

Council Chambers, 4:00 P.M.
Monday, March 2, 1959

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

Mr. Easterday called attention to a typographical error in the minutes of February 24 on page 4, line 4 where it states "Mr. Anderson and Mrs. Goering coming in at this time" which should read "Mr. Easterday and Mrs. Goering coming in at this time."

Mr. Easterday moved that the minutes be corrected to read "Mr. Easterday" instead of "Mr. Anderson." Seconded by Mr. Bratrud. Roll call: Ayes 8; Nays 0; Absent 1, Anderson.

It was then moved by Mr. Easterday to approve the minutes as corrected. Seconded by Mr. Bratrud. Roll call: Ayes 8; Nays 0; Absent 1, Anderson.

Mayor Hanson said members of the Utility Board were present to discuss Resolution No. 15672 and since it would be necessary for these members to leave the meeting early to attend the State Legislature in Olympia, Resolution No. 15672 would be taken up before the regular order of business. Resolution No. 15672 was then taken up at this time.

Resolution No. 15672

BY PORTER:

Authorizing the payment of the sum of \$6,094.61 annually to Pierce County pursuant to the authority of RCW 35.21.430 for the benefit of all taxing districts within which the properties of the Puget Sound Power and Light Company heretofore acquired by the City be paid out of the 8% gross earnings tax.

It was moved by Dr. Humiston to adopt the Resolution, seconded by Mr. Easterday.

Dr. Humiston said his feeling on this matter had not changed since the last time this came up in December. He is still convinced that this \$6,000 should not be paid out of the 8% gross earnings tax.

Mayor Hanson said it was at his request that the Utility Board resubmit this for action. He said the basic reason for the Council's former position has not changed substantially. However, the difference of opinion is between the General Government and the Utilities Department, but as a result, the third party involved, the County, who everyone agrees should receive this in lieu of tax payment, is not receiving it. He said this fact has put the City in a poor light with many members of the Legislature. He felt that this dispute between the City's two bodies should not be allowed to act as a detriment to the third party, the County. There hasn't been time to sit down and negotiate on this since finding out how it was affecting the City at the Legislature, he urged the adoption of this Resolution. He said the Utility Board assured him that they would take this action as a matter of an emergency, still contemplating that a compromise will be reached in the future to establish a definite policy of the City.

Dr. Humiston said there are two questions involved. First whether or not Pierce County should receive the payment, and everyone agrees that the County should;

at the second question is whether the Light Department should pay it out of their revenues or whether it should be paid by the deduction from the 8% gross earnings tax, which the General Government receives from the Light Department. He said if there is this urgency to pass the Resolution today, then he was in favor of having it amended in order that the County can receive the \$6,000 but, until there is further negotiations he felt the payment should be made by the Light Department and not by the General Government.

Mr. Bratrud said this was turned down in December after much debate and he wondered why the Light Department has not paid this bill since then, in the normal course of events.

Mr. Hudson, Chairman of the Utilities Board, said this was not a compulsory payment. It was simply that everyone felt the County should receive this money; Seattle does such a payment.

Mr. Bratrud asked what would have happened if this had not come before the Council again.

Mr. Hudson said Pierce County would not have received the \$6,000 payment in that case.

Mr. Bratrud said he was of the opinion in December that the Utilities Department would pay this bill.

Mayor Hanson said the Council felt at that time, the bill should be paid but not out of the 8% gross earnings tax and they left it up to the Utility Board to pay the \$6,000. On the other hand the Utility Board feels that to pay this additional tax would increase the expense of their operation so they would not benefit by this acquisition of property.

Mr. Hudson said if he had realized at the time of the acquisition that the Light Department would have to absorb this additional 3% he would not have voted for the acquisition. He said he concurred with Mayor Hanson's remarks and he knew that the Utility Board would negotiate with the General Government to settle the differences.

Mr. Hudson said the Utilities Department pay more than any other Utility in the area. He said he felt who paid the tax should be resolved later even if it had to go to the people for a vote.

Mrs. Goering said she felt that before any acquisition is made a complete understanding of the obligations should be had and if it were not feasible to acquire all of its obligations it should not be acquired.

Mayor Hanson said perhaps this would point out a need for a policy to follow in the future. This, too, could be an area to discuss at the proposed meeting with the Utility Board.

Mr. Perdue said it appeared to him the Utility Board is not charging enough outside the City limits to take care of their rightful obligations. If seemed logical if the Utility Department takes over property from Puget Sound Power and Light who has been paying a certain amount to the support of the Government, the Utility Department should feel obligated to take on that responsibility. If they can't do this and

still operate in a normal manner, paying the City a 8% gross earnings tax, then they should not take it on. He said he agreed with Dr. Humiston. He could not see conceding this and then negotiating.

Mayor Hanson said the point remains that this property has been acquired and the City does have a moral obligation to the County. He said this was simply a matter of opinions as far as policies are concerned, and not of principles; should they let this work towards the detriment of the whole City? The Resolution can be adopted today and then, before this comes up again next year a new policy can have been determined through negotiation.

Dr. Humiston said he was willing to recognize the urgency of this matter but he was not willing that the Council be put in the position of abdicating its stated policy.

Dr. Humiston moved that this Resolution be amended in such a way that the payment be made to Pierce County by the Light Division and not out of the 8% gross earnings tax. Seconded by Mr. Perdue.

Mr. Hudson asked if this would be putting it back to its original status where the Utility Board would be paying it.

Mayor Hanson said it would.

Mr. Hudson said he knew the Board would turn it down again. He said he felt that it was only by negotiation that a solution would be reached. He said these payments are only made once a year. He added that the City is gaining a lot of ill will by not paying this.

Mrs. Goering asked when this property was purchased, was it done so with the idea of never paying this "in lieu of taxes" payment?

Mr. Hudson said the first time this came to his attention was when the Utility Board received a letter from the County Commissioners last July requesting this "in lieu of taxes" payment.

Mr. J. D. Ferguson, Light Superintendent, said it was not considered at the time of the acquisition. It is a permissive tax and was requested subsequent to the purchase. Most of the facilities at the Utilities are not subject to taxes.

Mr. Perdue said if this is so critical as to what may happen in the future on taxes regarding property outside the City it seemed to him that it would be of advantage to the Light Department to pay this amount to protect their own interests. The Department must have known that this payment was being made to the County, even if the Board did not, and that it was probable they would be obligated to do likewise.

Mr. Porter asked, in reference to Dr. Humiston's motion "that the \$6,000 be paid by the Light Department," if this would insure the payment of the money to Pierce County.

Dr. Humiston said he would like Mr. Hamilton, Assistant City Attorney, to give his opinion on this question as Dr. Humiston felt that the passage of a

Substitute Resolution would bind the City Light Department to make this payment.

Mr. Hamilton said that was correct. The Statute provides that these payments can be authorized by the Legislative body of the City, which is the City Council. If the City Council undertakes to authorize such an expenditure then that would be binding on any function.

Mayor Hanson said his primary concern was that the County be paid. Since Mr. Hamilton says this can be accomplished by Dr. Humiston's motion to amend this Resolution, he felt it would be advisable to do so and pass the Resolution so that the Legislature will be advised that the payment had been directed.

Dr. Humiston said he felt the Charter very clearly stated "The Council may by Ordinance impose upon any of the City operated Utilities for the benefit of the General Government of the City, a reasonable gross earnings tax which shall not be disproportionate to the amount of taxes, the Utility or Utilities would pay if privately owned or operated and which will not exceed 8%." He said it does not mention that this should be in lieu of other taxes that they would pay under different circumstances. If it were the intention of the Freeholders to make this in lieu of specific taxes they had an opportunity to do so twice, once in 1927 and once in 1952 when the Charter was amended. He felt this was an "open and shut case" of where the General Fund is entitled up to 8% gross earnings tax just as the Charter states. The "in lieu of taxes" argument to load this on the General Fund of the City is not sound. If there is this urgency, let the Council decide the matter their way and then negotiate at a later date.

Mr. Rowlands, City Manager, said according to the City Attorney, the Council has the right to direct the Utility Board to pay the \$6,000. Then the Council will still have an opportunity to discuss the matter later with the Utility Board in order to establish a policy for the future.

Mr. Bratrud said if it can be done in this manner, the Resolution should be voted down and another Resolution be drawn directing the Utility Department to pay this \$6,000 without any strings attached and discuss the matter at a later date.

Dr. Humiston moved that a substitute Resolution be drawn which would contain the same wording as in the first paragraph of Resolution No. 15672; omit paragraphs two, three, four and five; retain the first paragraph under the title: "Be It Resolved By The Council Of The City Of Tacoma:" with the exception of the word "authorizing" in the fifth line which would be changed to "directing", and that the last paragraph be changed stipulating that the Ordinance would provide payment to come from the Light Division Fund. Seconded by Mr. Bratrud.

Vote was taken on the substitute Resolution.

Adopted on roll call March 2, 1959
Ayes 8; Nays 0; Absent 1, Anderson

The Council then resumed the regular order of business.

HEARINGS AND APPEALS:

This is the date set for hearing on the application of M. W. Perrow, et al
for the vacation of property on Leif Erickson Drive from Fernside Drive to Karl Johan Ave.

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Mr. Buehler, Planning Director, said a hearing was held before the Planning Commission, January 29, 1959 at which time the vacation was approved subject to the retention of a 20' wide sewer easement over the vacated right-of-way on an alignment to be determined by the Public Works Department.

Mr. Easterday moved that an Ordinance be drawn vacating Leif Erickson Drive between Karl Johan Ave. and Fernside Drive subject to the retention of a 20' wide sewer easement over the vacated right-of-way on an alignment to be determined by the Public Works Department. Seconded by Mr. Bratrud. Roll call: Ayes 8; Nays 0; Absent Anderson.

This is the date set for hearing on the application of John J. Johnson, et al for the vacation of property on No. 32nd Street between Oakes and Pine Street.

Mr. Buehler said the Planning Commission recommended approval of the vacation of this property. He said neither the Public Utilities or the Public Works Department have any objections. This vacation will reduce a 100 foot right-of-way used as a residential street to 80 feet. The standard right-of-way for a residential street is 60'. The vacation will also provide the petitioner's home with normal front yard areas and will create a potential building site for private development at No. 32nd and Oakes.

Mr. Easterday moved that an Ordinance be drawn vacating the north 20' of No. 32nd Street between Oakes and Pine Streets. Seconded by Mr. Bratrud. Roll call: Ayes 8; Nays 0; Absent 1, Anderson.

This is the date to which the hearing was postponed on the appeal of Harold E. Wagner, et al for the reclassification of property at 6th and Huson Streets to be rezoned from an R-3 District to a R-4 District.

Mr. Wagner, the petitioner, presented a letter from Mr. G. R. Kepler, Manager of the Equitable Savings and Loan Association, stating he was delinquent in the amount of \$1490 in his payment of a loan. He said the money he receives from renting the building as a two-plex is insufficient to take care of the loan he had to take out on a four-plex.

Mr. Buehler, the Planning Director, reviewed the situation. He said the reasons given for recommending denial of this petition were in part that although the area had been rezoned for a two-family dwelling district, the applicant constructed a four family dwelling apparently with the hope that further rezoning could be obtained. Furthermore, his building permit was for a duplex. An attempt was made to stop this construction but it was found that the zoning ordinance was defective in that it prevented illegal use but did not prevent construction intended for illegal use. This defect was later remedied, he added. After the building was completed occupancy of only two of the four dwellings was permitted.

Mr. Buehler said residents in the area objected to a rezoning to a R-4 District as this would permit construction of a four story building which is undesirable in a residential area. The R-4-L rezoning which was discussed with Mr. Wagner was found to be improbable as ten thousand square feet is needed for four units. Mr. Wagner has six thousand square feet with no possibility of obtaining more property.

Mr. Gillis, Building Inspector, said the building permit issued to Mr. Wagner was for a duplex and Mr. Wagner built two additional units upstairs. He was informed that the zoning did not permit a four plex but he said he was planning to petition for further rezoning.

Mr. Wagner, who was present, admitted he had made a mistake and said he had learned his lesson. As matters stood, he didn't know what to do with the building. To convert it to a duplex now would be a problem.

Mayor Hanson said he felt there was nothing presented today that would justify over-ruling the Planning Commission recommendation. He asked Mr. Wagner if he would like a postponement of this hearing in the anticipation of submitting additional material.

Mr. Wagner said he would.

Mrs. Price said she of course didn't feel that the act of constructing a four plex in an area zoned for a two plex was proper, but she was familiar with the structure in question and felt that it was an asset to the neighborhood. She said Sixth Avenue is lined with numerous types of buildings so she personally could see no objections to a four plex in this area.

Mayor Hanson said Mr. Wagner indicated he would appreciate a thirty day continuance in the hope of obtaining additional data.

Mr. Buehler said there had already been a sixty day deferment on the appeal during which time contact was made with Mr. Wagner's lawyer who finally withdrew from the case as he was unable to contact Mr. Wagner to receive information from him. Therefore, Mr. Buehler said, he could see no benefit in postponing the hearing again.

Mayor Hanson said he would like to continue this hearing as he himself would like to take a look at the structure.

Mr. Perdue asked Mr. Gillis if there was any way to convert this structure into a duplex without rezoning the area and still remedy Mr. Wagner's financial problem.

Mr. Gillis said economically it was hard to say. The actual cost is reflected in the amount of mechanical equipment in the building, extra bathrooms, etc.

Mrs. Price moved to postpone the hearing thirty days to March 30, 1959. Seconded by Dr. Humiston. Roll call: Ayes 8; Nays 0; Absent 1, Anderson.

PETITIONS:

Petition from Charles C. Hoffman for the rezoning of property in the approximate area of South 71st and D Streets from an R-4-L District to a C-2 District.

Referred to the Planning Commission.

COMMUNICATIONS:

Communication from Warren F. Andrews, Attorney, representing the Pacific Auto Wrecking in reference to the sale of Damaged City Vehicles.

This communication requested that the City Council consider the sale of the damaged 1958 Ford Sedan to the Pacific Auto Wrecking Company for the reason the high bidder resides in Puyallup. Pacific Auto Wrecking Company feels that residents of the City of Tacoma should be given preference in buying damaged city equipment, especially under conditions which would mean no loss to the City.

Mr. Rowlands, City Manager, explained that the Council has no authority to do anything about this bid as it is the City's policy to accept the higher bid in this case.

RESOLUTIONS:

Resolution No. 15664

BY EASTERDAY:

Awarding contract to Titus Motor Company for the furnishing of 15 Four-Door Sedans for the sum of \$33,872.10 together with optional equipment in the sum of \$846.75 plus sales tax of \$1157.30, or the total of \$35,876.15.

It was moved by Dr. Humiston to adopt the Resolution, seconded by Mr. Easterday

Adopted on roll call March 2, 1959
Ayes 8; Nays 0; Absent 1, Anderson

Resolution No. 15665

BY HANSON:

Awarding contract to the Electric Construction Company in the amount of \$9,494.85 for the installation of ornamental street lighting from No. 10th to No. 18th St; which was determined to be the lowest and best bid.

It was moved by Mr. Bratrud to adopt the Resolution, seconded by Mr. Perdue.

Adopted on roll call March 2, 1959
Ayes 8; Nays 0; Absent 1, Anderson

Resolution No. 15666

BY HUMISTON:

Awarding contract to Cascade Asphalt Paving Company for L I D 4649 in the amount of \$42,597.54 which is determined to be the lowest and best bid.

It was moved by Mr. Easterday to adopt the Resolution, seconded by Mr. Perdue

Adopted on roll call March 2, 1959
Ayes 8; Nays 0; Absent 1, Anderson

Resolution No. 15667

BY GOERING:

Awarding contract to Milone & Tucci, Inc. for the construction of Improvement No. 1955-Unit D in the amount of \$60,303.45 which was determined to be the lowest and best bid.

It was moved by Mr. Bratrud to adopt the Resolution, seconded by Mr. Easterday

Adopted on roll call March 2, 1959
Ayes 8; Nays 0; Absent 1, Anderson

Resolution No. 15668

BY HUMISTON:

Awarding contract to South Tacoma Motor Company for the furnishing of five 1/2-ton Pick-Up Trucks for the total sum of \$8,478.60, which was determined to be the best and best bid.

It was moved by Mr. Perdue to adopt the Resolution, seconded by Mrs. Price.

Adopted on roll call March 2, 1959
Ayes 8; Nays 0; Absent 1, Anderson

Resolution No. 15669

BY PRICE:

Accepting the plat of Miller's Skyline Terrace 4th Addition located in the area north of No. 17th Street between Mildred and Miller's Skyline Terrace 2nd Addition.

It was moved by Mr. Bratrud to adopt the Resolution, seconded by Mr. Perdue.

Adopted on roll call March 2, 1959
Ayes 8; Nays 0; Absent 1, Anderson

Resolution No. 15670

BY PERDUE:

Authorizing the proper officers of the City to execute and deliver to Kirby Hickey a Local Improvement Assessment Deed upon payment of the sum of \$20.00 for property located on the north east corner of No. 46th and Shirley Streets.

It was moved by Mr. Perdue to adopt the Resolution, seconded by Mr. Bratrud.

Adopted on roll call March 2, 1959
Ayes 8; Nays 0; Absent 1, Anderson

Resolution No. 15671

BY PERDUE:

Authorizing the proper officers to enter into an agreement with the International Brotherhood of Electrical Workers, local 483, concerning wages, hours and conditions of labor for the Light Division electrical workers.

It was moved by Dr. Humiston to adopt the Resolution, seconded by Mr. Bratrud.

Mr. Rowlands called the Council's attention to the fact that two items were changed from the last time the Council approved the agreement. On page 11 under "Classification" 0561 Meterman Supervisor Salary Range 25 and 0621 Electrical Substation Operator Salary Range 27 there has been a one-half step increase. There is also the addition of two new classifications; Relay and Meter Technician and Communication Technician.

Dr. Humiston asked what salaries are set up for these classifications.

Mr. Bixel, Personnel Director, said the 0561 Meterman Supervisor top range is \$660 and the top range for 0621 Electrical Substation Operator is \$725. He said the reason for these positions being raised at this time is because of the increase in the hourly rate structure.

Dr. Humiston asked what was done in respect to these two positions when the salary ordinance was passed.

Mr. Bixel said they were given a half step raise at that time. He said, however, as a result of the negotiations with Local 483 the top classification for the Load Dispatcher under the Chief Substation Operator would receive more money than the Chief Substation Operator. This additional half step raise will bring the Chief Substation Operator's salary one-half step higher than the Load Dispatcher.

Dr. Humiston was excused from the meeting during the discussion.

Adopted on roll call March 2, 1959
Ayes 7; Nays 0; Absent 2, Anderson and Humiston

FIRST READING OF ORDINANCES:

Ordinance No. 16302

49, 583
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Providing for the improvement of the construction, reconstruction and repair of sidewalks, gutters and curbs along and driveways across sidewalks, in various parts of the City. Read by title.

Mr. Rowlands said Mr. Calkins and other personnel of the Public Works Department has checked with the property owners who were present at last week's meeting in regard to their sidewalks and that all of the problems have been solved. Placed in order of final reading.

Ordinance No. 16303

49, 559
Vacating 20' on both sides of No. Madison between No. 31st and the alley between No. 31st and No. 32nd Streets. (Petition of W. C. Waggoner) Read by title.

Mr. Buehler said one condition on this vacation of property was that the petitioner pay \$75 for the cost of moving the water meters, which has been done. The Ordinance was then placed in order of final reading.

Ordinance No. 16304

Amending Chapter 13.06. of the Official Code of the City by adding a new section to be known as Sec. 13.06.080 (1) relative to zoning for property located on the N.W. and S.W. corners of South 16th and J Streets. (Petition of Dr. J. T. Robson.

Mr. Buehler said this rezoning was for a Residential-Medical Transitional District. The property is located near the St. Joseph's Hospital. This has been a long sought project by the Planning Department. This petition has the unanimous approval of the Planning Commission. The Ordinance was then placed in order of final reading.

Ordinance No. 16305

Appropriating the sum of \$6,000 from the City Street Fund for the purpose of paying the necessary construction and inspection costs for the cleaning and painting of the metal surfaces on the East 21st Street Bridge over the Puyallup River. Read by title.

Mr. Rowlands said the bids received for the cleaning and painting of the East 21st Street Bridge indicated this would cost approximately \$15,400. The 1959 Budget appropriated only \$11,000 for the work so this additional money will be needed for the preservation of the bridge. The Ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 16291

Vacating So. 34th Street and the alley between So. 34th and 35th Streets from ^{8y} ~~So. 34th Street~~ to Steele Street. (Lincoln Land Co. - petition) Read by title. _{49:493}

Mr. Bratrud said this Ordinance had been held over at his request in an effort to iron out some objections that had been raised.

Mr. Rowlands said no one had contacted his office on the matter.

No one appearing to object, roll was then called on the Ordinance resulting as follows:

Roll call: Ayes 7; Nays 0; Absent 2, Andersen and Humiston

Ordinance No. 16295

Amending Section 8.20.070 of the Official Code relating to purchase, sale or possession of intoxicating liquor to minors prohibited. Read by title and passed. 7

Roll call: Ayes 7; Nays 0; Absent 2, Anderson and Humiston

Ordinance No. 16296

Declaring the premises at 1349 to 1355 inclusive on South Broadway Avenue to be a public nuisance and directing the institution of legal proceedings to procure the abatement thereof. Read by title.

Mr. Schuster explained that during the Council meeting, he had received a call regarding this matter informing him that there is a person interested in buying the property and that an earnest money receipt for the building was being prepared. If the deal is transacted, the razing of the building would begin immediately, he added.

Mr. Rowlands said in the event this sale does not consummate, the passage of this Ordinance will give the Legal Department the right to take action. The Ordinance was then voted upon.

Roll call: Ayes 7; Nays 0; Absent 2, Anderson and Humiston

Ordinance No. 16297

Relating to Automobile House Trailers, Trailer Courts, Mobile Homes and Mobile Home Parks and establishing minimum standards governing utilities, facilities and sanitation requirements. Read by title and passed.

Roll call: Ayes 7; Nays 0; Absent 2, Anderson and Humiston

Ordinance No. 16298

Repealing Sections 6.54.010 to 6.54.130 of the Official Code of the City and adding 6 new sections relating to the licensing of motels, trailer courts and mobile home parks. Read by title.

Mr. Rowlands said Mr. Creso, owner of Creso Motel, was in last week in regard to this Ordinance. His inquiry in reference to the Ordinance requires additional research. Therefore a postponement of two weeks is desired.

Mr. Bratrud moved that the Ordinance be postponed for two weeks until March 16, 1959. Seconded by Mr. Easterday. Roll call: Ayes 7; Nays 0; Absent 2, Anderson and Humiston.

Ordinance No. 16299

Approving and confirming the Assessment Roll for L I D 4634 for asphaltic concrete pavement and curbs and gutters and storm drains on So. 39th from J to L St; So. 53rd from Fawcett to So. D; So. 54th from Asotin to Cushman; So. 55th from Asotin to Sheridan; So. D from 53rd to 54th; So. J from So. 56th to 59th; Sheridan from So. 55th to 56th Street. Read by title and passed.

Roll call: Ayes 7; Nays 0; Absent 2, Anderson and Humiston

Ordinance No. 16300

Providing for the improvement of L I D 5305 for cast iron water mains in Winnifred St; from No. 14th to No. 18th; in Shirley from No. 14th to No. 18th and in No. 14th from Shirley to Winnifred Street. Read by title and passed.

Roll call: Ayes 7; Nays 0; Absent 2, Anderson and Humiston

Ordinance No. 16301

Providing for the improvement of L I D 6759 for ornamental street lights on Montgomery Street from South 64th to South 66th Streets. Read by title and passed.

Roll call: Ayes 7; Nays 0; Absent 2, Anderson and Humiston

REPORTS:

Report from Dean Barline, Director of Utilities, in reference to the bids to Wested Tire Co; and Evergreen Truck Service.

Mr. Rowlands said Mr. Barline pointed out in a communication dated February 26, 1959, that the Board of Contracts and Awards and the Utility Board reaffirmed

their previous position that the award be made to the Wested Company for passenger tires and the truck tires and all tubes be awarded to the Evergreen Truck Service.

Mr. Rowlands presented a communication dated February 27, 1959 from Mr. Ted Pix, President of the Wested Tire Company which states that the Pacific Tire and Rubber Company has agreed to supply to the City of Tacoma, Nylon tires in the sizes shown as needed by the Department of Public Utilities at prices equal to the bid by Pennsylvania. Mr. Rowlands also brought to the Councils attention the letter from Mr. Manconi, Purchasing Agent, which was a summary on the actual breakdown on all tires and tubes used by both Public Utilities and the General Government. The figures show the Evergreen Service to be low by \$1.70; but if all passenger tires were included and the bid considered as an overall bid, the City of Tacoma would save \$354.42 if the Wested Co. were awarded the bid.

Mr. Rowlands then asked Mr. Hamilton, Assistant City Attorney to comment on the legality and propriety of considering this proposition,

Mr. Hamilton said it is the opinion of the Legal Department that this letter from the Wested Tire Company dated February 27, 1959 can not be considered inasmuch as it is an intent to modify a sealed bid after the date of opening. At the time of opening the Wested bid was incomplete. They were unable to supply all the tires needed. Any subsequent modifications can not be considered.

Mr. Bratrud said inasmuch as there was only \$1.70 difference in the bids, he felt that the bid should be given to the local firm. He moved that the Wested Tire Company be awarded the overall bid of Tires and Tubes. Seconded by Mr. Easterday.

Mr. Tollefson, representing the Evergreen Service, said the Utility Board has gone over this bid again and again and they reaffirmed their position. He said he felt that the Council should follow the recommendation of the Utility Board who has had this satisfactory arrangement with the Evergreen Truck Service. To do otherwise, would be to say the Council cares nothing of the Utility Board's experience with this tire.

Mr. Maitland of the Wested Tire Company, said they were asked to bid on tires by submitting a general category bid or taking a few examples of different sizes and types and bidding accordingly so that an idea could be given on what the tires would cost for the coming year. In computing that, Wested submitted the lowest bid. The identical bids were given by both Wested and Evergreen to the County and a week later Wested was awarded the County contract as the low bidder.

Mr. Maitland said he was sure that in past years anyone supplying the City has supplied other merchandise other than the examples in the figurative bid.

As far as taxes are concerned, Mr. Maitland added, the Evergreen Truck Service paid a total tax of \$20 to the City of Tacoma last year whereas, considering licenses, etc., the Wested Tire Company paid to the City \$5,520.98.

Mr. Rowlands pointed out the reason the Utility Board and the Board of Contracts and Awards had reaffirmed their position was at that time they were of the opinion that the Wested Tire Company was not able to supply the desired tires. Then, of course, on Friday they were advised that the Wested Company could supply these tires at the same price as the Evergreen Company. Mr. Rowlands suggested that in light of this new information, this be referred back to the Utility Board for their

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consideration.

Mr. Bratrud called attention to his motion on the floor to award the overall bid to the Wested Tire Company which was seconded by Mr. Easterday.

Mayor Hanson then called for a vote on the motion resulting as follows:
Ayes 5; Nays 2, Goering and Perdue; Absent 2, Anderson and Humiston.

ITEMS FOR FILING IN THE OFFICE OF THE CITY COUNCIL:

Report from the Tacoma Transit System for January 1959 and the year 1958.

Report from the Personnel Department for the month of January 1959.

Report from the Water Division for the month of January 1959.

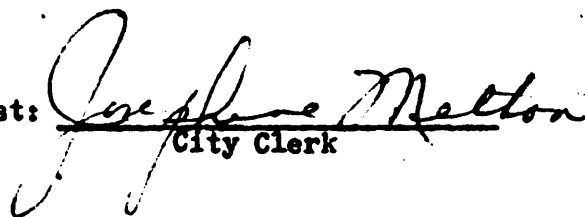
Report from the Belt Line Division for the month of January 1959.

Mr. Rowlands said the Dedication Committee of the County City Building would like to have a picture taken of the Councilmembers in the new Council Chambers at the County City Building, Thursday, March 5 at 1:30 P.M. if this time was agreeable to all the Councilmembers. The members agreed to be in attendance.

There being no further business to come before the meeting, upon motion duly made and seconded, the meeting was adjourned at 6:30 P.M.


President of the City Council

Attest:


City Clerk