

COUNCIL CHAMBER, 7:30 P.M.

Monday, March 3, 1958

Council met in regular session. Present on roll call 6: Battin, Perdue, Bratrud, Goering, Humiston, and Tollefson. Absent 3, Jensen, Stojack, and Mayor Anderson. Mr. Tollefson was excused at 8:45. In the absence of Mayor Anderson, Vice Mayor Battin presided.

Moved by Mr. Bratrud, seconded by Mr. Tollefson, that the minutes of the previous meeting be approved and the reading thereof dispensed with. Motion carried on roll call: Ayes 6; Nays 0; Absent 3, Stojack, Jensen and Mayor Anderson.

RESOLUTIONS:Resolution No. 15234:BY TOLLEFSON:

Authorizing the City Manager to execute and file an application with the Housing and Home Finance Administrator, to act as the authorized representative of the City, on the proposed Urban Renewal Project.

Mr. Rowlands, City Manager advised that the basic documentation for the Survey and Planning Application which was sent to council members is one of four sets of documents which have to be submitted to the Housing Home Finance Administration Urban Renewal Agency in San Francisco, California and which, eventually must clear through Washington, D.C. The area consisting of Center Street bounded by Tacoma Avenue, M. Street, the bluff to the north and the railroad tracks to the south, Fawcett Avenue survey area bounded by So. 9th and South 13th Street, Yakima Avenue and Court D. Street. Mr. Rowlands said the City's share or approximately 1/3 of the cost of the project is \$501,000. The Government will pay 2/3 of the cost of the entire project which would total \$1,503,000. The Urban Renewal Coordinator and the Planning staff have appraised this project quite conservatively in estimating the value of the property. The council should like to know that they are looking at a rather long range program. Of course it is also understood that possibly the area that most people in the City think should get first consideration, namely the Fawcett Street area conceivably will be on par with the Center Street area by the time Council is ready to act on either one. This schedule that is outlined for the Council indicates that the survey and planning advance probably will not be approved until about August of 1958, then it will take about another year to consummate the plans so Council will know how they want to proceed by July of August of 1959. Mr. Rowlands said the \$39,000 or \$40,000 would be advanced to the City for this planning work and will not have to be repaid to the Federal Government in the event something develops, which would cause Council to reconsider the development. He said at this time the City is in the position to proceed now. In approximately, August of 1959, unless something unforeseen happens, with a few of the other cities in the State, Tacoma, undoubtedly will be the "guinea pig" in a law suit, which must be instituted before the Federal Government will advance \$1.00 to any city in the State. Each State that adopts the Urban Renewal act has to have the constitutionality of that act established before the Federal Government is willing to make any advances. So, assuming that Tacoma is to be selected, it means that about another year will take place until we are ready to move in on the first project. During the intervening next two years, we feel that the Planning Staff and the Urban Renewal Staff can go ahead and prepare an application for the Fawcett Street area so that Council will, in effect, be considering two projects as of August 1960. It is quite conceivable

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that in 1959, Council and the other cities in this State may want to make some amendments to the State Urban Renewal Act which would make it a little more adaptable to our needs. There is no reason why two projects can not be in process during the year, while we are waiting for a legal decision on the constitutionality of the act. "I am sure we can have both in order," Mr. Rowlands stated.

Mr. Rowlands said that a meeting was held with Mr. Everett, Assistant Director of the Urban Renewal Agency in San Francisco. He said by going ahead with this project now, it will not jeopardize the cities chances for 1, 2 or 3 other projects. He also felt that Tacoma had good chances of obtaining assistance for these areas which have been outlined in the report to Council.

Dr. Battin explained that prior to the last Legislature, Urban Renewal projects were not permitted in the State. The last Legislature authorized Urban Renewal projects and Tacoma is in the lead, and as we are in the lead, we will have to stand the brunt of mistakes, perhaps changes in the act. He said a committee has been set up in the State to work for an amendment to the enabling act to permit faster and more extensions in Urban Renewal work in the State of Washington.

Mr. Tollefson advised he was sent to Washington, D.C. as a representative of the City and he was the only representative from the West Coast to testify before the members on Urban Renewal and the concerted efforts of the cities throughout the U. S. resulted in the Federal Government including Urban Renewal in the budget in a fixed figure and on a 5 year plan. Mr. Tollefson said they asked for a 10 year plan but could only get a 5 year plan, but he said, it may be extended to a 10 year plan on action of Congress. Even though the City will not be able to handle this matter until after the test case, the Federal Government will have funds available.

Dr. Battin asked Mr. Rowlands that in this particular project that a number of persons have asked him if this project could perhaps be put through at no financial cash outlay by the City of Tacoma and the question, that is asked him repeatedly is, "how is that possible."

Mr. Rowlands explained that under this act the City can contribute either cash or credit. If any other improvements are going in, in the general neighborhood, they are credited against our 1/3 portion, as well as any staff work that is done, which is credited later on, or any other improvements that might be put in the area. In certain of these areas you have improvements that will be put through in any event and if they intend to help make this a better community in which to live and to establish commercial and Industrial development, then you are given credit, he added. This is the reason that many cities do get their 1/3 share in improvements which they would be putting in the area anyway.

Dr. Battin asked if the expenditure the City will make regardless of the Urban Renewal Program may be counted as credit toward the Urban Renewal allocations.

Mr. Rowlands advised that was correct if it were in the particular area it would qualify.

Dr. Battin said that was the reason this particular area was selected as there will be improvements in that area that will have to be made in any event and it can be counted toward this particular project and will earn the allotment from the Government which then explains how we can say this particular project, would not entail any cash outlay by the City other than the outlay which we would make anyway.

Mr. Rowlands advised this is correct and that in estimating the resale price of the property the staff was very conservative, possibly to the extent of being \$40,000 or \$50,000 on the low side. Mr. Rowlands said he felt this figure should be for the City's benefit, and we should be reasonably safe in not having to put any large cash outlay out on this project.

Adopted on roll call March 3, 1958

Ayes 6; Nays 0; Absent 3, Jensen, Stojack and Mayor Anderson

Resolution No. 15235:

BY STOJACK:

Designating the City Manager on behalf of the City to exercise all the Urban Renewal project powers.

Adopted on roll call March 3, 1958

Ayes 6; Nays 0; Absent 3, Jensen, Stojack and Mayor Anderson

Resolution No. 15236:

BY GOERING: GOERING:

Fixing Monday, April 7, 1958 as the date for hearing on the vacation of South 52nd Street from South State Street to South Trafton Street.

Adopted on roll call March 3, 1958

Ayes 6; Nays 0; Absent 3, Jensen, Stojack and Mayor Anderson

Resolution No. 15237:

BY BRATRUD:

Fixing Monday, April 7, 1958 as the date for hearing on the vacation of Woodlawn Street from South 9th Street to South 10th Street and the alleys between Pearl Street and Bantz Boulevard from South 9th Street to South 10th Street.

Adopted on roll call March 3, 1958

Ayes 6; Nays 0; Absent 3, Jensen, Stojack and Mayor Anderson

Resolution No. 15238:

BY BATTIN:

Awarding contract to Murphy-Campbell Company on their bid of \$25,226.12 for purchase of one crawler tractor and \$5,683.33 for purchase of one used Caterpillar scraper.

Mr. Bratrud asked why the second bidder instead of the low bidder received the award. Mr. Rowlands advised that there is a difference of approximately \$351.00 between the caterpillar bid of Murphy Campbell Co. and International. He explained that by awarding the bid to a local agency they can have repairmen available and parts available quickly, and that over the life of this equipment which will be amortized by capital investment over a period of from 10 to 12 years, that the City will actually gain much more than \$351.00 over the life of this piece of equipment.

Mr. Bratrud asked how much difference would there be in money or percentage before this particular obstacle would be overcome.

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Mr. Rowlands said Mr. Bratrud had a good point, that when you get a bid of this nature what would be the breaking off point, should there be a difference of \$1,000 or \$1,500 or even \$800.00 before we would be justified in taking another piece of equipment with that low bid, even though the manufacturer might not be in the city.

Mr. Bratrud advised that in his opinion the method of putting out specifications should be changed, as our method now, makes unfriendly feelings between bidders on various types of merchandise when they make the low bid and are not awarded the job. He believes that a change should be made immediately, either to put specifications on a particular type of thing that some certain percentage will be granted for a Tacoma concern because they can get better maintenance, on one thing or another, than an outside bidder will know what he has to guard against.

Mr. Tollefson advised that in some items this may be true, but to change the specifications to the extent that they become so specific that only one person can bid, then in effect we are awarding them the bid, and in that event, he said, he was wholeheartedly opposed.

Dr. Battin advised that Council adopted in their early organization the policy between home firms and those outside, that it would be justifiable to award bids to the home firm with a differential up to 5%. This bid he said is only about 1%.

Adopted on roll call March 3, 1958

Ayes 5; Nays 1, Bratrud, Absent 3, Jensen, Stojack and Mayor Anderson

Resolution No. 15239

By JENSEN:

Awarding contract to Feenaughty Machinery Company on their bid of \$10,890.67 for purchase of one street sweeper.

Mr. Rowlands advised that the City has a sweeper broom in stock that is worth approximately \$350.00 which will be used on this machine therefore the City will be given credit for the broom and will reduce the differential to approximately \$112.00. Mr. Rowlands said they received information from another City in the Northwest which advised that it would not be advisable to use this other type of equipment.

Mr. Staman said the other machine is one that has been redesigned and the company has no record that they can prove that it is a satisfactory model.

Adopted on roll call: March 3, 1958

Ayes 6; Nays 0; Absent, 3, Jensen, Stojack and Mayor Anderson

By

Resolution No. 15240

By JENSEN:

Awarding contract to R.C.A. on their quotation of \$5,217.25 plus sales tax in the sum of \$173.14 for purchase of amplifier units to be installed in the County-City Building, and waiving bidding requirements for purchase of non-competitive items.

Dr. Humiston asked how this qualified as a non-competitive item?

Mr. McDonough said that they are trying to tie in their work with the actual construction of the County-City Building, and that by purchasing R.C.A. equipment it will tie in with what they have at the present time.

Adopted on roll call March 3, 1958

Ayes 6; Nays 0; Absent 3, Jensen, Stojack and Mayor Anderson

Resolution No. 15241:BY PERDUE:

Authorizing proper officers of the City to pay to Sgt. Lyle Smith of the Tacoma Police Department \$8.00 per diem for expenses incurred during his attendance at the F.B.I. National Academy during the term from March to June, 1958.

Mr. Rowlands said he felt this was quite an honor to have one of our employees chosen to attend this school. Some time back Mr. Rowlands explained that a similar Resolution was passed when Lt. Dupenthaler was sent to the Northwestern University and the same amount of per diem was allowed at that time.

Adopted on roll call March 3, 1958

Ayes 6; Nays 0; Absent 3, Jensen, Stojack and Mayor Anderson

Resolution No. 15242:BY TOLLEFSON:

Establishing a ten-minute parking zone in front of the Grocery Store at 502 So. G. Street.

Mr. Rowlands advised that this matter was investigated by Mr. Kosai, Traffic Engineer and Mr. Staman, and they felt this request was justified.

Mr. Tollefson brought out that in many of the business districts throughout the City, such as McKinley Hill, 38th St., So. Tacoma etc., where meters are not installed, the area loses parking space because of an individual parking wherever he wishes. He said some of the businessmen have suggested that the streets be marked so as to permit more cars to be parked.

Mr. Rowlands said that he would look into the matter.

Adopted on roll call March 3, 1958

Ayes 6; Nays 0; Absent 3, Jensen, Stojack and Mayor Anderson

Resolution No. 15243:BY PERDUE:

Settling and terminating contract C-9 dated October 17, 1955, with S. Morgan Smith Co., of York, Penn., for hydraulic turbines for Mayfield Powerhouse in the amount of \$15,550.00

Mr. Barline explained that this was a good settlement.

Adopted on roll call March 3, 1958

Ayes 6; Nays 0; Absent 3, Jensen, Stojack and Mayor Anderson

FIRST READING OF ORDINANCES:Ordinance No. 16062:

Amending the Charter and Official Code relating to reclassification of property located behind 8421 Pacific Avenue from an R-2 One-Family Dwelling District to a C-2 Commercial District.

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Mr. Tollefson asked what the depth of the zone would be.

Mr. Buehler, City Planner, advised that the petitioner had originally requested a deeper zoning, but with the projection of Bell St., it would have gone half way into Bell St., so the Commission recommended 30' be deducted from the original request, so that Bell St. could be opened up. Mr. Buehler said there was quite a difference in topography there. The ground rises quite sharply, so that if Bell St. is opened up the building will be down below and the area can be opened up. There is quite a development in this area, Mr. Buehler stated. The Ordinance was then placed in order of final reading.

Roll call Ayes

Ordinance No. 16063:

Amending the Charter and Official Code relating to reclassification of property located at the N.W. corner of South 73rd and Park Avenues from an R-2 One-Family Dwelling District to a C-1 Commercial District.

Mr. Buehler explained that this is another neighborhood development. The petitioner has proposed to put in some off street parking and enlarge the district. There has been a buyer for the corner across from the St. Ann's Church and they expect to tear it down and propose to build a new shopping center in the area. There were no objections from the property owners in the area, and the Planning Commission recommended the approval of the zoning, Mr. Buehler stated. The Ordinance was then placed in order of final reading.

Ordinance No. 16064:

Ordering the construction, reconstruction and repair of sidewalks, gutters and curbs along the driveways across sidewalks and appurtenances and works necessary thereto in various locations throughout the City.

Mr. Rowlands presented Council with a sample of the notice which was sent out to the property owners on this hearing. Mr. Rowlands explained that a number of property owners have called stating the notice that was sent out was not too clear. Mr. Rowlands said that in the future a paragraph will be added, indicating to the abutting property owners, that the figure given is the maximum amount, and it is specifically outlined what the total cost will be and what the City's share would be, which of course would make it possible for them to determine their own share. Then in the last paragraph it is suggested they should call the Public Works Dept. at this extension, if there were any questions. The Ordinance was then placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 16055:

Repealing Chapter 9.20 of the Official Code of the City of Tacoma, relating to underground electric light and power wires.

Mr. Rowlands advised he had received several inquiries as to why underground wiring could not be put in the new subdivisions.

Mr. Barline, Director of Utilities, said the reason would be primarily of the expense, as it would cost anywhere from 6 to 10 times as much as it would for overhead wiring.

Roll call Ayes 6; Nays 0; Absent 3, Jensen, Stojack, and Mayor Anderson

Ordinance No. 16056:

Amending Section 1.12.600 of the Official Code of the City of Tacoma, Washington relating to pay and compensation (Fire Department).

Roll call; Ayes 6; Nays 0; Absent 3, Jensen, Stojack, Mayor Anderson

Ordinance No. 16057:

Repealing Section 1.34.310 of the Official Code of the City of Tacoma, Washington relating to working fund advances.

Roll call; Ayes 6; Nays 0; Absent 3, Jensen, Stojack and Mayor Anderson

Ordinance No. 16058:

Amending the Official Code of the City of Tacoma, Washington by adding thereto a new section to be known as Section 1.34.430 (relating to Working Fund Advance-Director of Finance, Parking Meter Section - \$25.00).

Roll call; Ayes 6; Nays 0; Absent 3, Jensen, Stojack, Mayor Anderson

Ordinance No. 16059:

Amending Section 8.12.010 of the Official Code of the City of Tacoma, Washington relating to public safety and morals. (Disorderly persons defined and enumerated).

Mr. Bratrud moved to postpone the Ordinance for two weeks until March 17. Motion seconded by Dr. Humiston. Roll call; Ayes 6; Nays 0; Absent 3, Jensen, Stojack, Mayor Anderson.

Ordinance No. 16060:

Amending Section 8.22.010 of the Official Code of the City of Tacoma, Washington relating to public safety and morals. (Definition).

Roll call; Ayes 6; Nays 0; Absent 3, Jensen, Stojack, Mayor Anderson

Ordinance No. 16061:

Amending Section 11.10.230 of the Official Code of the City of Tacoma, Washington relating to traffic and safety.

Roll call; Ayes 6; Nays 0; Absent 3, Jensen, Stojack, Mayor Anderson

UNFINISHED BUSINESS:

This is the date fixed by the Council for hearing on the vacation of the following plats in the tideflats area: Lincoln Avenue Addition (that portion south of Lincoln Avenue); Lawler Miller Co's Milwaukee Terminal Addition; McKone's Tideland Addition; Lawler's Fifth Tideland Addition; Lawler's Sixth Tideland Addn. Petitioner - Port of Tacoma.

The property owners involved had been notified in writing of the proposed hearing as provided by law and no protest had been filed.

Mr. Bushler advised that this vacation will allow several plats to revert back to acreage so the Port of Tacoma can develop them industrially and provide for future expansion. He said these plats were obsolete inasmuch as they were set out in 25' lots and that certain streets in the area do not meet, he said. He advised that the Light Division has no objections to the vacation of the plats, and that the Water Division and Public Works Division both recommend that the vacation be approved with the exception of Milwaukee Way (formerly Stevens Ave.) and Marshall Ave. connection.

The Planning Commission recommends approval of the vacation in accordance with the requests of the Water Division and Public Works Department

It was moved by Dr. Huston seconded by Mr. Perdue that the vacation be approved and the City Attorney be directed to draw the necessary Ordinance providing for the vacation. Motion carried Ayes 5; Nays 0; Absent 4; Jensen, Stojack, Anderson, Tollefson.

NEW BUSINESS:

X Washington Public Service Commission: Submitting notice of hearing on March 24, 1958 on the cause of the Pacific Telephone and Telegraph Company on their application for an increase in rates. Placed on file.

X Edison P.T.A. - Requesting support and cooperation of the City Council with the School Board and Administration, with necessary financial support for the development of the South End High School site.

Mr. Rowlands advised that during the past year they have had meetings with the School Board on this situation and there are some problems concerning drainage, which will necessitate a great deal of site preparation costs for a High School. It will be necessary to have additional meetings with the School Board to get together information. The administrative staff and the School Board will want to take a look at the report together, he said. The drainage is not a simple problem nor the matter of fills to make the site usable, but there is no reason why it cannot be resolved, Mr. Rowlands said. As far as the financial support is concerned the School Board will have to assume some of the responsibility within the confines of the school property to take care of any drainage problem or other problems that might arise.

M. C. 183 - "Approval of the Leach Creek Drainage System by the State Department of Fish and Game."

Mr. Rowlands advised that at the meeting held on February 4, 1958 with the members of the State Fish & Game Dept. there were no real objections to the proposed impounding area, south of the Fircrest sewers in the Leach Creek Area. He said that plans can be worked out satisfactorily and in speaking with several sportsmen he felt it may be very beneficial. The fact the rate of flow and velocity coming from the impounding basin can be controlled would be a benefit to the fisherman, he said.

Mr. Staman said that both Departments approved the City's general plan.

ITEMS RECEIVED FOR FILING IN THE OFFICE OF THE CITY CLERK:

- X Harbor Commerce - 1957 - Annual Report
- X Belt Line Division - Annual Financial Report - dated Dec. 31, 1957.
- X Belt Line Division - Monthly Financial Report - Dated January 31, 1958.

Dr. Humiston advised that a meeting of the Utilities Committee had been held last Friday at 4:00 P.M. concerning the Transit Problem and that a second meeting will be held Wednesday, March 5 at 4:00 P.M. in the Council chambers. He said he contacted Mr. Franklin Johnson and outlined the various problems of interest to him, and he was going to try to compile the information that was discussed and requested at the meeting last Friday. Dr. Humiston requested the Clerk to have the proper persons notified of the meeting this Wednesday. X

Mr. Rowlands said he understood Council members received a letter from Judge Potter; in which he outlines his views on the suspended sentence which was brought before Council at last weeks meeting. The letter was read in full. X

Judge Potter advised that the matter of suspended sentences in Police Court had been called to his attention. He said that all courts use suspended sentences to provide the offender with sufficient incentive to conform to law, and that they are always made upon condition that the offender be of good behaviour as well as specific requirements. If the terms of the suspension are violated, the offender is required to serve the original sentences imposed. He said that a bill was before the last Legislature limiting the power of revocation to one year from the date of sentence, and at that time he wrote a letter to the Committee urging the adoption of the bill. X

Mr. McCormick advises that if the Council wished an Ordinance be drawn, first, testing the power of suspension in the Police Court, as there is a question as to whether he has that power without being invested by Ordinance, Second, to place a limitation of a year on the time limit within which every litigation can be made in the Police Court on a suspended sentence. This can be legally done by a separate ordinance which would then apply to all penalties that are covered by the various ordinances of the City.

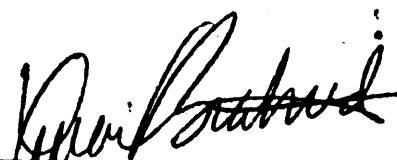
Dr. Humiston requested this matter be discussed by the Tacoma Bar Association to determine their reaction and the City Attorney draw the necessary ordinance placing limitation on the use of suspended sentences as set up along the line of Judge Potter's letter.

Mrs. Nan Tilley of 117 East 96th Street requested that more study be given to Ordinance No. 16059 and that an amendment be included making it unlawful for a person to be hypnotized against their will. X

Elder Glenn E. Paterson,, Pastor of the Seventh Day Adventist Church urged Council to repeal the "Blue Laws" with respect to the protection of individuals rights and the freedom of religious beliefs. X

Mr. Bratrud advised that Tuesday, March 4th at 10:00 A.M. a meeting will be held at the Utilities Building regarding meter charges for fire sprinkler service and asked if any members of Council wished to attend. X

Council then adjourned at 8:45 P.M.


Vice President of City Council

Attest:


City Clerk