

COUNCIL CHAMBER, 7:30 P. M.

Monday, November 25, 1957.

Bratrud,

Council met in regular session. Present on roll call 7: Humiston, Jensen, Perdue, Stojack, Tollefson and Mayor Anderson. Absent 1: Battin. Mrs. Goering took her seat at 7:35 P. M.

It was moved by Mr. Stojack, seconded by Mr. Tollefson, that the minutes of the previous meeting be approved and the reading thereof be dispensed with. Motion carried on roll call: Ayes 8; Nays 0; Absent 1; Battin.

Mayor Anderson announced that there was a group of property owners in the audience that would like to be heard on L I D 4623 which does not appear on the Agenda and asked if the Council members would like to hear them at this time. It was moved by Mr. Tollefson, seconded by Mr. Stojack, to suspend the rules to take up this matter that does not appear on the Agenda. Carried unanimously.

Mr. Staman, Public Works Director, briefed the Council on the L I D. He said this improvement included a number of streets from So. 38th to So. 48th Street from M Street to Pacific Avenue. At the hearing on September 17, 1957 before the L I D Committee there were certain areas that were taken out through the advice of the City Attorney and similar areas were left in also according to the Attorney's advice.

Mr. Moen, City Engineer, explained that the area in question was around So. 46th Street. The Department has had several calls in regard to this area asking that it be eliminated from the district. The remonstrances on the portion that was left in was 55.9% and in the area between the paving on the sides and ends of Fawcett Avenue combined with 45th Street has 48% remonstrances. The entire district has a 32.3% remonstrance, he added. To delete this section, which is outside of the paving, has to be separate portions of the improvement according to State Law, before it can be deleted, and not an integral part of the unit.

Mayor Anderson asked Mr. McCormick where there has been a hearing on an L I D which had 33% remonstrance as a whole, and the committee has approved it, and an Ordinance was passed providing for the improvement, as it has happened in this case, what is the position of the Council. Mr. McCormick said that inasmuch as 30 days has passed since the passage of the Ordinance, the only recourse the Council would have is to repeal the whole area and start all over again. He said under the 1957 Legislature it becomes final after 30 days after the passage of the Ordinance.

Mr. Robert Tjorstad, residing at 4322 Fawcett Ave., said he was representing a group from So. 43rd and So. 45th Street and he has been informed that this particular block has a remonstrance of 97%. In his opinion he feels that this constitutes a majority against the improvement and he urged that this area be excluded from the L I D.

Mr. Moen said that according to their records it shows that there were two property owners in that area that did not protest. John Harris and Clarence Johnson both spoke against the improvement.

Mr. Tollefson said he was sure that if there had been a spokesman at the L I D meeting he would have been given the opportunity to be heard and they would have realized the strong protest for this particular area and felt they would have deleted it the same as they did the other areas. The only thing that Council can do now, as was pointed out by the City Attorney, would be to pass a new Ordinance repealing the L I D which takes in many, many areas, he said.

Mr. Bratrud explained that he was on the L I D Committee at the time of this hearing and as far as he recollects there was very little discussion on this particular area. If this was brought to their attention, the Committee would have considered it along with other streets that they eliminated, he said.

Mr. Stojack said he also was on this Committee and felt that there was some misunderstanding. Mr. Stojack then moved that L I D 4623 be repealed. Motion seconded by Mr. Tollefson. Ayes 3; Bratrud, Stojack; Tollefson. Nays 5; Goering, Humiston, Jensen, Perdue, Anderson. Absent 1; Battin. Lost on roll call.

ORDER OF BUSINESS REVERTED TO

RESOLUTIONS:Resolution No. 15156:BY JENSEN:

Awarding contract to Motorola Communications & Electronics, Inc., for furnishing 17 Motorola T-33-1 Transistor Type Radio Units for the sum of \$10,795.00, plus sales tax.

Mr. Rowlands advised that Mr. D. M. McDonough of the Radio Division was present and asked him to explain the reasons for the purchase of this particular type of equipment.

Mr. McDonough advised that the City already has this type of equipment in use at the present time and to maintain good communications there must be standardization of equipment. In previous years, to install radios on new motorcycles it would cost approximately \$125.00 to change the generators, gasoline tank, etc. in order to put in a new type radio. He explained the radios they intend to purchase at this time are specially made for use on motorcycles.

Adopted on roll call November 25, 1957
Ayes 8; Nays 0; Absent 1; Battin.

Resolution No. 15157:BY BATTIN:

Authorizing and directing proper officers of City of Tacoma to execute a real estate contract to Bevely V. Sanders and Sadie C. Sanders for \$200 for Lots 5, 6 and 7, Brewerton's Breezy Hill Annex to the City of Tacoma, W. T. (located at S.E. corner of 54th and East F Streets.)

Adopted on roll call November 25, 1957.
Ayes 8; Nays 0; Absent 1; Battin.

FINAL READING OF ORDINANCES:Ordinance No. 15980:

Amending Section 1 of Ordinance No. 15960--Abolishing the Municipal Shops Involving Fund. (Transferring and placing \$104,257.00 in Account "B" Equipment Purchase and Replacement Account of the Equipment Rental Fund, which was set forth in the 1957 Budget.) Read by title.

Mr. Rowlands advised that this ordinance is merely a clarification of the account "A" and "B" as set forth in Ordinance No. 15476 which was previously adopted, and that it does not change the totals in any way. The ordinance was placed in order of final reading.

Ordinance No. 15981:

Amending the Charter and Official Code of the City--relating to Gross Licensing Tax. (Water, Light and Garbage Divisions and Sewer Utility). Read by title.

Mr. Rowlands advised that this ordinance was drawn in accordance with Council's determination of the budget and is an adjustment of the rates to be charged for Light, Water, Garbage and Sewer Utilities. The ordinance was placed in order of final reading.

Ordinance No. 15982:

Vacating that portion of the half-street abutting the west side of Block :

5, Edward P. Miller's 1st Addition. (property between So. Sprague and So. State, running north from So. 17th Street). Read by title and placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 15973:

Authorizing and directing the City Attorney of City of Tacoma to purchase and/or institute and prosecute an action in Superior Court of State of Washington for King County for purpose of acquiring property in order to protect the water supply of the City of Tacoma. (In and around the Eagle Gorge Dam Reservoir). Read by title.

The City Clerk read a letter from the Weyerhaeuser Timber Company withdrawing their objections to the proposed purchase of property, and stating that the Company is assured they can arrive at an agreement with the City whereby they can retain the timber on its portion, but give the City the control over the land.

Dr. Humiston said he gathered from the letter just read from Weyerhaeuser Timber Company that Mr. Barline has agreed with the Timber Company that this Ordinance will not be used to condemn land which is not potentially to be flooded. Mr. Barline said it never was their intention to condemn all right, title and interest to property above the area to be flooded but the City must have some means of protecting the Reservoir area from pollution. In discussing this with Weyerhaeuser Timber Company, Mr. Barline added, no problem existed because they both had the community in interest.

Dr. Humiston said he thought the City should attempt to negotiate an agreement with all of the property owners involved before the City Council approved condemnation proceedings. After further discussion, roll was called on the ordinance, resulting as follows:

Roll call: Ayes 6; Nays 2; Aratrud, Humiston; Absent 1, Battin.

Ordinance No. 15974: X

L I D 5295.

Providing for the construction of a 6-inch cast iron watermain in No. 17th Street from No. Fir to No. Juniper; and a 4-inch watermain in Cascade and Fir Streets from No. 17th Street approximately 250 feet North; creating L I D 5295. Read by title and passed.

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

Ordinance No. 15975: X

L I D 5296.

Providing for the construction of a 6-inch cast iron watermain in South K Street from So. 68th to So. 72nd Street; creating L I D 5296. Read by title and passed.

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

Ordinance No. 15976: X

L I D 4614.

Approving and confirming the assessment roll for L I D 4614-grading and asphalt paving, concrete curbs and gutters on Adams from No. 9th to No. 12th; Cedar Street from No. 7th to No. 8th; No. 7th Street from Warner to Lawrence and No. 8th from Cedar to Junett Street. Read by title and passed.

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

Ordinance No. 15977: X

L I D 4609.

Approving and confirming the assessment roll for L I D 4609-for constructing concrete pavement on alley between No. 28th and No. 29th Streets from Cedar to Junett Street. Read by title and passed.

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

Ordinance No. 15978: X

L I D 2263

Approving and confirming the assessment roll for L I D 2263-grading and oil mat surface on Asotin Street from So. 35th Street to So. 36th Street. Read by title and passed.

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

Ordinance No. 15979: X

L I D 2249

Approving and confirming the assessment roll for L I D 2249-constructing cement concrete sidewalks on So. 65th Street from Pacific Ave. to A Street; on the west side of Bell Street from So. 64th to So. 67th Street; on A Street from So. 64th to So. 67th Street; on Linden Street from A Street to East B Street; also grading and oil mat on So. 65th Street from Bell to A Street. Read by title and passed.

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

FINISHED BUSINESS:

The Director of Public Utilities presents the assessment rolls for the district of the improvements in the following Local Improvement Districts:

L I D 5253 - construction of a 6, 8 and 12-inch cast iron watermain in the area bounded by So. 40th, Alaska, So. 49th and Hosmer Streets and on So. 49th Street from Alaska to Asotin Street;

L I D 5275 - for construction of a 6, 8, 16 and 20-inch cast iron watermain in So. 12th Street from Huson to Orchard and in Orchard Street from 6th Ave. to So. 12th Street.

It was moved by Dr. Humiston, seconded by Mr. Perdue, that January 7, 1958 be fixed as the date for hearing on the above assessment rolls. Motion carried unanimously. Ayes 8 Nays 0; Absent 1; Battin.

The hearing on the petition of the College of Puget Sound for vacation of the alley between North 14th and No. 15th Streets from No. Lawrence Street approximately 143 feet east was considered at this time. The Clerk reported the posting of the notices required by law and that a fee of \$100.00 had been paid by the petitioner and that no remonstrances had been filed against the proposed vacation. Mr. Buehler of the Planning Commission advised that the Commission recommended the approval of the requested vacation on the condition that the College of Puget Sound dedicate a new alley outlet with proper turning radius north to North 15th Street. In a letter from the Public Works Department, they advise that they request the following stipulations should be incorporated in the vacation proceedings: (1) Construction of our standard concrete alley return at the entrance to the new relocated alley on No. 15th Street; (2) Construction of an all-weather surface on the newly dedicated alley, in full accordance with our "General Specifications." (3) The removal of the existing alley return (vacated) on Lawrence Street and the installation of a concrete curb and sidewalk to close this vacated entrance. All costs involved in the relocation and reconstruction of this alley, the removal and closing of the vacated return, shall be at the expense of the petitioners. The Director of Utilities, by letter dated August 22nd, advises that the Water Division has no objections to the requested vacation, and that the Light Division has no objections, provided the College of Puget Sound first agrees to provide an alternate method for supplying electrical service. Mr. Barline advises that preliminary discussions have been held and it is anticipated that an underground line will be substituted and a switching and metering center for the entire college will be installed in connection with the new building, and such an agreement suitable to the Light Division should be a requirement to the vacation, he said.

It was moved by Dr. Humiston, seconded by Mr. Perdue, that the petition be granted subject to the above mentioned requests by the Planning, Public Works and Light Divisions, and the City Attorney be directed to prepare the necessary ordinance to accomplish this vacation. Motion carried on roll call: Ayes 8; Nays 0; Absent 1, Battin.

The hearing on the petition of O. H. Brasier, et al, for the vacation of the westerly 10' of North White (Fife) Street abutting Lots 1 and 12, Block 15, Map of Tacoma City, was considered at this time. The Clerk reported the posting of the notices required by law and the filing of an affidavit of such posting. Also reported that a fee of \$100 had been paid by the petitioner and that no remonstrances had been filed against the proposed vacation. Mr. Buehler, Director of Planning, advised that the Planning Commission recommends approval of the above vacation without conditions. The Department of Public Works has no objection to the vacation, nor has the Light and Water Divisions of the Public Utilities Department.

It was moved by Mr. Bratrud, seconded by Mr. Stojack, that the petition be granted and the City Attorney directed to prepare the necessary ordinance to vacate the westerly 10' of No. White (Fife) Street abutting Lots 1 and 12, Block 15, Map of Tacoma City. Motion carried on roll call: Ayes 8, Nays 0; Absent 1, Battin.

The hearing on the petition of the Faith Bible Presbyterian Church et al, for the vacation of the westerly 10 feet of South Shirley Street from Sixth Avenue to South 8th Street was considered at this time. The Clerk reported the posting of the notices required by law and the filing of an affidavit of such posting. Also reported that a fee of \$100.00 had been paid by the petitioner, and that no remonstrances had been filed against the proposed vacation. Mr. Buehler advised that the Planning Commission recommends that the width of the vacation be increased slightly from 10 feet to approximately twelve feet in order to leave South Shirley Street with a standard 80 foot width, and that they did not recommend the northern portion of the vacation petition because of a dead-end alley in the block which should be resolved through negotiation with the property owner involved. The Public Works Department also recommends that the width be increased to 11.64 feet at the south line of 6th Avenue and 12.05 feet on the north line of South 8th Street, and that a deed should be obtained from Margaret Schoenbaeher for alley purposes. The Water Division advises that they have no objections to the vacation and the Light Department recommends the width be increased as recommended by the Public Works Department.

Mr. Buehler, City Planning Director, explained that the right of way is approximately 95 feet wide to begin with, and the Church asked for the vacation of Lots 3 to 12, Block 9. They requested the entire amount be vacated. In checking the records, for the first time they discovered the alley was vacated in error, he said. In 1947 the County Commissioners requested a vacation of Blocks 1, 2 and part of 3 and 6, 7 and 8 to build the Remann Hall. They described the street vacations to the property lying north of 6th Avenue, then they put in all of the alley in Blocks 1, 2, 3, 6, 7 and 8 and not noticing that this was a portion of Blocks 6, 7 and 8. The official maps had all carried it as an open alley but it is not, and was vacated in that order, he added. Mr. Buehler explained that there were no objections to the vacation from any of the other Departments other than from the Public Works Department that when this error was found they tried to straighten this out and they felt by vacating this portion in front of the Faith Bible Church it still will leave the City in a position to negotiate with the owners of the property for the opening of the alley without any additional cost to the City. He said they suggested to the property owners if they would come in with a petition and meet their counter-proposal they would ask the City Council to waive the filing fee in this case due to this error.

It was moved by Mr. Bratrud, seconded by Mr. Stojack, that the petition be granted subject to obtaining the proper deed from Mrs. Schoenbaeher, and that the City Attorney be directed to prepare the necessary ordinance to vacate the street, as recommended by the Public Works Department. Motion carried on roll call: Ayes 8; Nays 0; Absent 1, Battin.

This is the date to which Council on November 4th continued the hearing on the Appeal of General Motors Acceptance Corporation for a hearing on their statement for business tax received from the Tacoma Tax and License Division on Oct. 21, 1957 in amount of \$4,509.75. Mr. Hamilton, Ass't. City Attorney, explained that the General Motors Acceptance Corporation is a national concern with home office in New York. He said that the concern is engaged in financing automobiles and certain other consumer products throughout the United States and foreign countries. He said there has been a

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branch office in Tacoma and they have transacted business here since 1951 and no business tax license has ever been obtained from them or no returns have been filed. It came to the attention of the Finance Department in January of this year, Mr. Hamilton explained, and since that time there has been some negotiations concerning their tax status. The position of the City is that General Motors Acceptance Corporation is amenable to the City tax and was amenable to the City tax in 1951 and they have failed to pay it. Mr. Hamilton said the City is in their rights to ask for the full amount of tax together with the interest and penalty at this particular time, which penalty is \$348.32 and interest, \$678.20.

Mr. Henry Kastner, Seattle Attorney for the General Motors Acceptance Corporation, said the local manager had inquired in 1951 about this tax but was told by the City at that time that the tax did not apply to their firm. He pointed out that banks and small loan companies, competitive business houses, are exempt from the business tax.

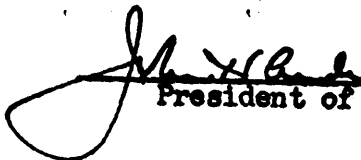
Mr. Ray Webb, Seattle Manager of the firm, said the one-quarter of one percent which is the tax to be paid would have such an impact on their branch's net income that it would have considerable bearing on whether or not they would retain a branch in Tacoma.

Mr. Bratrud said he felt the tax was unequitable and asked that the City Attorney look into the possibility of whether or not the General Motors Acceptance Corporation can be exempt from this tax or if they can be included in the same category as Banks and small Loan Companies, or whether they can be licensed on a flat fee basis. Mr. Bratrud then moved that this hearing be set over until December 16th, to allow the City Attorney to gather this information. Motion seconded by Mr. Stojack and carried unanimously.

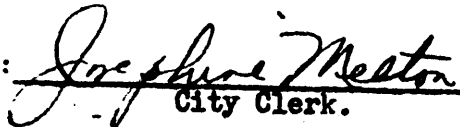
COMMENTS BY THE CITY MANAGER:

Mr. Rowlands reported that the Oakes Street Trestle has been closed ^{n.b.} traffic because of its dangerous condition. He asked the opinion of the Council on ^x whether they would prefer a new trestle which would cost around \$40,000 to \$60,000 or ⁴⁸⁹ would they prefer a dirt fill which would be approximately \$50,000. The Council indicated they would be in favor of a dirt fill.

Upon motion, duly seconded and carried, Council adjourned at 9:45 P. M.



President of City Council.

Attest: 

City Clerk.