

JUN 9 1958

COUNCIL CHAMBER, 7:30 P.M.
Monday, June 9, 1958

Council met in regular session. Present on roll call 8; Porter, Bratrud, Easterday, Goering, Humiston, Perdue, Price, Hanson; Absent 1, Anderson.

It was moved by Dr. Humiston, seconded by Mr. Bratrud that the minutes of the meeting of June 2, 1958 be approved as submitted. Motion carried on roll call: Ayes 8; Nays 0; Absent 1, Anderson.

PETITIONS:

Commercial and Industrial Development Corporation: Submitting petition for rezoning property at the NE corner of the block bounded by So. 15th Street, South 17th Street, Sprague and State Streets, from an R-2 District to a C-1 District. For referral to the City Planning Commission. 315

Mayor Hanson explained there were three Resolutions on the agenda that had to do with the hiring of a firm to make a comprehensive study of the sewer use charges and that some representatives from Engineering firms were present here tonight and requested the regular order of business be suspended to hear from these gentlemen before considering the Resolutions.

It was then moved by Mr. Porter, seconded by Mr. Easterday to suspend the regular order of business to hear from these representatives. Motion carried unanimously. Mayor Hanson said he would like to hear from those firms that had submitted proposals regarding the sewer charge survey.

Mr. Edward J. Wittmann representing R. W. Beck & Associates was the first to speak, he said their proposal that was submitted for the rate study, covers the items outlined in the letter from the City Manager. He said their estimated charges will be approximately \$8,500.00. He said they have made a number of rate studies for various utilities. Mr. Gallup, head of the rate Department, explained it is important that the rates be adequate to provide revenues sufficient to allow the issuance of a series of bonds for construction of the necessary additions to the sewerage disposal system as the need arises.

Mr. Chester J. Woods representing the firm of Hill & Ingman advised they had submitted their original proposal sometime last April. Since then, he had received a call from Mr. Rowlands, to elaborate on their report to advise what they would do, and what is expected by the City to meet the City forces requirements for the proposal. They had submitted a \$10,000 proposal and have amplified that insofar as it is more adaptable to the City's desires, they would conduct the survey not necessarily on a cost plus basis as originally spelled out, but also on a per hour or per day basis, if that is the desire of the City.

Mr. Robert Wing representing Worthen, Wing, Seifert & Forbes of Tacoma, advised they had submitted a proposal on the sewer rate charges which is a joint proposal with the firm of Brown & Caldwell Company of San Francisco. He said on receiving this proposal they discussed the project fully, and the various items listed with the Public Works Director, Mr. Staman, and they have come to the conclusion that for the best interest of the City they should keep two things in mind, (1) they should find some means to retain the value of the investment they have in the large amount of work that Brown & Caldwell have already done towards the comprehensive plan. Secondly - the City should utilize the services of a Tacoma firm which is thoroughly familiar with local conditions and which would be readily available to assist the City in all matters on the

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proposed recommendation. In order to meet the requirements presented by these factors, he said, they have entered into an agreement with the firm of Brown & Caldwell for the purpose of making a joint proposal which replaces and supercedes their previous proposal which will not exceed \$9,300.

Mr. Howard Harstad, partner in the firm of Thomas & Harstad advised, he felt they could prepare a rate study which will be satisfactory to the City's financial advisors and will fill all requirements set forth. He said they consider this matter of rate study essential in any engineering report. They propose to perform these services on a time and expense basis with a maximum fee of \$6,000, and as an alternate, they will perform the services as outlined for a lump sum of \$5,000.

Mr. Don E. Gray, representing Gray & Osborne, advised that they have designed and supervised the construction of some fifty sewage treatment plants in the Pacific northwest, most of which included sewer collection systems. The proposal that they submitted speaks for itself as well as our present and past clients, he added.

Mayor Hanson thanked each of the representatives for appearing before Council to submit their proposals of rate studies.

Mr. Rowlands said that last Friday information was sent to Council on the Brown & Caldwell report which is a slightly revised proposal than was received by them, and with certain changes and amendments which were made by the Sewer and Storm Drain Committee of the Citizens Committee. In order to have any proposals in at all from the Engineering firms represented here tonight, as well as those who are not present, he said they will have to have some idea of the scope of the program. He said it was explained to Council previously that they will have to make the final determination as to the scope or extent of the program.

Mr. Bratrud said he thought the Council should defer any action on the awarding of the contract to the Engineering firms until next Monday night, or until the Council has had an opportunity to talk to their Financial consultant, and to gather more information.

Mr. Easterday said he felt the City should have more data on what they want and expect to get before any action is taken. He therefore felt that one week did not allow enough time to gather the information. Mr. Bratrud then amended his motion to postpone the matter indefinitely. Seconded by Mr. Easterday.

Mr. Perdue said he did not think that this matter should be postponed indefinitely. He thought that the engineers present would undoubtedly agree that the one thing which we have yet to determine, namely with how fast we will have to proceed, does not have much bearing on their study. He also said they should have the study made so that the City is ready to proceed at whatever speed they then determine.

Mrs. Goering also felt a definite time should be set.

Mr. Bratrud then withdrew his previous motion with the consent of the second and restated his motion as follows: Moved by Mr. Bratrud that action be deferred in awarding the contract to the Engineering firm for two weeks (June 23rd). Seconded by Mr. Perdue. Roll call, Ayes 8; Nays 0; Absent 1, Anderson.

Mayor Hanson advised that for the benefit of the Engineering firms represented, it would not be necessary for them to appear again. Their appearance at this time will assist the Council in making the decision at that time.

Mayor Hanson then proceeded with the regular order of business.

Mr. Bratrud said inasmuch as these next three Resolutions have to do with the hiring of a consultant, he suggested they be tabled.

Resolution No. 15347:

BY REQUEST OF BATTIN:

Authorizing the proper officers of the City to execute an agreement with Hill & Ingman, retaining said firm for the purpose of making a comprehensive study and report for sewer use charges, for a fee not to exceed \$10,000.

Moved by Mr. Bratrud to table this Resolution, seconded by Mr. Easterday. Motion carried on roll call, Ayes 8; Nays 0; Absent 1, Anderson.

Resolution No. 15354:

BY REQUEST OF PERDUE:

Authorizing the proper officers of the City to execute an agreement with Brown & Caldwell, retaining said firm for the purpose of making a comprehensive study and report for sewer use charges, for a fee not to exceed \$5,800.

Moved by Mr. Bratrud to table this Resolution, seconded by Mr. Easterday. Motion carried on roll call, Ayes 8; Nays 0; Absent 1, Anderson.

Resolution No. 15355:

BY REQUEST OF BRATRUD:

Authorizing the proper officers of the City to execute an agreement with Hill & Ingman, retaining said firm for the purpose of making a comprehensive study and report for sewer use charges, for a fee not to exceed, \$10,000.

Moved by Mr. Bratrud to table this Resolution, seconded by Mr. Easterday. Motion carried on roll call, Ayes 8; Nays 0; Absent 1, Anderson.

Resolution No. 15372:

BY HANSON:

Commending John H. Anderson for his outstanding service as Mayor of the City of Tacoma who gave unselfishly of his time and effort in the betterment of the affairs of the City and attained distinction as a Good Will Ambassador for advocating the benefits and advantages of living in and visiting not only the City of Tacoma but of the Northwest generally.

Adopted on Roll Call June 9, 1958
Ayes 8; Nays 0; Absent 1, Anderson

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Resolution No. 15373:By HANSON:

Approving contract between the Western Clinic of Tacoma, Washington and the Police Pension Board of the City for the members of the Police Department, insofar as the furnishing of medical services and supplies for members of said Department and further authorizing that the payment for such supplies and services herein approved and authorized be paid for out of the Police Pension Fund.

Mr. Rowlands advised that this Resolution would make it possible for the Police to receive the same type benefits that is now received by the Firemen and other City employees. As a matter of practice this has been extended to them in the past, but it has been questioned by the Auditors. By the adoption of this Resolution it will make it possible for them to get medical relief and assistance whether or not they are confined to their homes or hospital which is applicable to all employees, he added.

Adopted on Roll Call June 9, 1958
Ayes 8; Nays 0; Absent 1, Anderson

Resolution No. 15374:By BRATRUD:

Authorizing the proper officers of the City to execute and deliver a local improvement assessment deed to Port of Tacoma and Foss Launch and Tug Co., upon payment of \$10.00 for property located northerly of the Hylebos Waterway, easterly of Lincoln Avenue and Southerly of Julius Gulch Road. (In order to clear the cloud on their title.)

Adopted on Roll Call June 9, 1958
Ayes 8; Nays 0; Absent 1, Anderson

Resolution No. 15375:By GOERING:

Authorizing the proper officers of the City to execute and deliver a local improvement assessment deed to Arlis P. Johnson and Barbara A. Johnson, husband and wife for property located on west side of Bristol St. between No. 48th and No. 49th Sts.; for the sum of \$1,000.00 in cash.

Adopted on Roll Call June 9, 1958
Ayes 8; Nays 0; Absent 1, Anderson

Resolution No. 15376:By HANSON:

Authorizing the proper officers of the City to execute and deliver a local improvement assessment deed to Kirby P. Hickey, for property located North of 2827 South Ainsworth Ave. for the sum of \$90.44.

Adopted on Roll Call June 9, 1958
Ayes 8; Nays 0; Absent 1, Anderson

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Resolution No. 15377:BY BRATRUD:

Authorizing the proper officers of the City to execute and deliver a local improvement assessment deed to Sam M. Hale and Anna Hale for property located at the S.E. corner of No. 37th and Shirley Streets for the sum of \$100.00 cash.

Adopted on Roll Call June 9, 1958
Ayes 8; Nays 0; Absent 1, Anderson

Resolution No. 15378:BY EASTERDAY:

Authorizing the proper officers of the City to execute and deliver a local improvement assessment deed to Jack Fabry and Helen Fabry husband and wife, for property located on the south side of East 57th St. for the sum of \$300.00

Adopted on Roll Call June 9, 1958
Ayes 8; Nays 0; Absent 1, Anderson

FIRST READING OF ORDINANCES:Ordinance No. 16132:BY BRATRUD:

Relating to fire service, meters and rates and amending Sections 12.10.370, 12.10.460, 12.10.470 and 12.10.480 of the Official Code and repealing Section 12.10.490.

Mr. A. Benedetti, Superintendent of the Water Division, advised that last October the water rates and fire service in the City were revised. The fire service rates that were in effect at that time were a reflection of the actual cost to the City for providing that service. When they were adopted, many of the Industrial firms in the City that have private fire services came before Council to ask for consideration in reviewing those rates to see if something could be done to lower them. At that time a committee was appointed from the Council of which Mr. Bratrud was chairman, to discuss with the Utilities Department, the various phases of the fire service charge problem. They met on several occasions with representatives of the Water Division, the Fire Insurance Rating Bureau, the Industrial and Manufacturing firms in the City who have private fire services.

The new Ordinance which is presented tonight provides for the lowering of the fire service charges, he said. This was done by reallocation of the various charges that made up the part of this survey. A substantial portion of the charge in this rate was made up of a replacement cost of the servicing meter. When that became available this was figured on a 25 year life basis. He said, that many of the Industries affected preferred to replace the meters themselves when the time came. This, in effect, allows the City to deduct some of the rate they allowed for replacing the entire service after the 25 year period or after it had outlived its use to the Water Division. He said the Council committee and the majority of Industrial firms that were on this committee felt that leaving them on a monthly basis would be better. He said the new rate will

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meet with the approval of those who asked that it be reviewed and hoped it will tend to encourage the installation of private fire service in the City.

Mayor Hanson thanked Mr. Benedetti for appearing and said he covered the matter very well.

Mr. Bratrud said that Mr. Benedetti's staff should be congratulated as they did a very nice job, and that Industry as a whole is satisfied with the new Ordinance.

Ordinance No. 16133:

By ANDERSON:

Authorizing the execution and delivery of an agreement between the City and Pierce County providing for the location, ownership, occupancy and maintenance and operation of the County-City Building.

Dr. Humiston asked if the County Commissioners had passed on this agreement yet.

Mr. Rowlands explained he did not believe they had, but Mr. Garlington who is their solicitor has worked with Mr. McCormick and they had several meetings and discussions on this subject. He said that the basic formula, which was worked out several years ago, by the Council Committee still applies. He said there has been a few minor changes, and in regard to the Retirement Board office, space may be available if they are willing to go into a rather smaller area. Plans are now being investigated whereby they may be located elsewhere, as they might place them on the top floor in an area near the Health Department, if the County does not need that space for its own operation. He said they will report back to Council as soon as something is worked out.

In reference to the County-City Building Committee, he said there will be two members from the County Commissioners. Then he said the City will have one Council member plus the City Manager, then these four members will select a fifth member. Mr. Easterday asked why there should be a qualification for the fifth member. He asked why not select anyone they desire and why would they have to pick someone from a certain group of Realators, or Building Managers. Mr. Rowlands said this was part of the original agreement that the fifth member would be selected from a list submitted by the Building Managers' Association.

Mayor Hanson advised that he had inquired as to the thinking behind this and said that the purpose was to try to keep the cost of the management of the building in line with the costs that are incurred in management of buildings, generally, and it was thought best to have someone in the field to see that the operation was carried on efficiently with that in mind.

Mr. Easterday said he still felt that the fifth member of the Board should not have to be selected from any particular group.

FINAL READING OF ORDINANCES:

Ordinance No. 16077:

By HUMISTON:

Amending Chapter 6.70 of the Official Code of the City of Tacoma, relating to the Utilities Gross Earnings Tax.

Dr. Humiston advised that as long as this was discussed this afternoon with the members of the Utility Department and since there were several modifications presented he suggested that this be laid over for one week so that it could be redrafted.

Mr. McCormick advised that they would prefer that this Ordinance be voted down and that they be authorized to bring in a new Ordinance authorizing the changes which the Council will determine, because of the fact they may have to change the title of the Ordinance and in that event a new Ordinance would have to be drawn. The Ordinance was then voted down resulting as follows: Ayes 0; Nays 8; Absent 1, Anderson.

Ordinance No. 16126: L I D 1974

BY HANSON:

An Ordinance approving and confirming the Assessment roll for L I D 1974 for sewers in the alley between No. 11th and No. 10th St.

Adopted on Roll Call June 9, 1958
Ayes 8; Nays 0; Absent 1, Anderson

Ordinance No. 16127: L I D 2279

BY HUMISTON:

Approving and confirming the assessment roll L I D 2279 - for grading, ballasting and surfacing on Fife St. from So. 38th to So. 39th St. also on So. 39th from Fife to Prospect St.

Adopted on Roll Call June 9, 1958
Ayes 8; Nays 0; Absent 1, Anderson

Ordinance No. 16128: L I D 4611

BY PERDUE:

Approving and confirming the assessment roll L I D 4611 for asphalt paving, concrete curbs and gutters on Junett St. from So. 56th to So. 54th; from So. 54th to So. 52nd St.

Adopted on Roll Call June 9, 1958
Ayes 8; Nays 0; Absent 1, Anderson

Ordinance No. 16129: L I D 4612

BY PRICE:

Approving and confirming the assessment roll L I D 4612 for asphalt concrete pavement and storm sewers on Moorlands Dr. from So. 12th to So. 16th St; Ferdinand Dr. from So. 14th to So. 16th; also on So. 12th from Moorlands Dr. to Cheyene St.

Adopted on Roll Call June 9, 1958
Ayes 8; Nays 0; Absent 1, Anderson

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Ordinance No. 16130:L I D 6752By PORTER:

Approving and confirming the Assessment roll for L I D 6752 for the cost of installing Mercury Vapor type street lights on Rochester St. from 6th Ave. to So. 12th St.

Adopted on Roll Call June 9, 1958
Ayes 8; Nays 0; Absent 1, Anderson

Ordinance No. 16131:W. O. 7707By ANDERSON:

Approving and confirming the Assessment roll for Work Order No. 7707 for the cost of the construction, reconstruction and repair of sidewalks, gutters and curbs along and driveways across sidewalks in the City.

Adopted on Roll Call June 9, 1958
Ayes 8; Nays 0; Absent 1, Anderson

UNFINISHED BUSINESS:

The hearing on the petition of Lincoln Land Company for the vacation of streets and alleys in the area bounded generally by the Freeway, the top of the bluff along So. Tacoma Way, So. Fife St. and Lincoln Heights Addition was considered at this time. The Clerk reported the posting of the notices required by law, 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 held their hearing on May 6, 1958 and recommended approval of this vacation with the following five conditions:

1. The petitioner to submit to the city a letter of intent stating that it will dedicate and construct to minimum city specifications a street extending generally along the top of the bluff above So. Tacoma Way from So. Fife St. to the freeway west frontage road at the time such a street is necessary for the proper development of the petitioner's property;
2. Reservation of easements for sanitary sewers in the alleys between So. 35th and So. 34th Sts. and between So. 34th St. and Wright Ave. from 30' east of So. State St. to the freeway west frontage road;
3. Dedication by the petitioner to the city of a 10' right-of-way for a walkway from Oregon Ave. to the freeway west frontage road generally along the alignment of the north property line of Lot 15, Block 15, Lincoln Heights Addition;
4. Dedication by the petitioner to the city of approximately 1.48 acres of right-of-way for the freeway west frontage road from So. Tacoma Way to So. 38th St.;

5. Granting by the petitioner to the city of approximately .75 acres of slope easements for the freeway west frontage road between So. Tacoma Way and So. 35th St.

It was then moved by Mr. Bratrud, seconded by Dr. Humiston that the petition be granted, and the proper Ordinance be drawn granting this vacation subject to these conditions. Motion carried on roll call, Ayes 8; Nays 0; Absent 1, Anderson.

The hearing on the petition of Edward P. Miller for the vacation of a portion of No. Frace St. on the east side, between No. 40th and No. 42nd St. 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 vacation on the condition that the petitioner deed to the City for street purposes the west 10' of Lot 24, Block 4, Tuxedo Park Addition.

It was moved by Mr. Bratrud, seconded by Dr. Humiston that the petition be granted subject to the above request for the deed for street purposes. Motion carried on roll call, Ayes 8; Nays 0; Absent 1, Anderson.

Mr. Rowlands advised that the "Report on Condition of Local Improvement Guaranty Fund" was requested several weeks ago by Council, and the report submitted to the Council is self explanatory as to what the market value was on the various securities as of June 4th. 178

Dr. Humiston advised that the Council has been receiving these reports for about a year and the first one they received seemed to be a tremendous discrepancy in the Market value and the actual cost of the securities, that was paid by the fund. The reason this was looked into at that time was that they wanted to know how long it would take the fund to come back up to the cost, if these monies were invested in L I D Bonds instead of in the securities they are now in. The difference now is about \$43,000 and said he believed the difference a year ago was about \$100,000. The market value of the bonds has changed significantly and asked the Manager to have the Director of Finance submit a projection of this set of figures, if the monies in the Guaranty Fund were invested in L I D Bonds at 5% and 4%, how long it would take the Guaranty fund to break even assuming present market conditions.

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

1. Report of purchases of investments during May, 1958 by the Tacoma Employees' Retirement System. Y
2. Record of cases in Tacoma Municipal Court during the month of May, 1958. X

COMMENTS BY MEMBERS OF THE CITY COUNCIL:

Mrs. Goering asked Mayor Hanson if he had looked into the matter of the Ordinance pertaining to "discrimination" which was tabled last week and what was the status of it at this time. 209

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Mayor Hanson asked Mr. McCormick, City Attorney, to read the rules concerning the tabling of an Ordinance.

Mr. McCormick explained that Allen Billett, Assistant Attorney, had checked with Mr. A. L. Struthers who is the instructor of Parliamentary Law and Procedure at the Tacoma Vocational School, who said that a matter that has been tabled and is not brought up before adjournment at the next regular session dies. He cited pages 110 and 111 of Roberts Rules of Order. He said he did agree, however, that Roberts Rules of order does not specifically state that such a matter dies, but that was the inference obtained from this section of the rules and that other authorities on Rules of Order all specifically state that a proposition that is tabled and not brought up at the next regular session dies.

Mrs. Goering then said that in view of the very deep interest in this Ordinance, and also that she could present a great deal of additional information to Council on the matter perhaps by next week, she asked to have it postponed to a definite date, as she thought it would be only fair that the public should know when it would be coming up again. Mrs. Goering then moved that Ordinance No. 16123 be taken from the table. Seconded by Mr. Easterday. Roll call resulted as follows: Ayes 4, Easterday, Goering, Humiston and Hanson; Nays 4, Bratrud, Perdue, Porter, Price; Absent 1, Anderson. Motion was declared lost.

Mr. Rex Jones advised that in view of the nature of Ordinance No. 16123 which deals with discrimination and the interest that has been shown by all citizens, that a significant statement should be given by the Council regarding this Ordinance, as to why it failed.

Mayor Hanson explained to Mr. Jones that the reason the Ordinance was voted down was because of the lack of information on the part of the Council.

Mr. Jack Tanner said that if the anti-discrimination Ordinance does not pass he believes the Urban Renewal program faces legal action. Mrs. Goering's proposed Ordinance would eliminate the practice of discrimination and also eliminate any possible litigation in this field, which the City is bound to face if this situation is not alleviated by official action of the City of Tacoma.

Mayor Hanson advised that in keeping with the practice of reaching deeply into problems before coming to a decision, they have scheduled a study session for 4:00 P.M. next Monday at which time this will again be discussed, and added that anyone wishing to appear and present information would be welcome.

Mr. Jones again spoke and asked the Mayor to appoint a committee made up of interested persons and unbiased experts which would help in finding facts and assist the Council in gaining information. Mayor Hanson said that the Council should, whenever possible, reach a decision without the help of Advisory bodies, and believes they can in this instance.

Mrs. Goering asked Council members if they wanted additional information to be sent out immediately. Dr. Humiston said it would be desirable to receive it. Mrs. Price said she also would like more information. Mr. Porter agreed that more information would be valuable. Mr. Perdue said he believed more time should be given to get information as the Council as a whole is not as well advised on this matter as Mrs. Goering. Mrs. Goering said she would get additional information for Council.

Dr. Humiston brought up that he felt the study sessions that are being held should be an open meeting. He said there was nothing on this afternoon's study session agenda that could not have been made public. He said he would be completely satisfied if the study session agenda were as public as those of the regular council session. What he objected to is that the study sessions were closed meetings. X

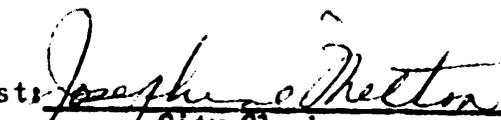
Mayor Hanson said that at times certain background material is necessary, but that most information should be public. Mr. Perdue said that study sessions are very important, but if we included all the information that was discussed this afternoon in tonight's meeting our Council meetings would always be very late.

Mrs. Price said she thought that all study sessions were open meetings. She said that the information obtained at the study sessions were very informative and added that she favored the meetings and asked that they be continued.

Mayor Hanson said that sometimes there are matters that could not be given notice on, but whenever possible an agenda could be posted and given to the press.

There being no further business or comments from the audience, the meeting adjourned at 9:00 P.M.


President of City Council

Attest: 
City Clerk