

COUNCIL CHAMBER, 7:35 P. M.

Monday, April 30, 1956.

Council met in regular session. Present 8; Bratrud, Goering, Hooker, Humiston, Jensen, Perdue, Stojack, Tollefson. Absent 1; Battin.

It was moved by Mr. Stojack, seconded by Mr. Jensen, that the minutes of April 23rd and the recessed meeting of April 25th, copies of which had been mailed by the City Clerk to each Council Member, be approved and the reading thereof be dispensed with. Motion carried on roll call: Ayes 8; Nays 0; Absent 1; Battin.

PETITIONS:

Harold E. Wagner, et al, for rezoning from R-2 District to C-2 District the property at the northwest corner of 6th Avenue and Huson Street. Referred to City Planning Commission.

RESOLUTIONS:

Resolution No. 14615.

By HUMISTON:

Authorizing transfer of \$3150 from Clerk Typist II in 1956 Budget under Police General Service Division to Clerk II item of the Finance Accounting and Audit Division- salaries and wages classification.

Adopted on roll call April 30, 1956.
Ayes 8; Nays 0; Absent 1; Battin.

Resolution NO. 14616.

BY HUMISTON:

Authorizing and directing proper officers of City to execute a right of way agreement with Pacific Northwest Pipeline Corp. giving and granting unto said corporation a right of way over, and across certain property in Pierce County more fully described herein, which property is owned by the Water Division,

Adopted on roll call April 30, 1956.
Ayes 8; Nays 0; Absent 1; Battin.

Resolution No. 14617.

By HUMISTON:

Authorizing sale to Northwest Pipe & Salvage Co. of 30 tons of scrap iron on their bid of \$33.30 per ton; and sale to Tacoma Junk Co. of 20 tons of scrap steel rail on their bid of \$35.31 per ton; and sale to Jerome E. Norton of 3300 lbs of obsolete diesel electric bus repair parts on his bid of \$.0612 per lb.

Adopted on roll call April 30, 1956.
Ayes 8; Nays 0; Absent 1; Battin.

Resolution No. 14618.

By HOOKER:

Approving recommendation of Director of Public Works and Board of Contracts and Awards and awarding contract for L I D No. 2225 to Harrison Brothers Co. on its low bid of \$7850.25- surfacing on North Frace Street from North 38th to North 46th.

Adopted on roll call April 30, 1956.
Ayes 8; Nays 0; Absent 1; Battin.

Resolution No. 14619.

By HOOKER:

Approving recommendation of Director of Public Works and Board of Contracts & Awards and awarding to Paine-Gallucci Inc. the contract for L I D 2179- on its low bid of \$3648.55- grading and surfacing on North Shirley Street from the north line of Nelson's 2nd Addition to North 31st Street.

Adopted on roll call April 30, 1956.
Ayes 8; Nays 0; Absent 1; Battin.

Resolution No. 14620.

By Stojack:

Accepting and approving the plat of MILLER'S SKYLINE TERRACE 2ND Addition (located east side of Bridgeview Drive from North 17th to Narrows Drive, east side of Narrows Drive from Bridgeview Drive to North 26th and west side of Narrows Drive from North 23rd to North 26th). (Pet. Edw. P. Miller- 3-19-56).

Adopted on roll call April 30, 1956.
Ayes 8; Nays 0; Absent 1; Battin.

Resolution No. 14621.

By Hooker:

Agreeing with State Department of Highways and U. S. Bureau of Public Roads to refrain from passing ordinances or laws affecting the free flow of traffic on the Milwaukee Way Extension from Lincoln Avenue southerly to the northerly end of the existing interchange (Improvement No. 4593 and Federal Aid Project U-001-3-

Adopted on roll call April 30, 1956.
Ayes 8; Nays 0; Absent 1; Battin.

Resolution No. 14622.

By HOOKER:

Authorizing and directing proper officers of City to execute and deliver a lease by and between the City of Tacoma and the United States of America- for space used by the U. S. Navy in the basement of the Tacoma Police Annex.

Adopted on roll call April 30, 1956.
Ayes 8; Nays 0; Absent 1; Battin.

Resolution No. 14605. (Laid over to this date by Council on April 23rd).

By HUMISTON:

Approving recommendations of the Director of Public Works and Board of Contracts and Awards and awarding to General Electric Supply Co. the contract for furnishing galvanized steel standards, luminaires, ballasts, mast arms and constant current regulating transformers for 1956 street lighting bond program on its lump sum bid of \$132,070, plus sales tax. Mr. Boyle advised that last week the Board of Contracts and Awards made a recommendation that the contract be awarded for galvanized steel standards. The Home Electric Co., low bidder, who was to furnish prestressed concrete standards, protested this action and asked that a impact test be made of both types of standards. After the test the Board of Contracts and Awards changed its recommendation and awarded the contract to Home Electric Co. for prestressed concrete poles, Mr. Boyle stated. Ways and Means of adopting this recommendation were discussed and it was decided to vote down Res. No. 14605 and then adopt a new resolution, awarding the contract to Home Electric Co., low bidder. Roll was then called on the adoption of Resolution No. 14605, resulting as follows:

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Ayes 0; Nays 8; Absent 1; Battin. Resolution declared lost.

It was moved by Dr. Humiston, seconded by Col. Hooker to suspend Rule 7 (pertaining to filing of new matter for Council's consideration) to adopt Resolution No. 14623. Motion carried unanimously on voice vote.

RESOLUTION No. 14623.

BY HUMISTON:

Approving recommendations of Director of Public Works and Board of Contracts and Awards and awarding to Home Electric Co. on its lump sum bid of \$131,491.81 plus sales tax, the contract for furnishing prestressed concrete standards, luminaires, ballasts, cast arms and constant current regulating transformers for 1956 street lighting bond program. Mr. Staman, Director of Public Works, reported on the impact tests on the two types of poles, and stated that at the conclusion of the test the concrete pole was still standing and could be patched without being removed, while the steel pole was bent and could not be repaired without being taken down and shipped to the factory, which would cost about half of the value of a new pole. This would indicate that the cost of maintenance was less on a prestressed concrete pole than on the galvanized steel poles. Also there is the cost of painting steel poles to be considered as this has to be done every few years, Mr. Staman said. After further discussion, the resolution was then adopted.

Adopted on roll call April 30, 1956.
Ayes 8; Nays 0; Absent 1; Battin.

Mr. Perdue reported that he had another resolution, not on the Agenda, which it was necessary for the Council to adopt tonight, and he moved that Rule 7 (pertaining to filing of new matter for Council's consideration) be suspended. Motion seconded by Dr. Humiston and carried unanimously on voice vote.

Resolution No. 14624.

BY PERDUE:

Authorizing the Council to expend not to exceed \$1,000.00 out of available City Funds for the payment of the expenses of bringing candidates for the position of City Manager to the City of Tacoma for interviews, which cost will include transportation, subsistence and housing in connection therewith.

Adopted on roll call April 30, 1956.
Ayes 8; Nays 0; Absent 1; Battin.

FIRST READING OF ORDINANCES:

Ordinance No. 15602.

Authorizing the Director of Finance to transfer the sum of \$5092 from Salaries and Wages classification of the Library Fund as budgeted in 1956 Budget, to the Maintenance and Operation Classification of the same fund; and authorizing further transfer of \$828 from Salaries and Wages classification of said fund to Capital Outlay classification. Read by title and placed in order of final reading.

Ordinance No. 15603.

Amending Ordinance No. 14793 entitled: "An ordinance to regulate the location and use of buildings and the use of land within the City of Tacoma; to limit the height of buildings, etc." (ZONING ORDINANCE) by adding thereto two new sections to be known as Section 8M and Section 5C. (Sec. 8M- C-1 District west of NW corner of South 72nd and Pacific, bet. H, E. Cope, et al- 3-19-56 and Sec. 5C- R-3 District located to the south of SE corner of South 40th and Pacific- petition Robert Johnston, et al (4-2-56). Read by title and placed in order of final reading.

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Ordinance No. 15604.

Appropriating the sum of \$10,000, or so much thereof as may be needed, from the Cumulative Reserve Fund, Streets and Bridges; and authorizing the expenditure thereof by the proper officers of the City of Tacoma for additional costs in the paving of Milwaukee Way. Read by title and placed in order of final reading.

Ordinance No. 15605.

Authorizing and directing City Attorney to purchase and/or institute and prosecute an action in Superior Court under right of eminent domain, for condemnation of certain tracts of land for rights of way for street purposes, including the construction of traffic islands, acceleration and deceleration lands and on and off ramps, at the intersection of 11th Street and St. Paul Avenue; directing that compensation be payable from the City Street Fund. Read by title and placed in order of final reading.

Ordinance No. 15606.

Amending Section 21E of Ordinance No. 11314 entitled: "An ordinance to fix the price of and to regulate the use and manner and conditions of selling electric energy by the City of Tacoma, etc." (Schedule E-2 Wholesale Power Rate-raising said rates). Mr. Barline, Director of Utilities, advised that this is for the purpose of equalizing the cost of electricity sold by the City to 22 customers for resale. The rate ordinance for these customers has not been changed in 20 years and at the time it went into effect Tacoma was producing all its own power, he said. Now we are buying a substantial amount from Bonneville and have to pay 100% of the peak load and this amendment will equalize the charges by making wholesale customers pay 80% of their peak load, he added. He submitted a letter and schedule of "Effect of Proposed E-2 Rate Changes" to each Council member for their information. Ordinance was read by title and placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 15593. L I D 5267

Providing for construction of a 6-inch cast iron water main in North Park Avenue from Bristol to Visscher; in Visscher from North Park Avenue to North 42nd; in Defiance Street from North Park Avenue to North 48th Street; in Bristol from North Park Avenue to North 49th Street; creating L I D 5267. Read by title and passed. 936
48: 100

Roll call: Ayes 8; Nays 0; Absent 1, Battin.

Ordinance No. 15596. L I D 5249

Approving and confirming the assessment and assessment roll for cost of improvement in L I D 5249. (6-inch cast iron water main in James Street from North 17th Street to a point approximately 385 feet south of the south line of North 11th Street, and in North 11th Street from Harmon Street to James Street, together with the necessary appurtenant equipment, including gate valves, fire hydrants and laterals, specials, connectinns, etc.) Read by title and passed. 330

Roll call: Ayes 8; Nays 0; Absent 1; Battin.

Ordinance No. 15597.

Authorizing the execution and delivery of a Lease and Management Contract between the Tacoma Transit Company, a corporation, and the City of Tacoma, providing for the leasing by the City from the Tacoma Transit Company of its operating equipment; the management of the Transit System buses and equipment by the Tacoma Transit Company; and setting forth and defining therein the rights and duties of the parties and the terms and conditions in respect thereto. Read by title. Dr. Humiston advised that Franklin Johnson has examined the books of the company this time as in past situa- 366

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tions when the Company has asked for relief in Gross Earnings tax payments and his report supports the contention of the Transit Co. that their business is steadily declining. Mayor Tollefson said he felt the agreement should contain a paragraph stating that no employer-employee relationship now exists between the parties and no provision contained herein shall be construed to create such relationship between the City and the Transit Company. John J. Reha, Attorney for the Tacoma Transit Company said they would have no objection to spelling this out. It was moved by Dr. Humiston, seconded by Mr. Jensen that the ordinance be amended by the addition of a paragraph containing this provision. Motion carried. on roll call, Ayes 8; Nays 0; Absent 1, Battin. The ordinance was then passed as amended.

Roll call: Ayes 8; Nays 0; Absent 1, Battin.

Ordinance No. 15598.

L I D 1956.

Providing for construction of sewers in Tyler Street from Manhole 40 feet south of south property line of Wright Avenue to 40 feet south of south property line of South 32nd Street; creating L I D 1956. Read by title and passed.

Roll call: Ayes 8; Nays 0; Absent 1, Battin.

Ordinance No. 15599.

L I D 5272.

Providing for construction of a 12-inch cast iron water main in South 19th Street from Lawrence Street to Adams Street; creating L I D 5272. Read by title and passed.

Roll call: Ayes 8; Nays 0; Absent 1, Battin.

✓ Ordinance No. 15600.

Declaring certain slot machines, pinball machines, vending machines and devices to be a nuisance, prohibiting the keeping or maintaining for use thereof or permitting the uses thereof; providing penalties for violation hereof; and repealing Ordinance No. 10468. Read by title. Mayor Tollefson called on Chief of Police Kerr. He stated that the City Manager and some Council members had asked him for his recommendations on this matter, and after giving it careful consideration he had asked Council to pass an ordinance as he felt these machines tended to promote and increase gambling. Lt. Hager and Chief Kerr both said that enforcement of the present ordinance which prohibits "pay-offs" is extremely difficult, due to manpower shortage in the Department. The only other thing to do would be to resort to "informants" which they did not like to do. In response to a question by Mr. Bratrud as to whether the matter was brought up at this time because of increased violations, Chief Kerr replied in the negative.

A. M. Ursich, representing pinball operators said this was a serious matter as evidenced by the number of persons present. It is both fundamental and economical, he said, as it hurts many people by reduction of income and also interfered with private property. He claimed that the operators he had talked to were willing to cooperate if they knew of violations and said he did not feel the Council should destroy the entire industry just to penalize the few who are violating the ordinance. The proper answer would be to deal with the violators according to law and he suggested that where violations occur, licenses be suspended the first time, and revoked on second offenses. The City has invited people to invest capital by licensing these machines and he did not think it fair to put them out of business. He called attention to the fact that the income from these machines meant the difference between a profit and a loss to many small business men. He urged Council not to take such drastic action and to thus place local businessmen at a disadvantage as compared with others in the State and County. A. K. Wetmore, Executive Secretary of Tavern Owners Association, concurred in the statements made by Attorney Ursich. He expressed the opinion that the Tavern Owners would be happy to cooperate with the pinball operators, City Council and Law Officers. He urged that the ordinance be defeated. Archie Douglas, representing the Hotel Employees and Bartenders spoke against banning the machines, saying it would increase unemployment. He urged Council to give careful consideration before taking action.

Steve Pease, restaurant owner, also spoke against the ordinance.

G. Hanley Barker, President of Tacoma Council of Churches, spoke in favor of doing away with pinballs on the grounds that they definitely are gambling devices and as a moral issue should be banned along with slot machines.

Mr. Bratrud said he felt the Ordinance was too drastic, and should be modified. Col. Hooker admitted that he had asked the City Manager and the Police Chief for recommendations, and now that they have been given, he intended to vote for the ordinance. Mrs. Goering said although she did not like to be unfair, nevertheless she would vote for the ordinance as she felt the recommendation would not have been given by the Police Department unless it was needed. Dr. Humiston agreed with Mrs. Goering's view. Mr. Jensen said there were points in favor of both ordinances and he felt it would be better to review, modify and revise the present ordinance, and for this reason he was not going to vote for Ordinance No. 15600. Mr. Stojack also favored revision of the present ordinance, and suggested the question be placed on the ballot for the voters to decide. This suggestion was discussed and City Attorney Marshall McCormick gave the opinion that this was legally possible.

Mayor Tollefson said this was a difficult problem to decide and he would like to see more study of the matter by the Council. Mr. Perdue said they have had this under consideration for over a month. It was moved by Dr. Humiston, seconded by Col. Hooker to postpone action for two weeks. Mr. Stojack made a substitute motion to table the matter, which was seconded by Mr. Bratrud. This motion lost on roll call: Ayes 3, Bratrud, Jensen, Stojack; Nays 5, Goering, Hooker, Humiston, Perdue, Tollefson; Absent 1, Battin. Roll was then called on the original motion, resulting as follows: Ayes 5, Bratrud, Hooker, Humiston, Jensen, Tollefson; Nays 3, Goering, Perdue, Stojack; Absent 1, Battin. Council recessed at this time for 10 minutes. When council reconvened, Mr. Jensen moved to reconsider the last motion, giving as his reason, that he felt it should be on a thirty day basis. Motion seconded by Mr. Bratrud. Lost on roll call. Ayes 4, Bratrud, Jensen, Stojack, Tollefson; Nays 4, Goering, Hooker, Humiston, Perdue. Absent 1, Battin. Mayor Tollefson suggested that Mr. Jensen as well as other Council members speak to the Police Chief and Attorneys, giving their ideas of how to put more teeth into the present Ordinance.

Ordinance No. 15601.

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Amending Sections 17, 17a, 17b, 17c, 17g and 17i of Ordinance No. 14892 - 379
GENERAL LICENSE ORDINANCE (banning pin-ball machines). As this ordinance pertains to the same matter as Ordinance No. 15600, it was moved by Dr. Humiston, seconded by Mr. Perdue to postpone action for 2 weeks (May 14th), resulting as follows: Ayes 7; Nays 1, Stojack; Absent 1, Battin.

Ordinance No. 15591. (postponed to this date on April 16th, 1956)

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Amending Sections 18, 19, 20, 21, 31, 34 and 39 of Ordinance No. 15106 - 376
PAY OR COMPENSATION PLAN - (Department of Public Utilities). Mayor Tollefson read a letter from John M. Coffee, Counsel for the Municipal Civil Service League of Tacoma, Inc., asking Council to continue this matter until Monday, May 14th so as to afford them a reasonable time to evaluate the proposed positions and their duties.

Dr. Humiston explained these changes have the endorsement of the Utility Board and the Director. New appointive positions are created, which did not previously exist and he could see that the Civil Service League would like to protect the classified service. He pointed out that the League has had the two ordinances the same length of time as Council, even though they did not receive a copy of the McKinsey report until today. Mr. Barline and the Utility Board would like to see the ordinances passed tonight he said, in order that the department will not be disrupted for any longer time than absolutely necessary. He urged passage of Ordinance No. 15591 and 15592 tonight, with the understanding that Council may at any time make the positions involved classified. Mr. Bratrud pointed out that the ordinances were laid over pending receipt of the McKinsey report. He didn't receive the report until late today and had not had the opportunity to read it, and was of the opinion that other members of the Council likewise had not found time to study the report. Alfred J. Johnson, Chairman of the Utility Board stated it was not the intent of the Board to eliminate any Civil Service position. He

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asked Council to pass the ordinance tonight, suggesting that these positions can be put under Civil Service later if the Council wishes. Mr. Kettler of the Civil Service League called attention to the fact that these ordinances were laid over for the McKiney report, and now they are rushing the passage of the ordinance before the report has been studied. His organization would like time to study the report, and asked to have the ordinances laid over to give them time to evaluate the positions, in order to determine whether or not Council can legally make them appointive under Charter provisions. He said further that the League would like the appointees to have Civil Service rights to the jobs after they receive them. John Coffee also urged Council to allow them two weeks time to study the ordinances in order to determine if they can legally be appointive jobs. Mr. Barline, Director of Utilities, urged Council to pass the ordinances, as the matter has been in process since February. At this time Mr. Bratrud moved to postpone Ordinance No. 15591 for one week (to May 7th), seconded by Mr. Stojack. Motion carried on roll call: Ayes 6; Nays 2, Goering, Jepsen; Absent 1, Battin.

Ordinance No. 15592.

Amending Ordinance No. 14987 (Administrative Code - Utilities Department) by amending Sections 16, 23, 30, 31, 32, 34; 35, 37, 39, 40, -41, 41A and 41C, thereof and by adding thereto two new sections to be known as Sections 35A and 35B. As this ordinance is a companion ordinance to Ordinance No. 15591, it was moved by Mr. Bratrud, seconded by Mr. Stojack to postpone action for one week (to May 7th). Carried on roll call Ayes 8; Nays 0; Absent 1, Battin.

UNFINISHED BUSINESS:


This is the date to which Council continued the hearing of April 23, 1956 on the appeal of Leo Gregorich from the denial of his petition (2-6-56) by the City Planning Commission for rezoning from an R-2 District to a C-1 District property at N.W. corner of North 45th and Orchard Streets. At the meeting on April 23rd, 1956, the Council expressed the desire to have an opportunity to view the property under consideration. Several of the Council members stated they had inspected Mr. Gregorich's property at North 45th and Orchard, and, after due consideration, it was moved by Dr. Humiston, seconded by Col. Hooker, to concur in the recommendation of the Planning Commission to deny the petition of Mr. Gregorich. Carried on roll call: Ayes 7; Nays 1, Bratrud. Absent 1, Battin.

NEW BUSINESS:

Mayor Tollefson read a letter from James Rondeau, President of the Tacoma Safety Council requesting permission from the City Council to allow Captain Robert Marshall of the Police Department to attend President Eisenhower's Traffic Safety Council to be held in San Francisco California on May 30th and June 1st. It was moved by Dr. Humiston, seconded by Col. Hooker, to concur in the request of the Tacoma Safety Council to authorize Captain Marshall to attend the San Francisco Conference on May 30th - June 1st. Motion carried. Ayes 8; Nays 0; Absent 1, Battin.

Upon motion, duly seconded and carried, Council then adjourned at 11:30 p.m.


Mayor

Attest: 
City Clerk