

Monday, October 24, 1955.

Council met in regular session. Present 9; Battin, Bratrud, Goering, Hooker, Humiston, Jensen, Perdue, Stojack, Tollefson. Absent 0.

It was moved by Dr. Battin, seconded by Col. Hooker, that the minutes of the previous meeting, copies of which had been mailed by the Clerk to each Council member, be approved and the reading thereof be dispensed with. Motion carried unanimously on voice vote.

RESOLUTIONS:

Resolution No. 14424. L I D 4567.

By BATTIN:

Stating intention of Council to order grading to established subgrade and placing thereon an asphaltic concrete pavement with cement concrete curbs and gutters on East 50th Street from East B Street, east for 600 feet more or less; creating L I D 4567 and fixing November 15th, 1955 as the date for hearing. It was moved by Col. Hooker to suspend Rule 9, seconded by Mr. Perdue and carried unanimously on voice vote. The resolution was then adopted without having been read in full. 243

Adopted on roll call October 24, 1955.
Ayes 8; Nays 0; Absent 1; Humiston (temporarily).

Resolution No. 14425.

By BRATRUD:

Authorizing proper officers of the City of Tacoma to purchase at a cost not to exceed \$1,900.00, a new Sedan Delivery or Courier Model automobile with heater and automatic transmission, for the Tacoma Humane Society, title to which shall be taken in the City.

Adopted on roll call October 24, 1955.
Ayes 9; Nays 0; Absent 0.

Resolution No. 14426.

By HOOKER:

Authorizing private sale of all right, title and interest of City of Tacoma acquired by local improvement assessments, for the sum of \$10.00 in cash and directing execution and delivery to Nels H. Magnuson of a local improvement assessment deed to Lots 8 and 4, Block 2, Carmichael's Add. (on Woodlawn Street between South 12th and South 18th). It was moved by Mr. Jensen, seconded by Mr. Perdue to suspend Rule 9 and carried unanimously on voice vote. The resolution was then adopted without having been read in full.

Adopted on roll call October 24, 1955.
Ayes 9; Nays 0; Absent 0.

Resolution No. 14427.

By PERDUE:

Authorizing private sale of Lots 15 and 16, Block 28, Barker's Addition for sum of \$196.96 in cash to Theodora Nelson. (located at 5228 South

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Ferry Street)

Adopted on roll call October 24, 1955.
Ayes 9; Nays 0; Absent 0.

Resolution No. 14428.

By PERDUE:

Authorizing and directing proper officers of City to sell 4000 feet of 2½ inch double jacket rubber-lined fire hose on hand in Fire Department as salvage to such purchasers as may be obtained therefor from time to time at a sale price of not less than 35 cents per foot.

Adopted on roll call October 24, 1955.
Ayes 9; Nays 0; Absent 0.

Resolution No. 14420 (laid over to this date on October 17th)

BY STOJACK:

Establishing a ten minute parking zone in front of 915 South I Street. Mr. Backstrom reported that the granting of the 10 minute parking restriction was in accordance with the provisions of Sec. 182 of the City Traffic Code. The premises at 915 South I are occupied by the Physicians and Dentists Collection Bureau, who have provided off street parking for their cars and those of their customers. This location is in a multiple dwelling district and the space in front of the building is very often occupied by all day parkers. After a survey of the situation the Traffic Engineer has recommended that the 10 minute parking be designated in this case, Mr. Backstrom added.

Adopted on roll call October 24, 1955.
Ayes 9; Nays 0; Absent 0.

It was moved by Mr. Perdue, seconded by Mr. Bratrud to suspend Rule 7, relative to filing of new material for Council's consideration, in order to adopt two resolutions, which do not appear on the agenda. Motion carried unanimously on voice vote.

Resolution No. 14429. L I D 4579.

By BATTIN:

Stating intention of Council to order grading to established subgrade and paving with cement concrete pavement, with curbs, on Chandler Street from Center St. to South Tacoma Way; creating L I D 4579 and fixing November 15, 1955 as the date for hearing thereon. It was moved by Mr. Perdue, seconded by Dr. Humiston to suspend Rule 9 and carried unanimously on voice vote. The resolution was then adopted without having been read in full.

Adopted on roll call October 24, 1955.
Ayes 9; Nays 0; Absent 0.

Resolution No. 14430. L I D 4590.

By BATTIN:

Stating intention of Council to order grading to necessary subgrade and placing thereon a 24 foot cement concrete pavement, together with the necessary storm drainage on Boundary Street from Center Street south for approximately 100 feet; creating L I D 4590 and fixing November 15, 1955 as the date for hearing thereon. It was moved by Dr. Humiston, seconded by Mr. Perdue to suspend Rule 9 and carried.

unanimously on voice vote. The resolution was then adopted without having been read in full.

Adopted on roll call October 24, 1955,
Ayes 9; Nays 0; Absent 0.

FIRST READING OF ORDINANCES:

Ordinance No. 15459. L I D 2219

Approving and confirming the assessment and assessment roll for the cost of the improvement in L I D 2219. Read by title and placed in order of final reading.

Ordinance No. 15460. L I D 2222.

Approving and confirming the assessment and assessment roll for the cost of the improvement in L I D 2222. Read by title and placed in order of final reading.

Ordinance No. 15461. L I D 5217.

Approving and confirming the assessment and assessment roll for the cost of the improvement in L I D 5217. Read by title and placed in order of final reading.

Ordinance No. 15462.

Providing for the submission to the qualified voters of the City of Tacoma, for their adoption or rejection as a Special Election to be held in conjunction with the Municipal Primary Election, on Tuesday, February 14, 1956, the proposed new and revised Charter for the City of Tacoma, filed in the office of the City Clerk October 10, 1955, and prepared by the fifteen freeholders duly elected on the 10th day of May, 1955; directing the City Clerk to cause said Charter to be published in accordance with the laws of the State of Washington; appropriating the sum of \$16,000.00, or so much thereof as may be necessary, from the General Fund, to pay the cost of publishing the proposed Charter by two daily newspapers, as required by law; and declaring an emergency requiring the passage of this ordinance and the appropriation herein contained and providing that this ordinance take effect immediately after publication. Read by title and placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 15454.

Providing for the making of certain additions and betterments to and extensions of the electric generating plant and system and electric power and light transmission and distribution system of the City of Tacoma; specifying and adopting the plan and system proposed therefor; declaring the estimated cost thereof as near as may be determined; providing for the issuance and sale of special obligation utility bonds of the City of Tacoma in the amount of \$5,000,000.00, to be known as the Light and Power Bonds of 1956, to be issued for the purpose of financing such additions, betterments and extensions, and creating and establishing a special fund for payment of the principal and interest of said bonds. Read by title. It was moved by Dr. Humiston to suspend Rule 9, seconded by Mr. Perdue and carried unanimously on voice vote. Dr. Humiston read in full a letter from Wood, King and Dawson, dated October 20, 1955, addressed to Frank L. Bannon, Chief Assistant City Attorney, which listed suggested amendments to the proposed ordinance. He reported that the ordinance up for passage at this time had been re-written by the Light Department Attorneys to include the changes suggested by Wood, King and Dawson in the above letter. It was moved by Dr. Humiston that Ordinance No. 15454 be amended to conform to the suggestions set forth in letter

letter from Wood, King and Dawson, a copy of which is on file with the original ordinance in the office of the City Clerk. Motion seconded by Mr. Perdue and carried on roll call: Ayes 9; Nays 0; Absent 0. Roll was then called on passage of the ordinance as amended, without same having been read in full, resulting as follows:

Roll call:

Ayes 9; Nays 0; Absent 0.

Ordinance No. 15455.

Creating in the Treasury of the City of Tacoma a special fund to be known as the Light and Power Construction Fund of 1956; specifying the purpose for which said fund is created; providing for the deposit therein of the proceeds of the sale of the \$5,000,000.00 issue of Light and Power Bonds of 1956, to be hereafter issued; moneys advanced from current funds; and such other funds as may be appropriated to said special fund for the purpose of paying the cost of additions and betterments to and extensions of the present electric generating plant and system and electric power and light transmission and distribution system of the City of Tacoma as specified and adopted by Ordinance No. 15454; and appropriating the sum of \$5,000,000.00 or so much thereof as may be necessary, from said fund for said purpose. 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.

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

Ordinance No. 15456.

Amending Ordinance No. 15258, entitled: "An ordinance regulating travel and traffic on the streets of the City of Tacoma; providing a penalty for the violation thereof, etc." (TRAFFIC ORDINANCE) by adding thereto a new section to be known as Section 183K. (One hour parking both sides Center Street from South "I" Street to South Sheridan Avenue). Read in full and passed.

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

Ordinance No. 15457.

Repealing Ordinance No. 15087 as amended entitled: "An ordinance providing for the issuance and sale of Series "A" and Series "B" Special Obligation Bonds of the City of Tacoma in the amount of \$7,500,000.00 each, and Series "C" Special Obligation Bonds of the City of Tacoma in an amount not to exceed \$7,500,000.00, to be known as Cushman No. 3 Light and Power Bonds Series "A" 1954, Cushman No. 3 Light and Power Bonds Series "B" 1954, and Cushman No. 3 Light and Power Bonds Series "C" 1954; to be issued for the purpose of making of certain additions and betterments to and extensions of the present electric plant and system and electric power and light transmission and distribution system of the City of Tacoma as authorized by Ordinance No. 15085; and creating and establishing a special fund for payment of the principal and interest on said bonds." Read by title. It was moved by Dr. Humiston to suspend Rule 9 and seconded by Dr. Battin. Motion 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. 15458.

Authorizing the City Manager of the City of Tacoma to execute a contract between the City of Tacoma and the engineering firm of Brown and Caldwell, sanitary engineers, for the purpose of obtaining necessary engineering services for a study of and report upon development of a comprehensive sewerage and drainage program for the City of Tacoma and setting out the terms and provisions thereof; and providing for the payment of the cost thereof, estimated in the sum of \$50,000.00 including the estimated sum of \$15,000.00 for work to be performed by the City's forces, from funds budgeted

in the annual budgets for the years 1955 and 1956. Read by title. It was moved by Dr. Humiston, seconded by Mr. Perdue to suspend Rule 9 and carried unanimously on voice vote. Mr. Bratrud said he had been present at the hearings and in his opinion this was the outstanding firm. However there were several points he would like to have more information about, and he moved that the ordinance be postponed for one week to October 31st. Motion seconded by Dr. Humiston.

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Mr. Jensen object/to the statements which have been made to the effect that the City has no sewer plans, and enumerated a number of plans which have been formulated by the City Engineers over a period of years and which are on file in the Public Works Department. In the face of all the plans on hand, he does not understand why the City has to bring in an outside firm to make a survey, he said. He recommended the ordinance be defeated and said he was going to vote against it, as he felt this money would be better spent in putting in some sewers where they are badly needed. Dr. Humiston said he felt the Public Works Department should furnish answers in writing by next Monday. Mr. Backstrom said he thought the Administrative Staff should have a chance to present their case in order to prevent a distorted report from going out through the "Press". He briefed the Council on the history of the matter from the time a letter had been received from E. F. Eldridge, Director of the State Pollution Control Commission, dated March 3, 1955, refusing to approve several sewer L I Ds until a sewer program has been established by the City of Tacoma, up to the present time. He called attention to Resolution No. 14213, which was adopted by unanimous vote of the Council on March 21, 1955, directing the City Manager to institute action to formulate a comprehensive sewer plan, and to Mayor-Council communication #73, dated June 13, 1955. He also read a letter from Mr. Eldridge dated October 20th, commending the City of Tacoma for the action being taken in hiring Brown & Caldwell to make this survey.

Mr. Backstrom called upon Director of Public Works Staman, who briefly outlined the plans previously made, and stated that the City does not to the best of his knowledge have comprehensive plan for sewers. He emphasized the fact that all the plans, maps, material and data on hand would be made available to the survey firm and that they are most anxious to utilize any information.

Mr. Perdue pointed out that the Council had gone on record as promising the Pollution Control Committee it would come up with a comprehensive sewer plan and this ordinance is laying the ground-work by having Brown and Caldwell make the survey.

Dr. Battin said he was ready to vote on the ordinance as he thought that postponing it would accomplish nothing.

It was suggested by the Mayor that any Council member who has any questions, take them up with the Director of Public Works or City Manager.

Dr. Humiston said that the explanations presented by the City Manager and Director of Public Works had answered his questions and he wished to withdraw his second to Mr. Bratrud's motion to postpone for one week. Thereupon Mr. Jensen seconded the motion of Mr. Bratrud. After further discussion, roll was called on the motion to postpone the ordinance for one week, resulting as follows: Ayes 6; Bratrud, Goering, Humiston, Jensen, Stojack, Tollefson. Nays 3; Battin, Hooker, Perdue. Carried.

UNFINISHED BUSINESS:

A number of the Freeholders were present relative to the legal opinion from the Pierce County Prosecuting Attorney's Office, dated October 21st, 1955 and bearing the signature of Thomas R. Garington, Chief Civil Deputy, which had been rendered at the request of the Pierce County Auditor. In brief this opinion was, if at the election on February 14th the citizens of Tacoma adopt the proposed City Charter, the City would be precluded by Chapter 27, Section 6, Laws of 1895 from calling

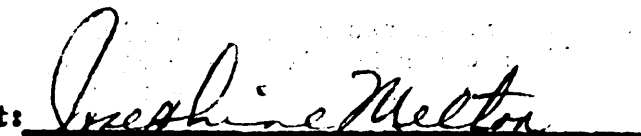
a special election for the purpose of filling the new offices, and further this section expressly provides that any new offices created by the new charter shall be filled by appointment of the Mayor until the next general election. Mr. Marshall McCormick, Assistant City Attorney, read from his opinion "Re. Holding Special Election for adoption of Proposed Charter and to fill offices as provided therein", which concluded with the statement that it is their opinion (1) That the Council was and still is within its discretionary power to fix the election date for the submission of the new Charter to the people as February 14, 1956, the date of the regular primary municipal election; (2) That Laws of 1895, Chapter 26, Section 6, do not apply to a new Charter, complete in itself, but was meant to apply to those charters which altered, changed and revised present charters and (3) That the County Auditor, upon the request of the City Council, can legally hold both special primary and general elections for the election of the elective officers provided for in the new proposed charter in the event it is adopted by the vote of the people. The two conflicting opinions were discussed at length and the advisability, desirability and legal possibilities of still holding the Charter Election on December 6th were considered in detail. Mr. Howard Carothers, one of the Freeholders, urged the Council to reverse its position and to act as soon as possible to hold the election on December 6th or shortly thereafter in order to avoid legal entanglements and court action in the future, should the Prosecuting Attorney refuse to authorize the special elections. The majority of the Council members expressed the desire to have an opportunity to study the two opinions before taking any action. Accordingly, it was moved by Mr. Bratrud, seconded by Mr. Jensen that the Council recess to Wednesday, October 26th at 5:30 P. M. to again consider this matter. Motion carried unanimously on voice vote.

Upon motion, duly seconded and carried, Council at 11:40 P. M. recessed to Wednesday, October 26th at 5:30 P. M.



President of City Council.

Attest:



City Clerk.