

Monday, January 9, 1956.

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 Mr. Stojack, 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. 14497.

By HOOKER:

Finding that the improvement of those sidewalks, curbs and driveways across sidewalks as hereinafter described, by construction, reconstruction or repair thereof as set forth herein is necessary; and fixing Monday, January 30th, 1956 as the date for hearing thereon before the entire Council.

Adopted on roll call January 9, 1956.
Ayes 9; Nays 0; Absent 0.

Resolution No. 14498. L I D 4595.

By JENSEN:

Stating intention of Council to order resurfacing of South M Street from South 41st Street to South 52nd Street; creating L I D 4595 and fixing February 7, 1956 as the date for hearing thereon.

Adopted on roll call January 9, 1956.
Ayes 9; Nays 0; Absent 0.

FIRST READING OF ORDINANCES:

Ordinance No. 15519. L I D 1923.

Approving and confirming assessment and assessment roll for cost of improvement in L I D 1923 -- sanitary sewers in Mason Avenue from South 36th to South 37th and in South 36th from Mason to Tyler. Read by title and placed in order of final reading.

Ordinance No. 15520. W. O. 6038 and 5977.

Approving and confirming assessment and assessment roll for cost of improvement designated as Work Orders Nos. 6038 and 5977, Units Nos. 51-371, consisting of construction, reconstruction and repair of sidewalks, gutters and curbs along and driveways across sidewalks. Read by title and placed in order of final reading.

Ordinance No. 15521.

Amending Ordinance No. 11459 entitled: "An ordinance granting to Tacoma Railway and Power Co., its successors and assigns, the authority, right and privilege to establish, maintain and operate a transportation system in City of Tacoma, etc." by amending Section 4G thereof; repealing Sec. 4N and providing for change of routings of certain transportation services (abandoning Tacoma Avenue-K Street Route, and changing a portion of Old Tacoma-Oakland-Fircrest Route to meet service requirements of the abandoned line). Read by title. Dr. Humiston advised that through an oversight a portion of the route had been omitted in the first paragraph of Section 4G. He then moved that paragraph one of Section 4G be amended on first reading by adding at the end the words "along North Lawrence Street to North 30th Street, thence along North 30th Street to McCarver Street." Motion seconded by Dr. Battin and carried on roll call: Ayes 9; Nays 0; Absent 0. The ordinance was then placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 15518.

Amending Ordinance No. 14793, entitled: "An ordinance to regulate the location and use of buildings and the use of land within the City of Tacoma; to limit the height of buildings; to prescribe building area and lines, and the size of yards and other open spaces and for these purposes to divide the City into districts, etc." (ZONING ORDINANCE) by adding thereto a new section to be known as Section 8K. (re-classifying property located adjacent to N.E. corner of South 12th and Proctor to a "C-1" Commercial District). Read by title and passed.

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

Ordinance No. 15486. L I D 4579 (Laid over to this date on Dec. 12, 1955).

Providing for the improvement of Chandler Street from Center Street to South Tacoma Way by grading and paving with cement concrete pavement, with curbs; creating L I D 4579. Read by title. Mr. Backstrom reported that this ordinance had been postponed by Council pending creation of an L I D for water mains. By Resolution #14492, adopted January 3, 1956, Council has fixed February 7, 1956 as the date for hearing on L I D 5269 for water mains in Chandler Street, and the Public Works Department recommends that Ordinance No. 15486 be postponed until after this hearing, Mr. Backstrom added. Moved by Dr. Humiston, seconded by Mr. Perdue that Ordinance No. 15486 be postponed to February 20th, 1956. Motion carried on roll call: Ayes 9; Nays 0; Absent 0.

255

The Clerk reported she had a legal question to bring up relative to passage of Ordinance #15508, which was not on the Agenda. It was moved by Dr. Humiston, seconded by Dr. Battin that Rule 7 (relative to filing new matter for Council's consideration) be suspended in order to consider this ordinance. Motion carried unanimously on voice vote.

Ordinance No. 15508.

Amending Section 17 of Ordinance No. 11459 entitled: "An ordinance granting to the Tacoma Railway and Power Company, a corporation, its successors and assigns, the authority, right and privilege to establish, maintain and operate a transportation system in and upon streets of the City of Tacoma, etc." (Tacoma Railway and Power Company Franchise) (reducing the gross earnings tax to 2% for the year 1956). (Passed originally on December 27, 1956).

Mrs. Melton reported that at the time the ordinance was passed her office was not aware of the provisions of Section 8.1 of the City Charter, which states that every franchise ordinance or amendment thereof shall not be passed until at least 15 days after its introduction, nor was this provision called to their attention by the Legal Department. The ordinance was given first reading December 19, 1955 and passed one week later on December 27th, as is customary in the case of most ordinances, but which is not legal for franchise ordinances. Upon the discovery of this error, she consulted the City Attorney, who advised her the legal status could be corrected if the Council again voted on the passage of the ordinance tonight and if it were re-published under the new date of passage. Mr. Boyle verified the City Clerk's statement. In view of this, roll was called on the passage of Ordinance No. 15508, resulting as follows:

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

Mayor Tollefson read a letter dated January 5, 1956, signed by Jack Bloomquist, et al, protesting L I D 4584- asphalt paving, curb, gutter and storm sewers on Melrose from Prospect to State, and on State Street from South 14th to 15th, which was approved by the L I D Committee on December 20th over a remonstrance of 38.7%.

Mr. Bloomquist, spokesman for the large delegation present, said this was a district of new homes and the improvement at this time would be a financial hardship on the property owners, who are most of them paying for their homes. The estimates are almost double the figures quoted when the petition was circulated, Mr. Bloomquist said. They would like to see the improvement abandoned for the present, he added. The list submitted tonight was checked against the remonstrances filed at the hearing, and it was found seven additional remonstrators had signed against the improvement, which Dr. Humiston roughly estimated would add 8% to the 38% originally filed, making a possible total of 46%. Col. Hooker stated that Tom Lantz, representing the Park Board, which owns 21% of the property in the district, had been present at the hearing and had given the Committee the impression they were very unhappy about the assessment, but in accordance with their policy, were willing to go along with the wishes of the majority and would not file a protest. The matter was discussed at length, and the Mayor said he felt a decision should be postponed until the need of a storm sewer is investigated by the Public Works Department more carefully and a report given the Council. Others felt the district should be abandoned in view of the protests of the majority of the individual property owners. The Mayor stated that action would be postponed for one week until the Council receives a report from the Public Works Department on the storm sewer situation, and promised those present no contract would be awarded under the ordinance and that the remonstrances filed tonight would be figured. Mr. Backstrom agreed to have the drainage problems checked tomorrow, and if there is no unusual problem, he said he would have an ordinance brought in next Monday to repeal Ordinance No. 15513, which created the district. It was moved by Dr. Humiston, seconded by Mr. Jensen that the City Manager be instructed not to call for bids on L I D 4584. Motion carried on roll call: Ayes 7; Nays 0; Absent 2; Bratrud, Goering, who were excused from the meeting during the discussion.

City Attorney Boyle made a verbal report on the matter of the Council's authority to increase salaries of the Mayor and Council. He read Chapter 354, Session Laws of 1955, passed by the Legislature during its 1955 session, which provides that compensation and time to be devoted to the performance of the duties of the Mayor and members of the legislative bodies of all cities of the first class shall be as fixed by Ordinance of said City, irrespective of any City Charter provisions. Mr. Boyle stated that this act supersedes the salary provisions set forth in the Charter and in his opinion there was no question that a Charter amendment for this purpose is unnecessary.

A copy of a lengthy opinion from Marshall McCormick, Chief Assistant City Attorney, "In re: Charter Amendment granting 5 percent preferential on contracts for public improvements and on purchases of supplies, material, etc." was handed each Council member. Mr. Boyle advised that the dead-line for submitting a Charter Amendment proposition on this matter to the County Auditor to be placed on the March 14th Ballot, was January 28th, and in view of this, Council decided they would like to have time to study the opinion before taking further action.

Mayor Tollefson read in full a letter from the World Affairs Council of Tacoma, outlining plans for a "Basic Issues" program to run for eight weeks beginning January 29th, and asking for endorsement of the program to bring it to the attention of the public. The letter was discussed and Dr. Humiston voiced the opinion it was not within the Council's province to endorse a program of this nature, and Mr. Perdue agreed with Dr. Humiston's thinking. The Mayor stated he would direct a reply to the organization, conveying this information.

Mayor Tollefson briefed the Council on the two sides which are lining up, one for and the other against giving U. S. Congress control over prices and transportation of Natural gas. The Natural Gas problem will be an important one for the City of Tacoma in the very near future, Mayor Tollefson said, and he urged all Council members to become as informed on the subject as possible, as they will receive a great deal of correspondence asking them to take sides on the issue. He is in receipt of a letter from Frank P. Zeidler, who is one of the leaders of the side favoring government control, urging the City of Tacoma to write to its representatives in Washington, opposing passage of the Fulbright Bill in the Senate and the Harris Bill (a companion bill) in the House, which exempt independent producers of natural gas making sales in interstate commerce

for re-sale, from regulation by the Federal Power Commission. The majority of the Council members said they were not well enough informed on the subject to instruct members of Congress what side they wished them to support. Dr. Humiston said he would like to study the Fulbright and Harris Bills before committing himself. Mayor Tollefson said he thought Council should advise our Congress members that the Council has made no decision as yet, leaving the action up to them and he would write such a letter. City Attorney Boyle reported that the matter had come up for consideration at the City Attorney's convention, so he was familiar with the ramifications and offered to brief the Council on his knowledge at a future meeting.

City Manager Backstrom reported that his assistant, Joseph Balcer, was leaving the City of Tacoma on Friday to accept the position of Assistant Manager at Fort Lauderdale, Florida.

Upon motion, duly seconded and carried, Council then adjourned at 9:15 P. M.

W. M. Tollefson

President of City Council.

Attest: *Josephine Melton*

City Clerk.