53 or 54 employees, and you make a monthly audit and report to the City Council in regular magazine form or pamphlet form so that the Council is aware where each dollar is coming in and where each dollar is going out. "

Mrs. Price: "I would like to ask Mr. Gaisford if he would explain what the function has been of the firm of Knight, Vale and Gregory which was hired by the City Council to do an audit of various departments, and which is an independant audit. "

Mr. Gaisford: "Knight, Vale and Gregory were requested by the City Council to make an audit of the Baseball field, an audit of the sewer utilities, and an audit of the Dept. of Public Utilities stores account that was presented some time in January, as a comprehensive audit on this particular operation.

Mrs. Olson: "I would like to ask Mr. Gaisford if the resident auditors who are employed by the State of Washington and paid by the City of Tacoma are Certified Public Accountants?"

Mr. Gaisford: "No."

Mrs. Olson: "Are you a Certified Public Accountant"?

Mr. Gaisford: "No."

Mrs. Olson: Do you remember the last time that a complete current audit of all accounts and books of the City of Tacoma was made in any one single year?"

Mr. Gaisford: "Every activity of the City Government, I would say, as the Finance Dept. we do; we make a complete audit of every transaction."

Mrs. Olson: "Yes, but the Charter refers to an outside firm of independant Certified Public Accountants. "

Mr. Gaisford: "No, I would say, no."

Mrs. Olson: "Do you feel that this has ever been done in the 24 1/2 years that you have worked for the City of Tacoma?"

Mr. Gaisford: "Yes, I feel that it has been done over a period of time."

Mrs. Olson: "Within a single year?"

Mr. Gaisford: "No, not within a single year. I think it would be an impossibility for any CPA to come in without a force practically as large as what we have and give a complete audit."

Mrs. Olson: "Well do they do it in other communities?"

Mr. Gaisford: "no."

Mrs. Olson: "Do you think that when Mr. DeLap was here from Portland and testified before the City Council that this is done in the City of Portland."

Mr. Gaisford: "I am quite certain Mr. DeLap does not make a complete audit in the City of Portland. There are three different firms of examiners who come into the City of Portland. One for the General operation, there are two others for other types of operation. So there is three different examinations in the City of Portland alone. The particular examination that Mr. Cvitanich is talking about is the examination for \$15,000.00 for the year 1962. The other two examinations I do not know the fee."

Mrs. Price: "How many years has it taken to complete an audit of all books and accounts of the City in all areas by an independent audit?"

Mr. Gaisford: "Lybrand, Ross Bros. and Montgomery were the ones, I believe, that started here in 1954 and I believe they left here in 1960, that was their last year; so it took them approximately 6 years."

Mrs. Price: "So, it took them 6 years to make a complete audit of all books, and they also made recommendations for improvements in the systems."

Mr. Cvitanich: "This is all well and good that the various things are being done and certainly no reflection on the Department of Finance, Mr. Gaisford; I certainly hope you do not misunderstand it. All I am interested with is complying with the City Charter. It's not what I want, what my opinion is, it is what is spelled out in the City Charter. This Council put a proposition to amend the Charter on the ballot to the voters of this City whereby the Council could use its own discretion as to whether to have a survey, an analysis, or an audit. In other words, it is an attempt to legalize what we are already doing here. We had a survey in the Dept. of Finance to see if we should put electronic equipment in there. That certainly is not complying with the intent of the Charter. In Dr. Battin's speech in South America, he stated quite clearly that it is a legal opinion that Mr. McCormick gave as part of the package of these attachments. That every three years there should be a complete independent audit by doing a portion every year and within three years you would have completed auditing all books and records of the City of Tacoma. Carrying it a step farther; I have here an official statement, City of Tacoma \$3,000,000.00 sewer revenue bond issue 1959, prospectus and on page 7, it states under

the section, Accounting, right here,' in addition, two state examiners from the Division of Municipal Corporations of the Washington State Auditors office are permanently stationed in Tacoma ; one of these men conducts a continual examination of the General Government phase of City business and the other examines the Utility Dept. The annual results of their audits are on file each year and will be available to the bond holders in the office of the Director of Finance and the City Clerk. Finally, the City Charter provides for a running audit of all accounts in preparation of a comprehensive annual report by a firm of certified public accountants in no way connected with the City Government. ' At present the City employs the services of the International firm of Lybrand, Ross Bros. and Montgomery. Their annual report will be available to bond holders. This is a bond prospectus that we put out; then we're misleading the people who purchase these bonds by stating that we're having an annual comprehensive audit of all books. "

Mr. Steele: " That is not correct. As a matter of fact the firm of Knight, Vale and Gregory covered the Sewer Utility in their report submitted to the Council in January to which Mr. Gaisford referred. Possibly Mr. Cvitanich did not see that. "

Mr. Haley: " I note that this is of 1959 and according to Mr. Gaisford, we did have then, at that time, a firm going through our affairs. "

Mr. Tollefson: "I might remark that the Legislature has authorized the Cities of the State of Washington to employ outside auditors and dispense with State Auditors if the Cities so desire. Mr. Yelle, State Auditor, has seen to it that this matter is up for referendum and will soon be voted on by the people , whether or not the State shall supply the auditors to audit the City's books or whether the City itself can do so. At the present time the City of Tacoma is concerned that we have the State Auditors, we have our 53 or 54 employees in the Treasurer's and Finance Office and we have in effect spot check audit from the independent auditors. Mr. Bott, I will entertain your motion. "

Mr. Bott: "Before we do that, I would hate to have anybody think that the Council is trying to go against the will of the people, and after all, as Mr. Cvitanich's interpretation of what the people voted on is that he puts in his own words and I disagree with him there. I do not think that they voted that they wanted a complete audit of all the books in the City of Tacoma , they voted whether they understood, or they did not, and I have talked to many people who voted against that audit that since found that they didn't quite understand the significance of it. And it is questionable, of course, they did vote against it, so I am not quarreling with the fact that they voted. But they did not vote for a complete audit at that time, and I would like to make that very clear. At this time in being in favor of keeping a sharp eye on our finances and continuing to have our auditor spot audit as our finances allow us to do, having deep concern for our charter, I move that Resolution No. 16971 be tabled.
Seconded by Mr. Steele.

Roll call was taken on the Resolution.

END OF VERBATIM

Ayes 6; Nays 2; Cvitanich and Olson. Absent 1. Porter.
The Resolution was declared TABLED by the Chairman.

Resolution No. 16976: (Postponed from the meeting of March 27, 1962)

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

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

Mr. Murtland said there was one question that he had asked which was not in the report; what was the original City appraisal. Mr. Rowlands said the only explanation that was given in regard to the appraisal was the fact that the City originally did have an appraisal made. Then a re-appraisal was made by the City and a representative from the Urban Renewal Agency and the figure agreed upon was \$23,800.00. Mr. Murtland asked, what was the amount of the first appraisal.

Mr. Maffin explained he did not have that information at present. The information is available in their office. Normally, he added, at the request of the Urban Renewal Administration, this information is not divulged.

Mr. Murtland said the Council is called upon to approve the amount of \$23,800.00 which was not the first appraisal. He could not see how the Council can evaluate whether or not that is a proper price or not.

Mr. Rowlands said he received an explanation from the office of the Urban Renewal which states, "of further concern to the City Council members was the price offered in the resolution. As in all acquisitions for Urban Renewal, two appraisals are obtained. In this instance some elements related to the cost of production of the improvements were not originally considered by the appraiser. These reproduction cost items were introduced into the valuation and the offered price of \$23,800.00 was deemed fair and acceptable to the owner." The crux of the questions is, if the cost of reproduction on some of these elements were not originally considered, and as a result of considering those, the price agreed upon was \$23,800.00.

Mr. Murtland said he had not seen that communication.

Mr. Bott said he examined the property and found it to be a very fine struction and he also thought it was a very fair price. He asked if it were possible for the Urban Renewal to utilize that building for an on-site office until such time as the site is completed.

Mr. Maffin said they no longer maintained a site office.

Mr. Murtland asked Mr. Maffin, in the memo the Council just received from the Urban Renewal office, if the cost of reproduction, topping, etc. was not taken into consideration before making the appraisal. He asked if the City appraised the land and the building only.

Mr. Maffin stated, the original appraisal did not take into consideration the improvements that had been made. The owner of the property presented a list of these improvements along with the contracts showing the work that had been done, and this was submitted to the appraiser. Then

the appraiser re-appraised the property taking into consideration these improvements, also the cost of reproduction. It was then determined that the appraisal of the property was \$23,800.00.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16985: (postponed from the meeting of April 3, 1962)

Fixing Monday May 14, 1962 at 4:00 P. M. as the date for hearing on L I D 2341 for grading and an oil mat surface on So. 75th from Yakima Ave. to So. I Street.

It was moved by Mr. Steele 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. 16994:

Fixing Monday, May 28, 1962, at 4:00 P. M. as the date for hearing on L I D 3539 for sanitary sewers on the south side of 6th Ave. from Fernside Drive to Jackson Ave. and the south side of Vista Drive from Jackson Ave. to 150 feet west.

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. 16995:

Fixing Monday, May 14, 1962 at 4:00 P. M. as the date for hearing on L. I. D. 2343 for grading and oil mat surface on So. "C" St. from So 68th St. to a cui-de-sac 225 ft. South.

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. 16996:

Fixing Monday, May 14, 1962 at 4:00 P. M. as the date for hearing on L I D 4710 for paving on No. 24th from Hawthorne to Mildred St. ; Mildred St. from No. 23rd to No. 24th; also grading on No. 23rd from Mildred St. to Vassault; Vassault St. from No. 23rd to No. 26th.

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. 16997:

Fixing Monday, May 14, 1962 at 4:00 P. M. as the date for hearing on L I D 6796 for ornamental street lights on Puget Sound Ave. from So. 50th to So. 52nd. Streets.

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. 16998:

Fixing Tuesday, May 1, 1962 at 7:00 P. M. as the date for hearing on the petition for vacation of a portion of Woodlawn St. between So. 10th and So. 11th. (Petition of J. J. Sleavin & Associates) 174

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. 16999:

Awarding contract to Woodworth & Co. for L I D 4677 in the amount of \$48,790.85 which was determined to be the lowest and best bid.

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

Mrs. Olson stated, it appears to her that Stacy-Benson and Associates are the lowest bidder and asked why was Woodworth & Co. selected.

Mr. Rowlands explained this was gone over very carefully with Mr. Schuster, Director of Public Works and Mr. McCormick, City Attorney. In this particular instance an error was made as Stacey-Benson and Associates had also submitted a bid on another project at the same unit cost that was not included on this project. The bid was questioned at the time and they thought it was proper to reject the bid since they had indicated they had made an error.

Mrs. Olson asked if the Stacey-Benson bid was withdrawn.

Mr. Schuster explained that Stacey-Benson had filed an affidavit with the City indicating the error was made and asked to withdraw their bid.

Mrs. Olson said she thought the Resolution should be amended to indicate there was an error in the Stacey-Benson bid and they had requested that it be withdrawn.

Mr. Steele then moved that after the 4th WHEREAS after the word "used" in the 3rd line down, add the words, "and Stacy-Benson and Associates having filed an affidavit indicating their desire to withdraw their bid, and said bid having been withdrawn." Seconded by Mrs. Olson.

Voice vote was taken on the amendment. Motion carried.
Voice vote was taken on the Resolution as amended.

The Resolution was then declared adopted by the Chairman.

Resolution No. 17000:

Awarding contract to the Electric Construction Co. for L I D No's. 6788 and 6791 on their bid of \$18,800.00 which was determined to be the best responsible bid.

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

Mayor Tollefson explained on Proposal #1 under Totem Electric the amount is a few dollars less, however, Proposal #1 is a unit price bid, containing reservations that in the event the contractor should run into some unforeseen difficulty, not included in the bid, he could charge a greater amount. Proposal #2 is a lump sum contract and is \$40.50 over and above the unit price of Totem Electric. The Department felt the difference was a very good insurance policy for the City of Tacoma.

Mr. Murtland asked if there had been any determination made as to the life of galvanized steel standards, as against prestressed concrete standards.

Mr. Schuster, Director of Public Works, explained as far as could be determined, there is no appreciable difference. They have both given satisfactory service.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 17001:

Awarding contract to Montgomery Elevator Company for W. O. No. 73355 on their bid of \$304.00 per month which was determined to be the lowest and best bid.

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

Mr. Cvitanich asked if this contract covers the work in addition to what is done by the Public Works Dept.

Mr. Rowlands explained this contract is for the regular maintenance. In the event of a failure due to flipping of the emergency switches, the Public Works crew would have to reactivate the Escalades.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 17002:

Awarding contract to E. J. Rody & Sons for Imp. No. 1980, Unit "B" on their bid of \$227,601.50 which was determined to be the lowest and best bid.

It was moved by Mr. Steele 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. 17003:

Authorizing the proper officers of the City to execute an amendment to the contract with Western Real Estate Research Corp. for additional services and compensation, and extending the date of performances.

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

Mr. Murtland asked what was the original cost.

Mr. Rowlands explained the original contract was \$3800.00. This would bring the total cost to \$4600.00.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 17004:

Amending Rule 1 of the rules of the government of the City Council so that the regular meeting of the City Council to be held on Tuesday, the 24th day of April 1962 be held at 2:30 P. M. rather than at 7:00 P. M.

Mayor Tollefson said this is not changing the regular time or day of the meetings, but only for this special occasion, namely, for the opening day of the Baseball Season in the City of Tacoma. He further explained, that according to the Rules of the City Council this Resolution cannot pass until next week.

The Resolution was then set over for adoption at next week's meeting.

FIRST READING OF ORDINANCES:

Ordinance No. 17035:

Amending the Official Code of the City relating to zoning by adding a new section 13.06.130-25 to include property on the southeast corner of No. 26th and Madison Sta. in a "C-1" Commercial District. (petition of United Mutual Savings Bank) Read by title.

The Ordinance was then placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 17022: (as amended on March 27, 1962)

Providing for the issuance of temporary permits for Trailer Parks and Trailer Camps. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Porter.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 17031:

Amending Sec. 1.30.490 of the Official Code of the City in reference to Investment of Retirement Fund. Read by title. 128

Mayor Tollefson explained that this Ordinance was drawn to comply with the State Law.

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Porter.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 17032:

Amending Chap. 13.06 of the Official Code of the City by adding a new section 13.06.160 (5) to include property on the east side of Washington Street between So. 35th & Center, also the block between So. 34th and So. 35th from Adams to Washington in the "M-1" Light Industrial District. (petition of Sig Bassi) Read by title and passed. 85

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Porter.

The Ordinance was then declared passed by the Chairman.

151

Ordinance No. 17033:

Providing for the annexation of the area of University Place south of South 19th St. , and east of Day Island and providing that said property shall not be taxed or assessed for any indebtedness of the City incurred prior to or existing at the time of the effective date of the Ordinance. Read by title.

95-110

Mayor Tollefson explained for the benefit of the audience that there has been a public hearing on this matter. This is now up for discussion and a vote by the Council members.

Mrs. Olson stated, she intended to vote against the Ordinance which calls for the annexation of 75 acres of unoccupied land and only 5 acres of occupied land which is owned by one of the petitioners. She stated the extension of utilities into the area would cost the City some \$200,000.00 and doesn't seem the wisest move to make. She said she would hope that all of University Place would decide to annex to the City as a unit.

Mrs. Price stated the 75 acre tract cannot be developed without Tacoma's sewers and added, that Tacoma's investment will be repaid in the long run by tax revenue from the area.

Mr. Bott said he was in favor of any annexation that would be profitable to all concerned. However, there are three groups in University Place who haven't as yet decided what course they will take. He said, he would like to hold off passage of the Ordinance, but he understood this was an improbability, therefore, he would vote in favor of annexation.

Mayor Tollefson asked Mr. Haley, being a new member to the Council, if he felt he was sufficiently informed on this matter to be able to vote on the Ordinance.

VERBATIM as requested.

Mr. Haley: "I do, Mr. Mayor, I was here for the hearing and I have read very carefully the minutes of the Review Board that heard this matter. So, I believe that I am just as well informed as any member of the Council."

Mayor Tollefson: "I would like to announce that although I was not present at the hearing, I listened to the recordings that were made at the hearing and I took some ten pages of notes. I've gone out and looked over the land itself. I've examined the maps and the proposed plot plan and consider, under the circumstances, that I am sufficiently informed to vote on the proposition. I'd like to call attention to the Council and to the Audience, that back in 1955 or 1956 the City Council of the City of Tacoma, in trying to determine an attitude in regard to annexation, passed a Resolution which became an open invitation to all people who lived outside of the City to annex to our City, if they believed that our City was a desirable place to which to be annexed. This Resolution has remained in full force and effect and is still on our books. I have listened to the arguments, I've heard them say that this is poor land;

it's bad land, it will be costly to the City and expensive, and then the same person, the same group of persons, opposing the annexation turn around and say, this is valuable land; it's the heart of the University District and it will take away something from our area. I have heard others say that, perhaps, the annexation is illegal, and I have talked with our own Corporation Counsel and have been convinced that the annexation, if it takes place, is legal. One group said, that the people should be allowed to make the determination. Another group said, but this particular group should not be allowed to make their determination. I understand, that there will be cooperation from the City Government when and if this area is annexed; but that's the same cooperation we afford all property owners within the City of Tacoma who wish to develop their land, and we cooperate with them in their sewer programs and, perhaps in other areas. It's impossible to force people who own land to develop it, It know that there is much land within the City of Tacoma that might be developed, but until there is a demand for it by builders, by home owners, by someone else, it's difficult to get the land developed. In other areas the people wish to hold the land and develop it when they think the time is right. Under all of the circumstances, I am of the opinion that we should carry on with our own resolution of being willing and ready to accept people who wish to annex to our area. I believe that this is an area that will be good for the City of Tacoma, although at the outset it might prove somewhat expensive; but over the long period of years we'll be glad that we annexed and that other people can see what has transpired and, perhaps, they also will love to join our City. Any further comments?"

END OF VERBATIM

Mrs. Olson said she favored the extension of City services where ever it is financially or economically feasible to those who reside outside the City. This is a good neighbor policy; it is the one way in which the City can begin to make people outside the City feel a desire to become a part of the community. She stated she didn't think the fact that the City would not annex this area at this particular time would necessarily keep the City from giving the residents of that area or the developers of that area the right to use the sewers that the City might provide or the sewer disposal treatment plant that the City would be constructing there. There are only two persons involved in this annexation petition; only one of those reside on the property.

Roll call was taken on the Ordinance resulting as follows:

Ayes 6; Nays 2, Cvitanich and Olson; Absent 1, Porter.
The Ordinance was then declared passed by the Chairman.

Ordinance No. 17034:

Amending Sec. 5.26.120 of the Official Code of the City to provide for the leashing of dogs. Read by title.

129
173

Mr. Murtland stated, in reviewing the Ordinance, he thought, perhaps, the impounding fee for an animal was too high as set up in the original Ordinance. Therefore, he had asked that an amendment be prepared which was submitted to the Council members in their agenda lowering the fee to \$5.00. Mr. Murtland then moved that in Section 5.26.120, from the 4th line down to read "\$5.00 upon the first impounding of said dog, and the sum of \$10.00 upon any second or subsequent impounding, together with the sum of \$1.00 per day or fraction thereof for the keeping and boarding of said dog," be amended. Seconded by Mr. Cvitanich.

Mr. Bott said he would like to amend the amendment because he thought the fee was still too high. He moved that the following words be deleted "\$5.00 upon the first impounding of said dog and the sum of \$10.00 upon any second or subsequent impounding," and insert the words, "\$2.00 for a straight impounding fee". No Second.

Mayor Tollefson remarked that the Council will discuss this amendment first before taking any action upon Mr. Bott's motion.

Mr. Murtland stated the Ordinance as submitted last week may have been a little strong as far as the penalties are concerned. It was not his intention to say that people who have and own dogs should be penalized because of the inadvertance of their care and control. For that reason he examined other areas that have similar Ordinances and found they do have a graduated scale. The present charge is \$3.00 and Mr. Bott's proposed amendment would reduce the charge \$1.00. For those who are aware of the cost of trying to enforce any law involving whether the dog is licensed or not, he did not think the City could even afford to pick up a dog for \$3.00 for the reason this also includes food for two days. He did not believe that the \$5.00 charge, which he proposes, is out of line, in fact, he felt it more in line with what might possibly cost the City to enforce any of the present laws. He urged the Council to consider his amendment.

Mrs. Olson said she would like to amend the amendment, to delete the portion referring to '\$10.00 sum on second or subsequent impoundings.' She felt that section would be a hardship for certain people, who perhaps, had small children or for some other reason find it difficult to keep the dog confined. She then moved to delete the words, "and the sum of \$10.00 upon any second or subsequent impounding." Seconded by Mrs. Price.

Mr. Bott said, so that it will not work any further hardship for anyone, he moved an amendment to the amendment that it be continued at '\$3.00.' No second.

Mr. Steele suggested that perhaps those in favor of the leash law and contemplate that it may pass, should approach it from a more scientific point of view. In the matter of a redemption fee, the Council still has to consider the cost of operations and the cost of enforcement of the law. At the present time the Humane Society has an unbalanced budget which is some \$3900 short, unless the General Fund assists them somewhat. The Council will impose upon the Humane Society added work by having to enforce the law. He thought some projected figures should be obtained on how many more vehicles, how many more employees and what the overall cost will be to enforce the Ordinance before it is passed.

Mrs. Price asked Mr. Fidler, Executive Director of the Humane Society, what the average cost is to pick up a dog.

Mr. Fidler said, he did not know the exact cost per dog.

Mayor Tollefson called for a roll on Mrs. Olson's motion to delete the portion referring to '\$10.00 sum on second or subsequent impoundings.'

Roll call: Ayes 4; Nays 4; Bott, Cvitanich, Murtland and Steele. Absent 1, Porter. Motion failed.

Mayor Tollefson called for a roll on the motion submitted by Mr. Murtland, "in Section 5.26.120 from the 4th line down to read, \$5.00 upon the first impounding of said dog, and the sum of \$10.00 upon any second or subsequent impounding, together with the sum of \$1.00 per day or fraction thereof for the keeping and boarding of said dog,".

Roll call: Ayes 5; Nays 3, Bott, Steele, Tollefson. Absent 1, Porter. Motion carried.

Mayor Tollefson said they would now have a five minute recess, and then the audience will have an opportunity to speak.

Council meeting reconvened at 9:00 P. M.

Mr. Porter coming in at 9:00 P. M.

Mayor Tollefson explained that there are a number of people who wish to speak for the Ordinance, also a number, against. He said he would allow 15 minutes for each side, otherwise it will be just repetition of many statements. He said he will now ask for those who wish to speak in favor of the Ordinance.

J. J. Kraft, 3302 6th Ave., spoke in favor of the leash law, for the reason, that a dog owner should be responsible for his dog's action, the same as he is responsible for his children.

Charles Robinson, 5515 No. 18th, favored the leash law for the reason he wanted to protect his property from dogs, he also wanted his yard clean and healthy.

Mrs. Robert Naragon, 921 East 56th, favoring the leash law because other parts of the country have one and why not Tacoma.

Edith Armour, 820 So. L, favoring the leash law, for the reason that the dog owners do not take care of their animals. She thought Tacoma was too big a City to go to the dogs.

Ruth Jung, 5515 No. 18th, favoring the leash law for the reason dogs are ruining her yard.

Mayor Tollefson asked for those who wish to speak against the leash law.

Paul Sinnett, Attorney, representing approximately 70 dog owners who were against the leash law, suggested that they amend the present Ordinance, instead of requiring three witnesses regarding an animal, it would be better to have the person registering the complaint to be anonymous, and the Humane Society would call on the dog owner to see that something is done with the dog. He said they had contacted people by phone in Seattle and in Spokane and they indicated that the leash law was not working well. They estimated that at least 5,000 people did away with their own dogs because they were not going to pay fines. It is apparent that very few people will be able to afford to pick up their dog at the pound and continue to pay these fines set up in the proposed Ordinance. The Spokane poundmaster says they cannot afford to enforce the provisions of their Ordinance as they do not have the Budget. Seattle is reaching the same situation in attempting to enforce their Ordinance.

Harriet Kennedy, 505 East 93rd, said she was against the leash law as she did not have any trouble from the dogs in the neighborhood.

Mary Kent, 1507 Commerce, remarked if the present Ordinance cannot be enforced, how do they expect to enforce the proposed Ordinance. If the dogs are tied up they are bound to bark.

Mrs. Edward Byrne, 1542 Wilton Rd., said there should be confinement for female dogs, in season.

Several other dog owners protested.

Marie Sorenson, President, Tacoma-Pierce County Humane Society, 8317 Tyler, SW, said the Humane Society is not taking a stand on this Ordinance. In making a survey of several Cities that have a leash law, their budget has increased in some places 40%. They have had to have twice as many drivers and vehicles for the enforcement. She added, there is a perfectly good Ordinance on the books now, all that has to be done, is perhaps, amend it.

Mayor Tollefson said he wanted to report that the City Council received 59 letters in favor of the leash law, also two telephone calls that were recorded, and 11 letters against the leash law. One letter from Mason Jr. High with signatures of 105 children was included.

Mr. Murtland stated he also received letters and petitions with 357 signatures in favor of the leash law and he had received one post card against the Ordinance.

Mr. Murtland further stated it was mentioned by some of the opponents to the leash law that the present Ordinance will meet the complaints of the people as far as destruction to their property etc. He said he would like to have that paragraph pointed out.

Mrs. Mary Kent, stated, this was covered in Sec. 5.26.060 which reads: "It shall be unlawful for any owner to suffer, or permit any dog or other animal to trespass on private or public property so as to damage or destroy any property or thing of value and the same is hereby declared to be a nuisance and any such animal may be seized and impounded."

Mr. Steele brought out that in the original Ordinance in Sec. 5.26.140 it required the testimony of not less than three witnesses separately domiciled or steadily employed in the immediate neighborhood, as to the

facts constituting the nuisance. He suggested an amendment to the section with reference to the testimony of three witnesses. He thought it simpler to amend the existing Ordinance rather than having a leash law, which would cause hard feelings among the people.

Mr. Murtland agreed, this section, with reference to three witnesses, should be eliminated, whether the leash law passes or not.

Mr. Bott suggested that the News Tribune take a poll with the question, "whether they are for or against the leash law.", and the results be sent to the City Clerk, then the Council will be in a better position to know the will of the people.

Mr. Steele moved that the Ordinance be postponed for three weeks in order to get the sentiment of the people. Seconded by Mr. Bott. Roll call was taken.

Ayes 3; Nays 6, Cvitanich, Haley, Murtland, Olson, Porter, and Price. Motion failed.

Archie Fidler reported that 23,564 animals were handled during the year 1961. He stated that the Society is doing as good a job as possible under the present Ordinance with the limited amount of funds available. Last year the Society investigated a total of 2,140 complaints. Since the leash law passed in Spokane, the Spokane Society had to add an additional five more employees and two more trucks to enforce the law. At the present day rate scale it will cost them approximately \$22,600.00 or more.

Mayor Tollefson agreed, that in his opinion there is no real emergency. He felt that cleaning up after the neighbor's dog is not a great bother for him, personally. He thought that the Council should consider strengtning the present law, rather than passing a leash law.

Roll call was taken on the Ordinance resulting as follows:

Ayes 5; Nays 4; Bott, Haley, Steele and Mayor Tollefson. Absent 0. The Ordinance was then declared passed by the Chairman.

REPORTS:

Quarterly report from the office of Urban Renewal.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Report from the City Planning Commission for the months of Jan., February and March, 1962.
- b. Report from the Municipal Court for the month of March 1962.
- c. Report from the Tacoma-Pierce Co. Health Dept.
- d. Urban Renewal Handbook

COMMENTS:

Mr. Murtland asked Mr. Rowlands if it would be possible to install a loud speaker system, as experienced tonight, many people seated in the back of the room could not hear.

Mayor Tollefson said with the consent of the Council he would like to proclaim San Francisco as Tacoma's Sister City during the Century 21 Fair, as there has been several requests to that effect. 109

Mr. Steele moved that San Francisco be Tacoma's Sister City during the Century 21 Fair. Seconded by Mrs. Price. Voice vote taken. Motion carried.

Mayor Tollefson suggested that the Manager prepare a proposed development program for the Council to review for action by next year. He said the Council should have sufficient time to examine the various items to see which one they should choose and how it can be financed.

Mr. Rowlands said a lot of work has already been done in the last four or five months compiling the plans so the Council and also the Planning Commission will have an opportunity to look it over to revise or make any changes. He added, this will be submitted within the next three or four weeks to the City Council.

Mr. Haley asked if this will be a long term plan or a program that the Council will be deciding upon in the immediate future.

Mayor Tollefson explained there will be both types in the plan, some within the next several years and others will be in the immediate future.

Mr. Porter asked that a correction be made on Ordinance No. 17033 where it reads, "By Murtland". He said it should be changed to "By Mr. Porter."

Mayor Tollefson asked that the error be corrected.

There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 10:50 P. M.

Attest: Josephine Melton

M. Tollefson
Mayor of the City Council