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COUNCIL CHAMBER, 7:40 P. M.

Monday, September 27, 1954.

Council met in regular session. Present 8; Battin, Bratrud, Goering, Hooker, Humiston, Jensen, Perdue, Tollefson. Absent 1; Stojack, taking his seat at 7:45 P. M.

It was moved by Dr. Battin, that the minutes of the previous meeting, copies of which had been mailed by the Clerk to each Councilman, be approved and the reading thereof be dispensed with. Motion seconded by Mr. Bratrud and carried on roll call: Ayes 7; Nays 1; Humiston (not voting); Absent 1; Stojack.

COMMUNICATIONS:

Tacoma Transit Co., comparing Gross earnings tax upon operations of bus companies operating in Everett, Olympia, Hoquiam, Vancouver, Longview, Portland and Spokane, with the 4% tax their company pays for operating in Tacoma; asking that the tax in Tacoma be immediately reduced to 1% which is as low as permitted in the Charter, and that at the earliest appropriate time the Charter be amended to exclude any gross earnings tax on transit revenues, and that this request be carefully considered and included in the 1955 Budget. Moved by Mr. Jensen to refer to Transit Committee. Dr. Humiston said this was not a new request, and the matter had been fully considered by the Finance Committee. He offered to furnish Council members with a full report on the hearing held by the City Finance Committee at the next Council meeting. In view of this information, Mr. Jensen withdrew his motion and the Mayor directed the communication of the Transit Co. be laid over to next Monday, October 4th to be considered with the Finance Committee's report.

RESOLUTIONS:

Initial Resolution No. 14047. L. I. D. 4544.

By TOLLEFSON:

Stating intention of Council to order grading and placing thereon an asphaltic concrete pavement, together with necessary retaining walls, in the alley between Sixth Avenue and South 7th Street from Sprague Avenue to Grant Street; creating L. I. D. 4544 and fixing November 16th, 1954 as the date for hearing thereon. \* Adopted on roll call September 27, 1954; Ayes 9; Nays 0; Absent 0. (Moved by Jensen, ) Initial Resolution No. 14048, L. I. D. 2213. (seconded by Humiston to suspend 0 (rule 9 and carried unanimously)

By TOLLEFSON:

Stating intention of Council to order grading and concrete curb and gutters on North 28th Street from Huson Street to Ferdinand Street; also grading and oil mat in alley between North 27th Street and North 28th Street from Huson to Ferdinand; creating L. I. D. 2213 and fixing October 19th, 1954 as the date for hearing thereon. Moved by Jensen, seconded by Mr. Perdue to suspend Rule 9 and carried unanimously. Adopted on roll call September 27, 1954. Ayes 9; Nays 0; Absent 0.

Resolution No. 14049.

By HOOKE:

Authorizing and directing the Director of Highways of the State of Washington to check the plans, preliminary estimates and specifications, and perform any other work necessary to contract for work contained in Improvement No. 2114- Milwaukee Way Extension- F. A. U. Project No. 4601 (1) at a total cost of \$2,000, payment to be made upon satisfactory completion of said work and receipt of a statement of charges.

Adopted on roll call September 27, 1954. Ayes 9; Nays 0; Absent 0.

Resolution No. 14050.

By TOLLEFSON:

Approving recommendations of the Director of Public Works and the Board of Contracts and Awards and awarding contract for grading, surfacing, oil mat and concrete sidewalks on South G Street from South 58th Street to South 70th Street, L. I. D. 2206, to Woodworth & Co., Inc. in its low bid of \$2749.95.

Adopted on roll call September 27, 1954.  
Ayes 9; Nays 0; Absent 0.

Resolution No. 14051.

By HUMISTON:

Authorizing proper officers of the City of Tacoma to expend the sum of \$500.00 from the Cumulative Reserve Fund for Maintenance, Alterations and Repairs for Municipal Purposes, for the installation of fireproof acoustical tile on the ceiling of the Council Chambers in the City Hall.

Adopted on roll call September 27, 1954.  
Ayes 9; Nays 0; Absent 0.

Resolution No. 14044. (laid over to this date on September 20th).

By GOERING:

Authorizing the proper officers of the City of Tacoma to execute and deliver to Lige Dickson, a Local Improvement Assessment Deed, in form approved by the City Attorney upon payment of the sum of \$1,300.00 in cash for Lots 19 and 20, Block 2511 Sahn's Addition (this property located north of 2543 Tacoma Avenue). The Clerk reported that the prospective purchaser had decided not to go through with the deal.

Lost on roll call September 27, 1954.  
Ayes 0; Nays 9; Absent 0.

FIRST READING OF ORDINANCES:

Ordinance No. 15130.

Amending Section 17 of Ordinance No. 14049, entitled: "An ordinance providing for a retirement and pension system for superannuated and disabled officers and employes of the City of Tacoma; prescribing the conditions under which retirement allowances and other benefits shall be paid; fixing rates of contribution and assessments and providing for the adjustment thereof, etc." (PENSION ORDINANCE- Pertaining to Safeguards of Disability Retirement). Read by title and placed in order of final reading.

Ordinance No. 15131.

Authorizing and directing the City Attorney of the City of Tacoma to purchase and/or institute and prosecute an action in the Superior Court of the State of Washington for Pierce County, under the right of eminent domain, for the condemnation and acquisition of a certain tract of land for the purpose of installing, maintaining, operating and repairing water mains and appurtenant equipment from the west line of Brown's Point Boulevard to the east line of Beverly Heights Addition; and directing that compensation for the property to be taken or damaged shall be payable from funds to be hereafter appropriated. Read by title and placed in order of final reading.

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Ordinance No. 15132.

Defining "Tacoma Harbor"; to establish rules and regulations for the movement, anchorage and dockage of vessels and watercraft within said Harbor; to prescribe the duties of the Harbor Master; to prescribe the duties and responsibilities of owners of Docks, wharves and waterfront structures; to provide penalties for the violation hereof; and to repeal Ordinance No. 6245, and all other ordinances and parts of ordinances in conflict herewith. Read by title. Mr. Lambert, representing Hooker Electro-Chemical Co., was present for clarification of Section 8, Paragraph 2, relative to permit for refuse dumping, and Section 12, Paragraph 2, relative to permit for oil dock, to ascertain whether his company would be required to obtain these permits. Upon explanation of what dumping the Company did and what facilities for receiving oil they had, he was informed the permits would be required. Mr. Lambert made a suggestion that Section 12, Paragraph 3 be changed to read "proper safety equipment" instead of "gas masks", which Council thought was a very good suggestion, and directed the ordinance be so changed.

FINAL READING OF ORDINANCES:

Ordinance No. 15118.

Authorizing the proper officers of the City of Tacoma to execute and deliver a lease agreement between the City and Donald W. Lyle, Robert G. Lyle, Donald W. Lyle, Jr., Jean Baker and Karl Nelson, doing business as the Elbe Timber Company, of a tract of land containing 3.5 acres located in the Second Nisqually Land, Pierce County, Washington, for the purpose of operating a sawmill and log pond; and fixing the terms and conditions of such lease. Read by title. It was moved by Dr. Humiston, seconded by Dr. Battin to suspend Rule 9, and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

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

Ordinance No. 15119.

Authorizing and directing the City Attorney of the City of Tacoma to purchase and/or institute and prosecute an action in the Superior Court of the State of Washington for Lewis County or the United States District Court, Western District of Washington, Southern Division, under the right of eminent domain, for the purpose of providing a site for the location of a dam, an area in which to conduct construction, and to provide part of the reservoir area. Read by title. It was moved by Dr. Humiston, seconded by Dr. Battin to suspend Rule 9 and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

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

Ordinance No. 15120.

Authorizing the proper officers of the City of Tacoma to execute and deliver a lease agreement between the City and E. M. Nist, John Reams and Alvin Sommers, doing business as the Alder Lake Mill Inc., of approximately 6.4 acres of land located in the Second Nisqually land, Pierce County, Washington, for the purpose of operating a sawmill and log pond; and fixing the terms and conditions of such lease. Read by title. It was moved by Dr. Humiston, seconded by Col. Hooker to suspend Rule 9 and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

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

Ordinance No. 15121.

Amending Section 49a of Ordinance No. 14892, entitled: "An ordinance"

to provide for licensing and regulating the operation of certain devices, vehicles and things, and the carrying on of certain businesses, callings, professions, trades, occupations and activities in the City of Tacoma; to provide for the suspension and revocation of licenses issued; to establish license fees; to provide a penalty for the violation hereof; etc." (GENERAL LICENSE ORDINANCE- by deletion of the words "by the method of spraying" at the end of the description of the term "Paint Shops" in Garage section). It was moved by Col. Hooker to suspend Rule 9, seconded by Mr. Bratrud and carried unanimously on voice vote. The Ordinance was then passed without having been read in full.

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

Ordinance No. 15122.

Authorizing the proper officials of the City of Tacoma to lease to the Grace Lutheran Church, a corporation, a strip of land 12 feet wide, for a distance of approximately 150 feet, adjacent to Lots 1, 2, 3, 4, 5 and 6, in Block 16, Look-out Park Addition; and fixing the terms and conditions of such lease. Read by title. It was moved by Col. Hooker to suspend Rule 9, seconded by Dr. Battin and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

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

Ordinance No. 15123.     L. I. D. 1923.

Providing for the construction of sanitary or local sewers in Mason Avenue from South 36th Street to South 37th Street; creating Local Improvement District No. 1923. Read by title. It was moved by Dr. Humiston to suspend Rule 9, seconded by Mr. Perdue and carried unanimously on voice vote. The ordinance was then passed without having been read in full. 301

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

Ordinance No. 15124.     L. I. D. 2212.

Providing for the improvement of both sides of North 13th Street, from Mason Avenue to Monroe Street by grading and construction of cement concrete sidewalks thereon; creating Local Improvement District No. 2212. Read by title. It was moved by Dr. Humiston to suspend Rule 9, seconded by Dr. Battin and carried unanimously on voice vote. The ordinance was then passed without having been read in full. 302

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

Ordinance No. 15125.

Authorizing the City Attorney to acquire by purchase a portion of Lots 17 through 22 of Block 2506, Tacoma Land Company's First Addition to Tacoma; and appropriating \$8,000 from the Cumulative Reserve Fund, Streets and Bridges, to pay the cost thereof. Read by title. It was moved by Dr. Humiston, seconded by Mr. Perdue to suspend Rule 9, and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

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

Ordinance No. 15126.

Appropriating \$8,638.90 from the Cumulative Reserve Fund, Materials, to

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the Public Works Department for Municipal Shop needs; and authorizing the Director of Finance to make such appropriation. Read in full and passed.

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

Ordinance No. 15127.

Amending Ordinance No. 14892, entitled: "An ordinance to provide for licensing and regulating the operation of certain devices, vehicles and things and the carrying on of certain businesses, callings, professions, trades, occupations and activities in the City of Tacoma; to provide for the suspension and revocation of licenses issued; to establish license fees; to provide a penalty for the violation hereof, etc" by adding thereto seven new sections to be known as Sections 73, 73a, 73b, 73c, 73d, 73e and 73f. (GENERAL LICENSE ORDINANCE- providing for the licensing of "Picture Machines".) Read by title. It was moved by Mr. Perdue, seconded by Col. Hooker to suspend Rule 9, and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

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

Ordinance No. 15128.

Amending Ordinance No. 12387, entitled: "An ordinance levying an admission tax on persons admitted to certain places of amusement; fixing the amount and providing for the collection thereof; prescribing penalties for the violation hereof; declaring a public emergency and providing that this ordinance take effect immediately after publication." by amending Section 2 thereof. ((exempting Moving Picture Theaters from paying this tax.) Read by title. The ordinance was discussed, and it was pointed out that the passage of this ordinance would result in a loss of \$65,000 to the General Fund Estimated Revenues, which would have to be taken into consideration before the 1955 budget is adopted. Mr. Backstrom said there is a legal question as to the way the ordinance is drawn. Mr. Boyle said he was not in a position to rule on this matter without studying the same. Mr. Joseph Gordon, attorney for the Theater Owners, advised that he has briefed the legality of the Ordinance and offered to present his brief at this time. Mayor Tollefson said that in all fairness he felt the Council should be presented with the comments from the City Attorney and Mr. Gordon at the same time. Mr. Gordon then stated he was sure it would not be necessary to take up the Council's time in this discussion as he was confident he could convince Mr. Boyle the Ordinance is legally drawn. It was moved by Mr. Bratrud, seconded by Dr. Humiston that action on Ordinance No. 15128 be postponed for one week to October 24th and carried unanimously.

Ordinance No. 15129.

Amending Section 1 of Ordinance No. 15079, entitled: "An ordinance providing for the submission to the qualified voters of the City of Tacoma, at a special Municipal election to be held on Tuesday, November 2, 1954, of a proposition of creating an indebtedness in the amount of \$400,000, and the issuance and sale therefor of general negotiable interest-bearing coupon bonds of said City in said amount for the purpose of providing funds for payment of part of the cost of construction of a building or buildings, facilities and the development of a site to be known as the Public Works Field Headquarters and Garage, the payment of the principal and interest of such bonds, to be provided by annual tax levies in excess of tax levy limitations imposed by law directing the City Clerk to certify to the Pierce County Auditor said proposition in the form of a ballot title as required by law." Read by title. It was moved by Dr. Humiston, seconded by Col. Hooker to suspend Rule 9, and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

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

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Ordinance No. 15115 - (laid over to this date on September 20th)

Vacating C Street between South 82nd Street and South 84th Street; retaining and reserving certain easements therein for the construction, repair and maintenance of public utilities and services. Read by title. City Attorney Boyle, at whose request the ordinance had been laid over to this date, advised the Council that both this ordinance and its companion Ordinance No. 15117 were ready for passage now. It was moved by Col. Hooker, seconded by Mr. Perdue to suspend Rule 9, and carried unanimously on voice vote. The ordinance was then passed without having been read in full. 307

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

Ordinance No. 15117. (laid over to this date on September 20th)

Authorizing and declaring the abandonment of any rights and privileges the City of Tacoma may have by virtue of a certain easement for the construction, operation, repair and maintenance of a sewer or sewers over, under, along and across the east 35 feet of Lots 4 to 12 inclusive, in Block 7, Amendatory Plat of Cavender and Wallace's Addition to Fern Hill, Pierce County, Washington, upon execution and delivery to the City of Tacoma by the owners thereof of an easement to construct, reconstruct, maintain, repair and operate a sewer or sewers over, upon, across and under the easterly 20 feet of Block 7 of said Addition, extending from South 82nd Street to South 84th Street. Read by title. It was moved by Mr. Perdue, seconded by Mr. Stojack to suspend Rule 9 and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

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

NEW BUSINESS:

Mayor Tollefson called Council's attention to a beautiful bouquet of Chrysanthemums, which had been presented by the Tacoma and District Chrysanthemum Society to commemorate Chrysanthemum Week, which starts today.

City Manager Backstrom presented M. C. Communication #53- PARK DEPARTMENT FINANCING- This stated that \$250,000 has been included in the 1955 Budget as the City's share for the financing of Park activities; that \$580,802 is the total available revenue resources for the Park Operation; listed two alternative courses of action: (1) Dissolution of the Park Board as an independent legislative body and integrate Park functions into regular City operations; (2) Continued existence of the Park Board as the legislative body for Park Operations, and the City to make a grant to the Park Board of General tax money from the General Fund, this grant to be controlled by the City through a formal contract. He said he favored alternate #2 as the Parks would continue to receive the one mill of revenue for 1955, and this would allow ample time to study the situation and make plans to integrate the Park system and park employees into regular City operations in 1956. The two plans were discussed by Council and the majority favored Alternate 2, as recommended by the City Manager. Since this item of \$250,000 for Park Operations has been included in the 1955 budget, it was decided no formal action was necessary at this time, and Mr. Backstrom said he would proceed with the drawing of the contract.

Upon motion, duly seconded and carried Council then adjourned at 9:30 P. M.

H. M. TOLLEFSON

President of City Council

Attest:

Joseph Melton  
City Clerk.