

JUL 21 1958

COUNCIL CHAMBER, 4:00 P. M.

Monday, July 21, 1958

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

It was moved by Mr. Anderson, seconded by Mrs. Price, that the minutes of the meeting of July 14, 1958 be approved as submitted. Motion carried on roll call: Ayes 8; Nays 0; Absent 1, Bratrud.
See PETITION bottom of page.

Resolution No. 15426:

L I D 4643:

BY PRICE:

Fixing August 12, 1958 as date for hearing on L I D 4643 - grading and paving East D Street from East 11th Street to East 3rd Street.

Adopted on roll call July 21, 1958
Ayes 8; Nays 0; Absent 1, Bratrud.

Resolution No. 15427:

BY ANDERSON:

Fixing Monday, August 18, 1958 as the date for hearing on the vacation of the walkway between Dahl Drive and North 11th Street near the west line of Bennett Street.

Adopted on roll call July 21, 1958
Ayes 8; Nays 0; Absent 1, Bratrud.

Resolution No. 15428:

BY GOERING:

Awarding contract to Paine-Gallucci, Inc., on their bid of \$19,188.70 for storm trunk relocation in the vicinity of No. 31st and Monroe Streets. W.O. No. 8755.

Mr. Rowlands explained that this is the drain that has been under discussion for the past several months. He said that they have to pay an additional \$450.00 for more right-of-way, and that more money will have to be spent for Engineering costs, but that the overall project will be well within the estimate.

Adopted on roll call July 21, 1958
Ayes 8; Nays 0; Absent 1, Bratrud.

PETITIONS:

Griffin Fuel Company - requesting establishment of a 10 minute parking zone in front of 1910 Commerce Street. (For referral to the Public Works Department.)

Resolution No. 15429:**BY HANSON:**

Appropriating from the Cumulative Reserve Fund for Capital Outlay and Maintenance and Operation the sum of \$192.07 for the purchase of two electric fans for the City Council Chambers and one electric fan for the Finance Dept. at a cost of \$32.35 including tax.

Mrs. Price asked if these fans will be used exclusively in the Council Chamber.

Mr. Rowlands said that they will be available for use by any department. He also advised that they will be suitable for use in the new County-City Bldg.

Roll was called, resulting as follows:

Adopted on roll call July 21, 1958
Ayes 7; Nays 1, Goering; Absent 1, Bratrud.

Resolution No. 15430:**BY ANDERSON:**

Authorizing the execution and delivery of a conditional sale contract to Robert C. Gruber for property located at the N. W. corner of So. Tyler and Eldon Streets, also property located on East 53rd Street just East of "I" Street for the sum of \$1,475.00.

Adopted on roll call July 21, 1958
Ayes 8; Nays 0; Absent 1, Bratrud.

Resolution No. 15431:**BY HUMISTON:**

Authorizing the execution of a deed to West Tacoma Newsprint Company for the City's 155 acre parcel of land, known as the Thomas Springs property, in consideration of receiving from the West Tacoma Newsprint Company \$1,700.00 plus a deed for a 77 acre parcel of land adjacent to the McMillan Reservoir.

Mr. Easterday asked if this property had been advertised for sale.

Mr. Benedetti, Supt. of the Water Division, explained that it had not been advertised. He said this came about as a result of the inspection of the spillway line in the vicinity of the McMillan Reservoir. The spillway line is a part of the \$500,000 Bond Issue. In order to construct the spillway line, he said, it is necessary to go across a part of the right-of-way to the property of the West Tacoma Newsprint Co..

This property is adjacent to the McMillan Reservoir property and will serve two purposes; (1) It will serve as a Right of Way for the Spillway line, and in addition it consolidates our holdings at the McMillan Reservoir, and (2) we will have an additional site in the area in case we have to build another Reservoir in the future, he added.

Mr. Easterday asked what the appraisal was on the 155 acre tract.

Mr. Benedetti advised that the appraisal for the 155 acres of land was \$10,000, and the appraisal for the West Tacoma Newsprint property was \$9,600.

Dr. Humiston asked if a negotiated trade of this kind is proper under the administrative code.

Mr. Hamilton read, for Council's information, a portion of the administrative code pertaining to the procedure for the sale of surplus property.

Dr. Humiston asked Mr. Hamilton if he cared to give an opinion as to whether the administrative code had been adhered to in setting up this particular transaction.

Mr. Hamilton said he did not know if any other check had been made to dispose of this property.

Dr. Humiston said he did not believe the Resolution should be adopted until the Legal Department has had an opportunity to ascertain whether or not the procedure for executing a deed to the Tacoma Newsprint Company was in conformance with the City's Administrative Code.

Mr. Anderson then moved that the Resolution be postponed until July 28, 1958, until such information is obtained. Seconded by Dr. Humiston. Carried unanimously on roll call.

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

FIRST READING OF ORDINANCES:

Ordinance No. 16158:

Annexing to the City of Tacoma the area lying approximately southwesterly of Taylor Way Extension, being an irregular strip extending southerly to within about 1330 feet of Highway 99, and fixing the date that said annexation shall become effective. (Petition of Port of Tacoma).

Dr. Humiston explained, it was perfectly obvious from the statements made at last week's hearing, that it may be possible there were conflicting interests. "That we, as members of the Council, have to take the single track view which is, whether this annexation is a good thing for the City of Tacoma." "In other words,"

he said, "would the annexation be a good thing for Tacoma, or would it be harmed by the annexation."

Mr. Anderson said he was in favor of the annexation as it would be for the best interests of the City.

Mr. Perdue agreed with Mr. Anderson, saying that it would be a long range benefit to the City.

Mr. Joe Vraves, ^{were} Mayor of the town of Fife, explained to Council that the annexation proceedings started by the Fife Fire Dept. and Fife School District. They appointed a committee to attempt to incorporate the area and to discuss the problems as to whether to incorporate or not in order to maintain the tax structure at the same level. At the first meeting that was held, he said, he was appointed Chairman of the Committee for the Incorporation.

Mr. Easterday asked Mr. Vraves what prompted him to believe that should this area be annexed to the City of Tacoma, the Tacoma School District would take it away from the Fife School District.

Mr. Vraves said that the State Statutes provide that when an area is incorporated or annexed to another town, that area becomes the property of the school district. He suggested that the City Council allay these fears so that the town of Fife can go before the Legislature and ask them to let this area stay with the Fife School District. Mr. Vraves distributed a written statement to the Council members as follows:

"Originally the incorporation of Fife was started because of the fear that the City of Tacoma would annex the Tideflats area, and thus remove from the School district and Fire district the large areas of land from which they had been receiving tax monies. The Fife School district is in an area where it cannot possibly expand in any other direction. Our interpretation of the present laws of the State of Washington, is that; should Tacoma annex any further area, the newly acquired area in the City of Tacoma, could become part of the Tacoma School system, and a resultant tax loss to the Fife Schools. The Fife School system already has suffered considerably by the fact that the Port of Tacoma has condemned large tracts of land, which consisted of profitable dairy farms, homes, truck farms, and potential businesses, that were not permitted to come into the area because of the overall plan to industrialize the Tideflats."

"By condemning these areas and making this land Port of Tacoma Land, it has removed this property from the tax rolls, thus cutting down the tax income of the Fife School District, and the Fife Fire District. The Taxpayers of the Fife School District, and the Fife Fire District have been satisfied with taking this area temporarily off the tax rolls, because they know that ultimately these areas would again be placed back on the tax rolls."

"At the public hearing, the Industrial area was removed from the Petition to Incorporate Fife; subsequent to that date, it has become the general belief of the people of Fife that the Port Commissioners would prefer to have this area remain in the County. The people of Fife are of the opinion that the Port will continue to take this position and will continue to keep this area in the County, (which is the principal concern of the people in the community)."

"It has become quite apparent that the majority of the Port Commissioners believe that the Port Industrial development area can be more rapidly and efficiently developed by keeping the Industrial Development area in the County rather than have the Industrial area belong to any City or Town: We believe, that the Port Commission, having been elected to their position, by all the people of Pierce County, have the best interest of Pierce County at heart, and therefore, considerable weight should be given to their majority views that the Port Industrial area be excluded from any town. "

"The City of Tacoma and the Town of Fife should take into consideration the fact that the development of the Industrial area is not coming from the taxpayers of the City of Tacoma alone, nor from the taxpayers of the City of Fife alone, but is coming from the entire County, and therefore, it seems only fair that it should remain in the County, and any benefits derived therefrom should go to County Taxpayers. In view of the fact that the Port Commissioners have expressed a strong wish and desire for the growth of this area and that it remain within the county, the City of Tacoma, and the Town of Fife, should do some very serious thinking so as not to hinder the development of the Industrial development area."

"Now has come the Petition for Annexation before the Town of Fife, and the City of Tacoma: Fife feels that the Port Commissioners have done a real good job and Fife is desirous that they be allowed to continue the development as planned without hinderances from any town; but the fear that the entire area may be annexed to Tacoma, and the result - loss of taxes to the Fife School and Fire District is overwhelming. "

"The fear grows greater when we hear and read about the City Council expressing themselves for Annexation of the Port Industrial Development District."

"We believe that if it was in the past, considered unfair for the Town of Fife or Tidehaven to take part of the Industrial Area, then it is just as unfair for the City of Tacoma to annex any portion of the Industrial Development District; therefore, the Town of Fife wishes to place before the Tacoma City Council the proposition, that under no circumstances will either town make any attempt or will consider any move or exert any pressure for an Annexation of any area which lies within the Industrial development area, thus the area would remain in the County as the Port Commissioners desire, and within the Fife School District, as it has been in the last 52 years. "

"If the City of Tacoma continue to show evidence of Annexing the area which now is within the Fife School District, then it would become necessary for the Town of Fife to take any and all appropriate steps to protect its area. "

"We believe this question of whether Tidehaven can incorporate or not, has become a most question, in view of the fact that recently Attorney Archie Blair has expressed the opinions that under an old statute the Port of Tacoma would have a right to withdraw from the proposed incorporation of Tidehaven, any tracts of land which exceed more than 20 acres, and the County Commissioners would have a right to further reduce the area by 20%. We feel that by acting upon this, the Port could keep this area in tact. "

"We can thus summarize my statement as follows:"

1. "Tax structure of the Fife School & Fire District would be substantially injured by Annexation of any of this area to Tacoma.

- 2. "Port Commissioners have made it clear that they desire the Port Industrial District remain in the County - any other move would hinder progress."
- 3. "If it is unfair for Fife or Tidehaven to annex the Industrial Area, then it is also unfair for the City of Tacoma to annex."
- 4. "Annexation of buffer strips are not now necessary in view of the fact that Attorney Archie Blair has stated that the Port can remove any Area greater than 20 acres."
- 5. "City of Fife proposes that Tacoma and Fife both agree not to annex any of the area within the Industrial Development District."

Mayor Hanson thanked Mr. Vraves for appearing before the Council.

Mr. Anderson asked Mayor Hanson if Mr. Blair, Vice-President of the Port Commission, had any comments on this matter.

Mr. Blair urged the Council to adopt the Ordinance for the annexation, stating that the annexation that is now being proposed, would in no way jeopardize the interests of the Tacoma School District if the County decides to put the land, which would be approximately 30 acres, into District #10.

The Ordinance was then placed in order of final reading.

Ordinance No. 16159:

Authorizing the acquisition of property located from South Tacoma Way at approximately 600 feet south of South 76th Street to the alley immediately east of Montgomery Street at approximately 350 feet south of South 76th Street, for the purpose of constructing, operating, maintaining and servicing storm drains and sewers, and directing compensation for same to be payable from the General Storm Drain Improvement Construction Fund of 1958.

Mr. Rowlands said that if the Public Works Dept. can move along with the acquisition of right-of-way, it is possible that bids might be taken for this project involving possibly \$800,000 to \$1,000,000 in September or October. This is part of the Bond Program which takes care of the South Tacoma Drain, he said.

The Ordinance was then placed in order of final reading.

Ordinance No. 16160:

Repealing Ordinance No. 16054 for the creation of L I D No. 4637.

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Mr. Rowlands said in distributing M C-212 this week, on L I D procedures they tried to review and point out the intricacies of processing Local Improvement Districts. On this particular L I D, which is up for repeal, the hearing was held on February 18th, at which time 27.9% remonstrances were filed against the improvement. A week later, he said, 50.3% remonstrances had been filed. On February 24th, Council passed the Ordinance providing for the improvement of this L I D. According to State Law, the property owners have 30 days to file additional remonstrances against the proposed improvement. After the 30 day

period had elapsed, the Public Works Dept. had proceeded in their normal manner to determine the engineering costs etc., and with the calling of the bids.

Unfortunately, according to the City Attorney at this point, Council does not have the authority to delete a portion of the district after the 30 day period, therefore, the whole district would have to be abandoned and re-initiated.

Mrs. Goering said that after the 30 day waiting period is observed the matter is never brought before Council.

Mr. Myron Calkins, Acting Director of Public Works, advised that this is one of the last L I D's to be processed under the old rate of \$7.00 per front foot as hereafter the charge will be \$8.00 per front foot.

Mrs. Goering said that she felt two groups of people were being penalized when two areas such as these, so far apart, were combined in one L I D. The area that is opposed to the L I D, which is nowhere near No. Cedar Street, should not be included in the district as it tends to lower their high rate of remonstrance. She felt it was very poor judgment to combine these districts. She said she did not believe the City would save enough on construction to justify all the injustices that have been inflicted on the residents of both areas, and felt it was a basic policy error in combining this L I D in the first place.

Mr. Rowlands said the City has taken a reasonable calculated risk based on legal principles as to what constitutes a district. He pointed out that the district has saved money, and they have been able to do more work and get better prices if more areas were combined in one L I D.

The Ordinance was then placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 16151:

Amending Chapter 6.70 of the Official Code of the City, relating to the Utilities Gross Earnings Tax, by adding a new section to be known as Section 6.70.011.

Mayor Hanson said that a similar Ordinance was passed last week relating to the Utilities Gross Earnings Tax and that this Ordinance should be voted down. Roll was then called on the Ordinance, resulting as follows:

Roll call: Ayes 4; Nays 4, Anderson Goering, Humiston, Perdue; Absent 1, Bratrud. Ordinance lost on Roll Call.

Ordinance No. 16152:

Prohibiting discrimination in private housing against inhabitants of the City of Tacoma because of race, creed, color or national origin, and establishing a board to be known as the City of Tacoma Board Against Discrimination consisting of five members to be appointed by the Mayor with the approval of the City Council.

Dr. Humiston said that he would vote against this Ordinance as he felt relationship between those of different creeds, colors and national origin was a matter of human attitudes, and that attitudes were impossible to enforce with legislation. He thought the Ordinance would create more problems than it would solve, and that it should be dealt with on the State level.

Mr. Anderson, Mr. Perdue and Mrs. Price expressed similar views on the matter.

Mrs. Goering outlined the findings of the President's Civil Rights Committee appointed in 1947. She read excerpts from a pamphlet entitled "People take the lead." There were three reasons why the President appointed this committee, namely for moral, economic and international reasons. The committee pinpointed those areas where our freedom is lagging.

1. Segregation in the nation's capital.

2. Racial and religious discrimination in employment, housing and education.

3. Infringement of the right to vote and to serve in the armed forces or to enjoy equal justice under the law.

When these were pointed out, she said the whole nation began to move and join in, filling the gap between our ideals and practices.

Rev. L. P. Williams of the Allen A. M. E. Church and Rev. E. S. Brazill of the Shiloh Baptist Church spoke before Council urging passage of the Ordinance.

Mrs. Price asked if there was a member from Tacoma on the State Board against Discrimination.

Mrs. Goering advised that there was a State Board against Discrimination, but there were no members on the committee from Tacoma at present.

Mayor Hanson advised that he would support an ordinance against discrimination if the punishment for non-compliance was removed.

Roll was then called on the Ordinance resulting as follows:

Roll Call: Ayes 2; Nays 6, Anderson, Humiston, Perdue, Porter, Price, Hanson; Absent 1, Bratrud. Ordinance lost on roll call.

Ordinance No. 16153:

Amending the Official Code of the City of Tacoma in reference to taxing and regulating certain punchboards, spindle games and similar devices in the City.

Mr. Easterday explained that he would like to have this ordinance postponed for 4 weeks, or until August 18, for the reason he has had several calls from people who wish to gather more data on the amount of revenue it would bring in.

Mrs. Goering asked the City Manager and Chief of Police to submit a complete opinion as to the overall effect of this Ordinance from the standpoint of administration. Among other things, she asked whether or not taxing such boards by the City would in effect condone them.

Mr. Porter asked Mr. Rowlands to obtain copies of the Ordinances from both Seattle and Olympia for distribution before the Ordinance is finally passed.

It was then moved by Mr. Easterday that the Ordinance be postponed for 4 weeks (until August 18, 1958). Seconded by Mr. Anderson. Carried unanimously on roll call. Ayes 8; Nays 0; Absent 1, Bratrud.

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Ordinance No. 16154:

L I D 6753

Providing for the improvement of L I D No. 6753 - Ornamental Street Lights on existing wood poles on Washington Street from No. 9th to No. 11th Sts. The Ordinance was read by title and passed.

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

Ordinance No. 16155:

L I D 6755

100 - Providing for the improvement of L I D No. 6755 - Ornamental Street Lighting standards with ornamental type street lights on Highland, Winnifred and Shirley Streets from North 18th Street to North 23rd St. The Ordinance was read by title and passed.

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

Ordinance No. 16156:

L I D 6756

60 - Providing for the improvement of L I D No. 6756 - ornamental street lights on Tacoma Avenue from So. 72nd Street to So. 74th Street. The Ordinance was read by title and passed.

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

Ordinance No. 16157:

L I D 6757

37 - Providing for the improvement of L I D No. 6757 - installation of street lights on wooden poles on Junett Street from So. 60th Street to So. 82nd Street. The Ordinance was read by title and passed.

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

UNFINISHED BUSINESS:

The Director of Public Works presents the assessment roll for the cost of the improvement in L I D 1921 for sanitary sewers from the Treatment Plant on Cleveland Way to 11th Street and St. Paul Avenue, also on East J Street. It was moved by Mr. Anderson and seconded by Mr. Easterday that August 26, 1958 be the date set for hearing on the assessment roll L I D 1921. Motion carried unanimously on roll call: Ayes 8; Nays 0; Absent 1, Bratrud.

This is the date to which Council continued the hearing on the Business and Occupation Tax on Wholesale Functions. It was moved by Mr. Anderson, seconded by Dr. Humiston, that this hearing be continued over to Monday, July 28, 1958. Motion carried unanimously. Roll call: Ayes 8; Nays 0; Absent 1, Bratrud.

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

- a. Executed copies of contract for Engineering and Consulting Services between the City of Tacoma and Thomas and Harstad Associates.
- b. Report of the Fire Department for the month of June, 1958.
- c. Report of the Light Division for the month of May, 1958.
- d. Report of the Personnel Department for the month of June, 1958.
- e. Report of the Record of Cases in Tacoma Municipal Court - June, 1958.
- f. Report of the Police Department for the month of June, 1958.
- g. Report of the Traffic Division - Police Department for June, 1958.

COMMENTS BY MEMBERS OF THE CITY COUNCIL:

Mrs. Price advised that she had two Resolutions which are to be presented at next week's meeting, (1) to place on the November ballot the proposition of electing a full time Mayor and (2) the proposition of electing a Civil Service Board.

Mr. Easterday also advised he would submit an amendment to the Charter to number the positions of the City Council members.

Dr. Humiston advised he was glad that these proposed amendments were coming in at this time so that the Council members will have an opportunity to study them.

COMMENTS BY THE CITY MANAGER:

Mr. Rowlands advised that approximately two weeks ago the Council sent a letter to the C. A. A. requesting a hearing before the Seattle Regional Airspace Subcommittee regarding the Peninsula site. Mr. Rowlands said that this hearing is to be held July 31st at 9:00 A. M. in the Federal Bldg. in Seattle. Mr. Rowlands requested that a meeting be held by the Mayor, Council members, Airport Committee and the Port of Tacoma on Monday, July 28, 1958, for suggestions in presenting their case.

Mr. Rowlands asked the Council to hold July 30, 1958 open for a tour of some of the projects currently in process by the City.

There being no further business or comments from the audience, the meeting adjourned at 6:40 P. M.


President of City Council

Attest:


City Clerk

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