

APR 18 1955

COUNCIL CHAMBER, 7:43 P. M.

Monday, April 18, 1955.

Council met in regular session. Present 9; Battin, Bratrud, Goering, Hooker, Humiston, Jensen, Perdue, Stojack, Tollefson. Absent 0.

It was moved by Dr. Battin, seconded by Mr. Bratrud, that the minutes of the previous meeting, copies of which had been mailed by the Clerk to each Councilman be approved and the reading thereof be dispensed with. Motion carried on roll call: Ayes 8; Nays 1; Tollefson(not voting).

COMMUNICATIONS:

Miller Construction Co., Inc., making suggestions as to the route of the proposed Narrows View Parkway, a sketch of which has been submitted to the City Planning Commission; stating they believe the right of way for such a drive could be obtained without cost to the City inasmuch as no development work has been done in this area to date; advising they have started planning the street layout for the entire unplatted area and in order to avoid extensive delay in their platting and building program it is imperative that they know about the location of the drive before proceeding further. A letter was also submitted by Ray O'Flyng, owner of several acres in the area, stating he is completely in accord with the above view and is willing to deed any right-of-way that is desired. Mr. Backstrom advised that on January 17th a communication relative to this matter was submitted by the City Planning Commission, asking that the Public Works department make a study to determine routes and alignment of this project, and that the Public Works Department now has a tentative alignment of the road worked out by its engineers, which is to be presented at the Commission meeting tomorrow. The matter was discussed at length and inasmuch as it is on the Planning Commission Agenda tomorrow, it was felt that no action should be taken by the Council until a report is submitted by the City Planning Commission.

RESOLUTIONS:

Resolution No. 14235.

By HUMISTON:

Authorizing the Investment Board of the City of Tacoma to invest from the fund of the Water Construction Fund of 1953 the sum of \$500,000.00 in United States Government 91-day notes. The Director of Finance reported that this should read Water Construction Fund of 1954, as there is no Water Construction Fund of 1953. It was moved by Dr. Humiston to amend the resolution by changing the year to "1954" instead of "1953". Motion seconded by Mr. Bratrud. The roll was then called on the adoption of the resolution as amended.

Adopted on roll call April 18, 1955.

Ayes 9; Nays 0; Absent 0.

Resolution No. 14236.

By HUMISTON:

Authorizing the proper officers of the City of Tacoma to sell 24 acres of timber, consisting of 1,391,000 board feet as cruised by a recognized timber cruiser, at public auction subject to a minimum acceptable bid of \$30,000.00. (located in the vicinity of the Headworks on the Green River, owned by the Water Division).

Adopted on roll call April 18, 1955.

Ayes 9; Nays 0; Absent 0.

Initial Resolution No. 14237. L. I. D. 2230.

By HUMISTON:

Stating intention of Council to order grading to the established subgrade and placing thereon a gravel and crushed rock oil mat on East I Street from East 36th Street to East 37th Street; creating L I D 2230 and fixing May 17th, 1955 as the date for hearing thereon. It was moved by Mr. Jensen to suspend Rule 9, seconded by Dr. Battin and carried unanimously on voice vote. The resolution was then adopted without having been read in full. 69

Adopted on roll call April 18, 1955.
Ayes 9; Nays 0; Absent 0;

Initial Resolution No. 14238. L. I. D. 4551.

By HUMISTON:

Stating intention of Council to order grading to established subgrade and placing thereon a cement concrete pavement in the alley between South D Street and Pacific Avenue from South 38th Street to South 40th Street; creating L I D 4551 and fixing May 17th, 1955 as the date for hearing thereon. It was moved by Mr. Perdue to suspend Rule 9, seconded by Col. Hooker and carried unanimously on voice vote. The resolution was then adopted without having been read in full.

Adopted on roll call April 18, 1955.
Ayes 9; Nays 0; Absent 0.

Initial Resolution No. 14239. L. I. D. 5246.

By HUMISTON:

Stating intention of Council to order installation of cast iron water mains in South 72nd Street from L Street to Sheridan Avenue; in Sheridan Avenue from South 68th to South 72nd; in M Street from South 68th to South 72nd; in South 68th from J Street to M Street, and in South L Street from South 68th to a point approximately 814 feet north of the North line of South 68th Street; creating L I D 5246 and fixing May 17th, 1955 as the date for hearing thereon. It was moved by Mr. Perdue to suspend Rule 9, seconded by Dr. Battin and carried unanimously on voice vote. The resolution was then adopted without having been read in full. 69

Adopted on roll call April 18, 1955.
Ayes 9; Nays 0; Absent 0.

Initial Resolution No. 14240. L. I. D. 5249.

By HUMISTON:

Stating intention of Council to order installation of cast iron water main in James St. from North 17th Street to a point approximately 335 feet south of the south line of North 11th Street, in North 13th Street from James St. to Heatherwood West and in North 11th Street from Harmon Street to James Street; creating L I D 5249 and fixing May 17th, 1955 as the date for hearing thereon. It was moved by Mr. Perdue to suspend Rule 9 and carried unanimously on voice vote. The resolution was then adopted without having been read in full. 66

Adopted on roll call April 18, 1955.
Ayes 9; Nays 0; Absent 0.

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Resolution No. 14241.

BY JENSEN:

Approving recommendation of the Director of Public Works and Board of Contracts and Awards and awarding the contract for the construction of sanitary sewers from Winnifred to Highland, South 10th Street to Sixth Avenue, Highland to Pearl Street, constituting L I D 1936, to Paine-Gallucci Inc. on its low bid of \$13,564.15.

Adopted on roll call April 18, 1955.
Yeas 9; Nays 0; Absent 0.

Resolution No. 14242.

BY JENSEN:

Approving recommendation of the Director of Public Works and the Board of Contracts and Awards and awarding the contract for asphalt paving and concrete curb and gutter on South 53rd Street from South D Street to Pacific Avenue, L I D 4541, to Woodworth & Co. Inc. on its low bid of \$6284.46.

Adopted on roll call April 18, 1955.
Yeas 9; Nays 0; Absent 0.

FIRST READING OF ORDINANCES:

Ordinance No. 15315.

Repealing Ordinance No. 6993, entitled; "An ordinance to regulate the writing of prescriptions for certain drugs; and prescribing a penalty for the violation hereof." Read by title and placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 15307.

Appropriating the sum of \$22,186.34, or so much thereof as may be necessary, from the Garbage and Refuse Fund for the purpose of paying the State of Washington business and occupational tax for the period January 1, 1948, to March 1, 1954; declaring the emergency making necessary said appropriation; authorizing the issuance of warrants for said purpose; and repealing Ordinance No. 14779. Read by title. It was moved by Col. Hooker, seconded by Dr. Battin to suspend Rule 9 and carried unanimously on voice vote. The history of this obligation was related at length by Mr. Hiberly, Superintendent of the Refuse Collection, who stated that they were not aware they were required to pay State Business and occupational tax until in 1950, when they were so notified by the State Examiner's Office. About this time the Courts ruled in a similar case in Bremerton that garbage collection was a government function and not a business, and was not subject to Business and Occupational taxes. In view of this ruling Tacoma resisted paying the tax, but just prior to a public hearing they had requested before the Tax Commission in March of 1953, the Supreme Court reversed the decision in the Bremerton case, so they had no arguments to present to the Commission. The State can enforce the collection, and assess penalties and interest, unless it is paid Mr. Backstrom said. The current charges have been paid since March 1, 1954, as they become due, Mr. Hiberly stated, and the amount appropriated in this ordinance is the full amount due. The Tax Commission has delayed enforcing collection until the financial condition of the Department made it possible to pay, and the recent raise in rates has improved their finances to the point where they can now begin to pay off this obligation, he added. Mr. Bratrud spoke in favor of discharging this debt in yearly installments spread over a number of years. It was pointed out by Mr. Boyle that, since this expenditure was not budgeted, it would require the unanimous vote of all present to pass the ordinance. After further discussion roll was called on the ordinance and it was

passed without being read in full.

Roll call: Ayes 9; Nays 0; Absent 0.

Ordinance No. 15308. L I D 2158.

Approving and confirming the assessment and assessment roll for cost of the improvement in L. I. D. 2158. It was moved by Dr. Humiston, seconded by Dr. Battin to suspend Rule 9 and carried unanimously on voice vote. The ordinance was then passed without having been read in full. ⁴⁷⁶

Roll call: Ayes 9; Nays 0; Absent 0.

Ordinance No. 15309. L. I. D. 2203.

Approving and confirming the assessment and assessment roll for cost of the improvement in L I D 2203. Read by title. It was moved by Dr. Humiston to suspend Rule 9, seconded by Mr. Perdue and carried unanimously on voice vote. The ordinance was then passed without having been read in full. ⁴⁷⁶

Roll call: Ayes 9; Nays 0; Absent 0.

Ordinance No. 15310. L. I. D. 5745.

Approving and confirming assessment and assessment roll for cost of the improvement in L. I. D. 5745. Read by title. It was moved by Dr. Humiston to suspend Rule 9, seconded by Dr. Battin and carried unanimously on voice vote. The ordinance was then passed without having been read in full. ²⁹⁰

Roll call: Ayes 9; Nays 0; Absent 0.

Ordinance No. 15311. L. I. D. 5239.

Approving and confirming assessment and assessment roll for cost of the improvement in L. I. D. 5239. Read by title. It was moved by Dr. Humiston to suspend Rule 9, seconded by Col. Hooker and carried unanimously on voice vote. The ordinance was then passed without having been read in full. ⁴⁷⁶

Roll call: Ayes 9; Nays 0; Absent 0.

Ordinance No. 15312.

Vacating that portion of that certain street or thoroughfare in the form of an arc lying between Blocks 6 and 7, Port of Tacoma Industrial Development District First Addition to the City of Tacoma, and also lying between the most easterly line of Block 6 extended to Block 7 and the most northerly line of Block 6 extended to said Block 7. Read by title. It was moved by Col. Hooker to suspend Rule 9, seconded by Dr. Battin and carried unanimously on voice vote. The ordinance was then passed without having been read in full. ²³

Roll call: Ayes 9; Nays 0; Absent 0.

Ordinance No. 15313. L. I. D. 4547.

Providing for the improvement of all streets of Westmoreland Terrace, except Shirley and Orchard Streets; also Bennett Street from North 26th Street north to the south line of Westmoreland Terrace, by paving and concrete curbs and gutters; creating Local Improvement District No. 4547. Read by title. It was moved by Col. Hooker, seconded by Mr. Perdue to suspend Rule 9 and carried unanimously on voice vote. The ordinance was then passed without having been read in full. ⁴⁸⁶

Roll call: Ayes 9; Nays 0; Absent 0.

Ordinance No. 15314. L. I. D. 2200.

Approving and confirming the assessment and assessment roll for cost of improvement in L I D 2200. Read by title. It was moved by Mr. Jensen, seconded by Mr. Stojack to suspend Rule 9 and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

Roll call: Ayes 9; Nays 0; Absent 0.

UNFINISHED BUSINESS:

The Director of Public Utilities submits assessment and assessment roll for cost of improvements in L I D Nos. 5233 and 5240. It was moved by Mr. Perdue, seconded by Dr. Battin that May 17, 1955 be fixed as the date for hearing on said assessment rolls. Motion carried on roll call: Ayes 9; Nays 0; Absent 0.

This being the date fixed by Council for hearing on appeal of C. L. Judge from denial by the City Manager of his license for the Holly Hotel at 811 $\frac{1}{2}$ Pacific Avenue, the Clerk reported that R. W. Copeland, Attorney for Mr. Judge, has requested that the hearing be continued until Monday, April 25th at 7:30 P. M. as he will be unable to be present on the 18th due to a previous commitment, and has stated further that if the 25th of April is not agreeable to the City Council, he will be available on Monday, May 2nd. It was moved by Mr. Bratrud, seconded by Dr. Battin that the request be granted and the hearing continued for one week to April 25th. Motion carried on roll call: Ayes 9; Nays 0; Absent 0.

Mr. Backstrom reported that D. H. Cornelius, South End Towing Co., who had inquired about the delay in receiving his towing license at last Monday's meeting, had changed the storage area to conform to the ordinance and that the application has been cleared with the Fire Department and the license has now been issued.

Mr. Backstrom reported that due to the volume of work in his office right now, he was not sure that it would be possible for him to attend the Atomic Test in Nevada from April 22 to 27, as directed by Resolution No. 14234, adopted by Council last Monday night, and asked if it would meet Council's approval if he did not attend, but allowed Mr. Evans to represent the City. Moved by Dr. Battin, seconded by Col. Hooker that the City Manager be allowed in his discretion to determine whether or not the work of his office will permit him to attend the atomic test in Nevada. Motion carried.

Dr. Humiston read from a paid "ad" from the "Committee of 100" in Friday's paper, which claimed the figures given out by the City Manager in a news story in January were false. He also called attention to a provision in the City Charter for a third party to audit the City Books, and said in view of these accusations he felt it quite proper to request the independent auditors to examine the matter and make public their findings. He moved that the Auditing Committee of the City Council be directed to request Lybrand, Ross Bros. and Montgomery to make an investigation of this charge and report back to the City Council. Seconded by Dr. Battin. Mr. Backstrom said he would welcome an investigation by the independent auditors of the whole budget and expenditures, if the Council felt that information made public were incorrect. Mayor Tollefson questioned the advisability of making it mandatory for the Auditing Committee to request this investigation, and said he felt that the Committee itself might be able to investigate the report and it then would not be necessary to go any further. Mr. Bratrud, a member of the Auditing Committee, disagreed with this thought, saying he, for one, did not feel qualified to do this and that such a report was up to the Auditors. After further discussion roll was called on Dr. Humiston's motion, which carried unanimously. The policy to be followed by the Council in the "Charter Election" was again brought up for discussion. The general feeling of the Council members was that it was each and every member's duty to the public to give out any information he might have and to make every effort to correct misinformation being given out by opponents of the City Manager Form of government, as in many instances the Council had the only true and correct information.

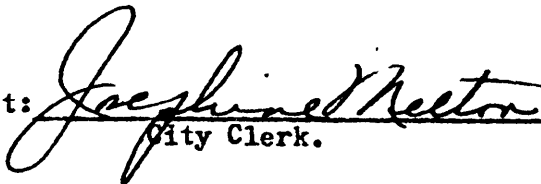
Mayor Tollefson said that a number of those opposing the City Manager Form had "special interests" and he felt the public had a right to have a report on these individuals and that those having a previous interest in the City government before the current administration should also be made known. Many things and many names which have not been divulged because there has been no reason to do so might now be made known, he added.

Mr. Stojack called the Mayor's attention to the fact that no appointment had been made to fill the vacancy on the City Planning Commission due to the recent resignation of one of the members. One member short on the Commission is working a hardship in getting a quorum at their meetings, he said, and they would like to have the Mayor give consideration to some of the names they have suggested and fill the vacancy as soon as possible. The Mayor agreed to make this appointment this week.

Upon motion, duly seconded and carried, Council then adjourned at 9:35 P. M.



President of City Council.

Attest: 

City Clerk.