

Council Chambers, 4:00 P.M.
Monday, December 21, 1959

Council met in regular session. Present on roll call 9; Anderson, Bratrud, Easterday, Goering, Humiston, Rerdue, Porter, Price and Mayor Hanson.

It was moved by Mr. Anderson that the minutes of the meeting of December 14, 1959 be approved as submitted. Seconded by Mrs. Price. Voice vote was taken on the motion, resulting as follows: Ayes 9; Nays 0; Absent 0.

Mayor Hanson said before continuing with the regular agenda, he would like to take up the matter of the bids and Ordinance No. 16470 Baseball Field construction.

Dr. Humiston moved to suspend the rules in order that these two subjects be taken up at this time. Seconded by Mr. Bratrud. Voice vote taken on the motion resulted as follows: Ayes 9; Nays 0; Absent 0.

Mayor Hanson said Ordinance No. 16470 was drawn anticipating the increased cost of the Baseball Park construction. The bids for the construction of the Field were opened Friday, December 18th and have been discussed some, previous to this meeting.

Mr. Rowlands said these bids that have been submitted have been checked very carefully by Mr. Mills, the architect and the City Staff.

Mr. Mills explained, the bids were received from four firms: Nelson Construction Co., Woodworth and Co., Western Constructors and Cheney-Early Construction Co. Of these, Nelson Construction Co. had the lowest basic plan bid with the figure of \$561,900. They did not submit an alternate plan bid, he added.

On the alternate plan, Woodworth and Co. had the lowest bid, based on a steel and wood structure, of \$430,503. The alternate bid of Cheney-Early Construction Co., based on concrete construction, was next lowest with a figure of \$462,000. Western Constructors submitted their bid of \$503,630, based on an all steel construction and which included Alternates Numbers 7, 8, 9 and 10.

Mr. Mills added, with the possible economies of eliminating alternatives numbers 5, 7, 8, 9 and 10 and reducing the cost of alternates Numbers 3 and 14, the amount required for each bid would be: Nelson Construction - \$327,014; Woodworth and Co. - \$204,723; Western Constructors - \$271,924 and Cheney - \$240,070.

Mr. Mills said, of the four bids submitted, Cheney's plan was closer to the original plans for the Park. Their economies were effected by the use of an alternate prestressed concrete design and a minor relocation of team facilities.

He said the Cheney bid represents the best quality and the most desirable design from the standpoint of maintenance and aesthetics.

He explained that the Woodworth and Co. bid, for a steel and wooden structure would be the cheapest, but thought with a wooden structure there will be deterioration problems and also fire rates will be considerably more.

The Western Constructors bid, on an all steel structure could be an attractive one, but it would be more expensive than any of the others.

He added the Cheney bid would be cheaper than the original plan because Concrete Technology will utilize the forms for structural members previously used for the Sumner Stadium.

Cheney's bid essentially represents everything that was felt to be good when the basic plan was prepared.

It was asked by Mr. Bratrud how much money had been expended to date for the baseball project.

Mr. Rowlands answered that about \$183,000 has been spent or committed on

the site preparation and equipment. Approximately \$250,000 more will be needed than the original inside bond levy of \$590,000.

Mrs. Goering strongly protested the fact that more money will be needed. This extra inside levy proposed will cost the general funds of both the City and the County about \$9,200 per year for 20 years, she said. Mrs. Goering added, that the people should be given an opportunity to vote on this matter as she felt they would vote it down. She moved that the Council explore the cost of giving the whole matter up. Motion was lost for the want of a second. 414
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Mayor Hanson said the Ball Park will be a valuable facility for more than a Baseball Field, but baseball will help pay for it. Because of the importance of the facility to the City he did not feel money was being spent foolishly. He agreed that it would have been more desirable to have a longer period of time to consider this proposition but due to the time limit it has been impossible. If the City is to proceed with the baseball project, the additional \$250,000 inside bond levy will have to be authorized.

Dr. Humiston said it seemed to him, inasmuch as so much money has already been spent and of the potential damages which would have to be paid if the contract were broken, it would be cheaper to continue with the project.

Mrs. Price asked if the County Commissioners have indicated they will assume half of the expenses.

Mayor Hanson said this has been discussed with them, but they, of course, can make no decision until the City makes a definite proposal. If they decide against this then the project will fail.

Mr. Rowlands said when this matter came up a few months ago the deadline of April 15th had to be met. It was imperative at that time and it is still imperative that the City move quickly if the Ball Park is to be finished by that date.

Mr. Bratrud asked what will become of the concession and administration buildings since they are to be eliminated from the bids.

Mayor Hanson said he would operate within the facilities in the Stadium.

Dr. Humiston said as he understands it, at least some of the facilities are in a somewhat breviated and rough form.

Mr. Mills said that is correct. The basic concession area is in the plan without alternates 7, 8, 9 and 10.

Mr. Bratrud thought that since Western Constructors submitted a bid which included these structures in their alternate plan, perhaps it would be a good suggestion to accept their bid, since it is only approximately \$25,000 higher.

Dr. Humiston said if Mr. Cheney's plan is taken and another \$20,000 or so is spent would these alternate facilities, when completed, be comparative to the Western Constructors. 157
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Mr. Perdue said there maybe a possibility that some of these concessionaires would do something toward the finishing off of their own area if they are really interested in operating their concessions. Therefore, it might not be necessary for the City to expend that additional money.

Mayor Hanson then moved that the Cheney bid be accepted. Seconded by Mr. Anderson.

Resolution No. 15975:

BY EASTEDAY:

Accepting the bid of Ben B. Cheney for the construction of the Tacoma-Pierce County Baseball Park in the sum of \$640,848.00.

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Roll call was then taken on Mayor Hanson's motion to accept the Cheney bid:

Ayes 8; Nays 1, Goering; Absent 0:

The Resolution was then declared adopted by the Chairman.

Mayor Hanson then said that Ordinance No. 16470 would be taken up at this time.

FINAL READING OF ORDINANCES:

Ordinance No. 16470:

Authorizing the issuance and sale of General Obligation Bonds of the City in the sum not to exceed \$250,000 for the purpose of providing additional funds to Construct an Athletic and Recreational Field. Read by title and passed.

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

The regular order of business was then resumed.

HEARINGS AND APPEALS:

The City Planning Commission recommending the denial of the petition of Dr. William H. Fisher for the reclassification of property located on East Wright and McKinley Avenue from an "R-4" District to an "R-4-T" District.

Mr. Buehler, Planning Director, said the time for filing an appeal elapsed on December 15th and no appeal has been filed.

Mr. Easterday moved that the Council concur in the recommendation of the Planning Commission to deny the petition. Seconded by Mr. Bratrud. Voice vote on the motion resulted as follows: Ayes 9; Nays 0; Absent 0.

This is the date for hearing on the petition of W. H. Opie & Company for the replat of property between No. 14th and No. 18th Street between Shirley and the alley east of Bennett Streets.

Mr. Buehler said additional signatures were turned in today which brings the total amount in the area to 100% for the replat. He added as this is a replat the street pattern will remain the same.

Mr. Easterday moved that the recommendation of the Planning Commission to approve the plat be accepted. Seconded by Mr. Bratrud. Voice vote on the motion resulted as follows: Ayes 9; Nays 0; Absent 0.

PETITIONS:

Petition of Gerald F. Morrow requesting the reclassification of property located on 38th & McKinley Avenue from an "R-3" District to an "C-1" District.

Referred to the Planning Commission.

Mr. Anderson left at this time.

RESOLUTIONS:

Resolution No. 15967:

BY REQUEST OF ANDERSON:

Commending Mrs. Gerald Longstreth for her many years of service as a Commissioner of the Housing Authority of the City of Tacoma.

***** Mr. Cheney said there is room in their plan, under the grandstand, for concession stands, if they so desire and said he would personally see that adequate first class facilities are provided even if it means a donation. He felt Tacoma should have the best facilities possible, something everyone can be proud of.

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Mrs. Price moved that the Resolution be adopted. Motion seconded by Mr. Easterday. Voice vote on the Resolution, resulting as follows:

Yeas 8; Nays 0; Absent 1, Anderson

The Resolution was then declared adopted by the Chairman.

Resolution No. 15968:

DR. HUMISTON:

Awarding contract to E. J. Rody & Sons for Improvement No. 3012-E in the amount of \$6,835.60 which is determined to be the lowest and best bid.

It was moved by Mr. Bratrud that the Resolution be adopted. Seconded by Mr. Easterday.

Voice vote was taken on the Resolution, resulting as follows:

Yeas 9; Nays 0; Absent 1, Anderson.

The Resolution was then declared adopted by the Chairman.

Resolution No. 15969:

MR. BRATRUD:

Authorizing the employment of the necessary personnel for the necessary repairs and painting for the seating equipment to be used in the Baseball Park in the Snake Lake Recreation Area, not to exceed the cost of \$6,000 for such expenditures.

It was moved by Mr. Porter that the Resolution be adopted. Seconded by Mr. Easterday.

Mr. Peterson, Representative of the Painters Union, asked if this Resolution which authorizes the employment of the necessary personnel meant that the City will discontinue using trustees for this work.

Mr. Rowlands said this matter has been discussed previously with Mr. Peterson. At that time several trustees were helping out with the road crew. On this particular job two trustees have been eliminated and two laborers and a painter have been hired. However there are still two trustees helping on some of the work, he added.

Mr. Peterson said he knew they had hired a painter, but he said there were also five trustees working there. He said this is not the first time that the City has seen fit to use trustees to infringe on the rights of labor. He could see no reason why forced labor should be used "free of charge," and asked that the practice be discontinued.

Mr. Rowlands and Mr. Schuster, Director of Public Works, said their directive have been for two trustees only and they did not know why five were working there today.

Dr. Humiston said his recollection was that trustees were being used only for work around the jail and asked that they be briefed on what the practice has been prior to the Ballpark construction.

Mr. Rowlands explained that this is not the usual practice of using trustees but since they were painting in the old Safety Building, it was felt that they could also do this.

Mr. Porter said there were two principles involved here. One is the method of using trustees in place of the people who are supporting them and the other is the method of forced labor which is certainly against the Constitution.

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Dr. Humiston asked that the Manager submit a report next week to the Council on what the practice has been in using inmates from the City Jail to perform services. He added this was a very complicated problem and has come up before in various jails all over the Country.

Mr. Rowlands said this report would be forthcoming.

Voice vote was then taken on the Resolution, resulting as follows:

Ayes 7; Nays 1, Goering; Absent 1, Anderson.
The Resolution was declared adopted by the Chairman.

Resolution No. 15970:

BY PERDUE:

Authorizing the proper officers to execute an agreement with Pierce County in respect to the employment of certain maintenance employees.

It was moved by Mr. Easterday that the Resolution be adopted. Seconded by Mr. Bratrud.

Voice vote was taken on the Resolution, resulting as follows:

Ayes 8; Nays 0; Absent 1, Anderson
The Resolution was declared adopted by the Chairman.

Resolution No. 15971:

BY ANDERSON:

Authorizing the proper officers of the City to execute and deliver the necessary easements to Warren and Betty Gapps, for property in the area of 43rd & No. Lexington.

It was moved by Mrs. Price that the Resolution be adopted. Seconded by Mr. Easterday.

Voice vote was taken on the Resolution, resulting as follows:

Ayes 8; Nays 0; Absent 1, Anderson.
The Resolution was declared adopted by the Chairman.

Resolution No. 15972:

BY EASTERDAY:

Authorizing the proper officers of the City to execute an agreement with the Tacoma Housing Authority for adequate street lighting in the Salishan Housing Project.

It was moved by Mr. Bratrud that the Resolution be adopted. Seconded by Mr. Perdue.

Voice vote was taken on the Resolution, resulting as follows:

Ayes 8; Nays 0; Absent 1, Anderson.
The Resolution was declared adopted by the Chairman.

Resolution No. 15973:

BY PERDUE:

Accepting the plat of Firmoor Addition lying on both sides of Huson Drive extended between So. 16th and So. 18th Streets.

It was moved by Dr. Humiston that the Resolution be adopted. Seconded by Mrs. Price.

Voice vote was taken on the Resolution, resulting as follows:

Ayes 8; Nays 0; Absent 1, Anderson.

The Resolution was then declared adopted by the Chairman.

Resolution No. 15974:

BY PORTER:

Authorizing the proper officers of the City to execute an agreement with Worthen, Wing, Seifert & Forbes, and Brown and Caldwell to construct certain sewer facilities. 51:104

It was moved by Mr. Perdue that the Resolution be adopted. Seconded by Mr. Porter.

Mr. Rowlands informed the Council that in reference to the Sewer Program discussions have been held with Worthen and Wing and his Associates in retaining their services for the design and construction of certain sewerage facilities to serve the Western Slopes area.

Mr. Schuster, Public Works Director, said the project will involve a treatment plant to serve that area, a pumping station within the present City limits extending from Day Island to the site of the proposed treatment plant, sewers, mains and an outfall sewer. This is part of the overall Sewer Program and will come out of the Bond Issue. He said it is the Public Works recommendation that Worthen, Wing, Seifert and Forbes along with Brown and Caldwell be hired for this phase of the work. Some additional work will be done on the Central Plant. It was thought as much as Kennedy and Co. was in on the original plant design it would be wise to hire Kennedy and Sitts and Hill to do this work.

Voice vote was taken on the Resolution, resulting as follows:

Ayes 8; Nays 0; Absent 1, Anderson.

The Resolution was then declared adopted by the Chairman.

FIRST READING OF ORDINANCES:Ordinance No. 16478:

Amending Sec. 1.30.585 of the Official Code of the City in reference to any member of the City who has retired prior to January 1, 1955 who shall receive an additional pension purchased by the contributions of the City. Read by title and placed in order of final reading.

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Ordinance No. 16479:

Authorizing the condemnation of property for street purposes on Thompson Avenue to Yakima Avenue transition between South 46th and South 48th Streets; under Improvement No. 4642 and for the establishment of slopes and fills. Read by title and placed in order of final reading.

Ordinance No. 16480:

Authorizing the condemnation of property for street right of way for the extension of Orchard Street between North 21st and North 24th Streets; and for the establishment of slopes and fills. Read by title and placed in order of final reading.

Ordinance No. 16481:

Authorizing the condemnation of property for right of way for the re-alignment of Browns Point Boulevard near 35th Street, northeast and for the establishment of slopes and fills. Read by title and placed in order of final reading.

Ordinance No. 16482:

Vacating South 44th, 45th and 46th Streets from State to Fife; So. Steele and So. Prospect from So. 43rd to the south line of Houghton's Add; Steele from the north line of Oakes Add. to the north line of So. 47th Streets. (Freeway Mart, Inc.)

Ordinance No. 16483:

Amending the Official Code of the City relating to zoning by adding a new section 13.06.116 to include the area bounded by So. 43rd; So. 47th, Fife and State Street in the "C-P-C" Planned Community Shopping Center District. (Freeway Mart Inc.) Read by title.

Frank A. Stewart, Industrial Consultant Representative of The Tacoma Freeway Mart, said the principles in the Mart Inc. understood that additional information was desired concerning the financial responsibility of the company. He said a letter had been obtained from the Bank with which their business is being conducted, for the Council's consideration. Copies of the letter from the National Bank of Washington in Tacoma were distributed to the Council members. The letter stated that there is sufficient financial responsibility so that the corporation should be able, based on proper leases and other guarantees, to secure adequate mortgage credit for the completion of the Center. He added that negotiations with the major tenant are proceeding very satisfactorily and are also negotiating on a conditional commitment from the people with whom they expect to have long term financing.

Dr. Humiston said he has never had any fundamental objection to this rezoning other than if it is rezoned for a major shopping center and not a scattering of small businesses. He said he would like to include in the Zoning Ordinance that evidence be submitted by the Freeway Mart, showing that 60% of the total project will be built within two years.

Mr. Frank A. Stewart said they are very well satisfied with the response from their proposed major tenant which is a large department store. Also requests from other stores for space has totaled around thirty.

Dr. Humiston asked if the Freeway Mart Inc. would have any objection to his suggestion.

Mr. Stewart replied that the only objection they have is to any restriction that would handcuff them in proceeding with the people they are working with. If there is some contractual agreement that fits in with Dr. Humiston's requirements, he was sure there would be no difficulty in working it out.

Mr. McCormick, City Attorney, said he felt a contractual agreement would be the proper place for this negotiation.

Dr. Humiston said he was willing then to accept this rezoning Ordinance as it is and then work out a satisfactory contractual agreement.

Mr. Perdue said he agreed wholeheartedly with Dr. Humiston's idea and also that it should be covered in the contractual agreement.

Mr. Buehler, Planning Director, said the contractual agreement is predicated on the developers submitting final plans, etc., on which they can negotiate and start working, as far as traffic circulation, etc., ^{is concerned.} They cannot obtain a building permit until this is done, he added. The Planning Department is anxious to start working on this as soon as possible. On a small neighborhood center it took about four months to work out all the necessary data. The Ordinance was then placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 16474:

Authorizing the Director of Finance to transfer certain sums from the Salaries and Wages and Capital Outlay category to the Maintenance and Operation category of the Budget for the Tacoma Library for the year 1959. Read by title and passed.

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

Ordinance No. 16475:

Vacating the streets and alleys in the area bounded by South 58th, So. 60th, Adams Street and the Pacific Traction Co. right of way. (Mt. Tacoma High School) Read by title and passed.

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

Ordinance No. 16476:

Amending Section 12.06.231 of the Official Code of the City relating to contract power rates for major industrial power users. Read by title and passed.

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

UNFINISHED BUSINESS:

The Director of Public Works presents the assessment roll for the cost of the improvement in W. O. 73158 for the construction, reconstruction and repair of sidewalks in various parts of the City.

It was moved by Mr. Easterday that the date of February 1, 1960 be fixed as the date for hearing. Motion seconded by Dr. Humiston. Voice vote was called on the motion, resulting as follows: Ayes 8; Nays 0; Absent 1, Anderson.

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ITEMS FOR FILING IN THE OFFICE OF THE CITY CLERK:

Personnel report for the month of November 1959.

Tacoma Police Dept. Traffic Division report for the month of November 1959.

Director of Finance - report for the month of November 1959.

COMMENTS:

Mr. Rowlands explained to the Council that they are still checking on the legality of a proposed Charter amendment to permit the City to sell water front property which is not needed for Municipal purposes. This matter was requested by Dr. Humiston and Mr. Bratrud approximately three months ago. The Legal Department would like to know if the Council still desired the amendment to be placed on the ballot.

Mrs. Goering said when the Charter was drawn up there was a question of State Law superseding the Charter. She wanted to know if the vote of the people could authorize such a change.

Mr. McCormick said not if its in violation of State Law, but to his knowledge it is not. He said he would have to check into the matter further, however.

Mrs. Goering said at the time these properties were checked, it was found they were in very poor condition.

Mr. Rowlands said a very substantial sum of money would have to be expended for the rehabilitation of these buildings. The City is trying to contract new leases, which will contain a clause as to who is responsible for maintaining the building, etc. It is felt that some of this property could be returned to private enterprise and put back on the tax rolls.

Dr. Humiston said he would like to see such a proposition put on the ballot next March.

Mr. Rowlands said they would proceed on this basis then.

Dr. Humiston said he would like to have a Resolution brought in for Council's consideration for next week's Council meeting which if passed would direct the City Attorney to prepare an Ordinance placing a bond issue on the ballot for \$900,000 for the purpose of financing the Airport. This would replace the original \$350,000 inside levy bond issue which was approved by the voters in 1958 and the recent \$200,000 approved by the Council but not as yet by the people. This would give the people an opportunity to vote on whether or not they still desire to have an Airport. Since the hearings on the Airport are over and the decision of the F. A. A. is forthcoming, he felt now is the time to make this step.

Mr. Bratrud asked what was the status regarding the filing of the petitions against the Cowlitz project.

Mr. McCormick said the next move would be up to the petitioners as the City has refused to accept the petitions because they felt they are illegal on their face.

A call was received from a Seattle attorney on this matter and he said he assumes their action will be to ask the Court for a writ of mandate directing the Clerk to accept the filing of the petitions.

It was asked why the City Clerk refused to accept these petitions.

Mr. McCormick said the main reason is that this group is trying to do, by Charter amendment, what the State Law has specifically granted to the Council; that is by State Law the Council is invested with the power to make additions to betterments or

their electric light system. This is in effect an attempt by an amendment to the Charter to take away that power of the City Council specifically granted by State Law. Inasmuch as the Charter is subject to the General Laws of the State and if it is in conflict with State Law, then the State Law prevails. Therefore, we do not think this is the proper amendment to the Charter.

Mr. Carlom said when he started this petition he tried to follow the City Charter. An outline was given him by the City Attorney which he also followed. He said he went out and obtained these signatures in good faith and the people signed the petition in good faith also. He said he would attempt in every way to make it necessary that the Clerk accept these petitions.

There being no further business to come before the meeting, upon motion duly seconded and passed, the meeting was adjourned at 7:30 P.M.



Mayor of the City Council

Attest:



City Clerk