

Council Chambers, 4:00 P.M.
Monday, June 29, 1959

Council met in regular session. Present on roll call 8; Anderson, Bratrud, Easterday, Goering, Humiston, Perdue, Porter and Price. Absent on roll call 1, Mayor Hanson. In the absence of Mayor Hanson, Dr. Humiston, Vice-Mayor, presided.

Mr. Anderson moved that the minutes of the meeting of June 22, 1959 be approved as submitted. Seconded by Mr. Bratrud. Roll call: Ayes 8; Nays 0; Absent 1, Mayor Hanson.

HEARINGS AND APPEALS

City Planning Commission recommending the denial of the petition of Fanning-Starkey Company for the rezoning of property located at 7819 Pacific Avenue from an R-2 District to an R-4-L District.

Dr. Humiston, Vice Mayor, advised the Council that an appeal has been filed by Mrs. Helen Zanni, owner of this property and that a date of hearing should be set by the Council.

Mr. Anderson moved that July 27, 1959 be set as the date of hearing on this appeal. Seconded by Mr. Bratrud. Roll call: Ayes 8; Nays 0; Absent 1, Mayor Hanson.

PETITIONS:

United Mutual Savings Bank requesting rezoning of property on South 38th and J Streets be rezoned from an R-3 District to an C-1 District.

Referred to the City Planning Commission.

RESOLUTIONS:

Resolution No. 15792

BY REQUEST OF HANSON:

Affirming that the conditions set forth in Ordinance No. 16381 shall in no way constitute or be considered as a basic hourly rate upon which future negotiations in respect to wages and working hours and conditions shall be conducted and carried on in the same manner as heretofore conducted upon the basis of the total compensation received for such 56 hour work week as the basic monthly salary.

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

Adopted on roll call June 29, 1959
Roll call: Ayes 8; Nays 0; Absent 1, Mayor Hanson.

Resolution No. 15794

BY ANDERSON:

Fixing Tuesday, July 28, 1959 at 4:00 P.M. as the date for hearing on L I D 4636 for paving, concrete curbs and gutters and storm water catch basins on Stevens Street from Sixth Avenue to North 11th Street.

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

Adopted on roll call June 29, 1959
Roll call: Ayes 8; Nays 0; Absent 1, Mayor Hanson.

Resolution No. 15795

BY BRATRUD:

Fixing Tuesday, July 28, 1959 at 4:00 P.M. as the date for hearing on L I D 6768 for modern street lights on existing wood poles on Roosevelt Avenue, East "T" Street, Gregory Street, Fairbanks Street, Sherman Street and East 32nd Street. 230

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

Adopted on roll call June 29, 1959
Roll call: Ayes 8; Nays 0; Absent 1, Mayor Hanson.

Resolution No. 15796

BY EASTERDAY:

Fixing Tuesday, July 28, 1959 at 4:00 P.M. as the date for hearing on L I D 5309 for Cast Iron Watermains in Melrose Street from Cedar Street to Lawrence Street. 230

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

Adopted on roll call June 29, 1959
Roll call: Ayes 8; Nays 0; Absent 1, Mayor Hanson.

Resolution No. 15797

BY BRATRUD:

Fixing Tuesday, July 28, 1959 at 4:00 P.M. as the date for hearing on L I D 5311 Iron Watermains in Sprague Avenue from South 64th Street to South 70th Street. 274

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

Adopted on roll call June 29, 1959
Roll call: Ayes 8; Nays 0; Absent 1, Mayor Hanson.

Resolution No. 15798

BY EASTERDAY:

Fixing Monday, July 27, 1959 at 4:00 P.M. as the date for hearing on the vacation of a portion of the alley between South 34th Street and South 35th Street abutting Blocks 24 and 25, Junett's Addition (west of Pine Street) 220

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

Adopted on roll call June 29, 1959
Roll call: Ayes 8; Nays 0; Absent 1, Mayor Hanson.

Resolution No. 15799

BY HUMISTON:

Awarding contract to Traffic Control Signs Company for street signs in the amount of \$7,941.42, plus sales tax and less 2% discount for cash in ten days, which is determined to be the lowest and best bid.

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

Mr. Rowlands said that these signs will be used in the one-way street program.

Adopted on roll call June 29, 1959

Roll call: Ayes 8; Nays 0; Absent 1, Mayor Hanson

Resolution No. 15800

BY PERDUE:

Awarding contract to Griffin Fuel Company, Pacific Coast Coal and Oil Company and Jensen Fuel Company for furnishing the annual supply of fuel oil for the year July 1, 1959 to June 30, 1960, which bids were determined to be the lowest and best bids.

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

Mr. Rowlands explained that approximately \$850 will be saved by accepting this bid.

Adopted on roll call June 29, 1959

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

Resolution No. 15801

BY HUMISTON:

Appropriating \$167.23 from the "B" Account of the Equipment Rental Fund for the purchase of 5 rear step bumpers with trailer hitch, for Public Works Department.

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

Adopted on roll call June 29, 1959

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

Resolution No. 15802

BY GOERING:

Authorizing the proper officers of the City to execute a correcting deed to Beebe Realty Co., successors in interest to the Northwest Development Company, Inc., defining accurately the property originally reserved in the conveyance of 1946. Property located on the south side of 6th Avenue between Jackson Avenue and Mac Arthur Street.

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

Adopted on roll call June 29, 1959

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

Resolution No. 15803

BY BRATRUD:

Authorizing the proper officers of the City to execute and deliver to G. E. Matthews a quit claim deed for property located at 4421 South 66th Street to clear a cloud on the title. 138

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

Adopted on roll call June 29, 1959

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

FIRST READING OF ORDINANCES:Ordinance No. 16390

Vacating the easterly 2ⁿ of Pacific Avenue between South 13th and South 14th Streets. (Petition of Western Greyhound) Read by title and placed in order of final reading. 177
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FINAL READING OF ORDINANCES:Ordinance No. 16381

Amending Sections 1.12.290, 1.12.330 and 1.12.600 of the Official Code of the City in reference to the Pay and Compensation Plan to conform to the request of the "Washington Minimum Wage and Hour Act" Chapter 294 - Laws of 1959. Read by title. 186
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Dr. Humiston said this Ordinance had been discussed quite fully in the past two weeks.

Mr. Rowlands said he understands that Seattle is now considering a comparable ordinance.

Lt. M. T. Hanline of the Firefighters Local 31, said according to an opinion given by their attorney Mr. Sulgrove, it would be possible to operate on a contract basis which would establish a monthly rate of pay. He said the firemen would prefer this procedure. He again expressed their opposition to Ordinance No. 16381.

Mr. McCormick, City Attorney, said he was furnished with a copy of Mr. Sulgrove's opinion shortly before the meeting. He said it simply states that Mr. Sulgrove feels there can be an agreement under Section 4 of the State Act without spelling out an hourly wage. Mr. McCormick said he differed with Mr. Sulgrove's opinion. He thinks that some measure-stick had to be set up in order to determine if time and one half is being paid for the hours worked over 40 hours. He said even if an agreement were entered into, the Compensation Plan would still have to be changed. Therefore he could not see where anything would be gained by this procedure. He said even with a contract, the Ordinance would be necessary for the City's protection.

Mr. Ketler, representative of the Civil Service League, said the firemen feel that the Ordinance protects the City but leaves the firemen vulnerable on pensions and over time. He said pensions are determined on a basic salary and that a future City Council might use the Ordinance to cut hours as a means of reducing firemen's pay. Mr. Ketler added, if the Council would give this serious consideration it would create a better feeling among the firemen.

Dr. Humiston said it has always been the policy in Tacoma that the wage base of a patrolman has been the equivalent of a firefighter. He could not see where this

will be changed as salaries are determined on a monthly basis rather than an hourly basis at budget time.

Mr. Anderson said under the circumstances there isn't much the Council can do but pass this Ordinance. Personally he said he hoped they could work toward achieving a 40 hour week.

Mr. Rowlands said he wanted to make it very clear that considerable time was spent on the Ordinance in an effort to protect the employees as well as the City and it is their opinion that this has been accomplished.

Vote was then taken on the Ordinance resulting as follows:

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

Ordinance No. 16382

Amending Chapter 1.12 of the Official Code of the City by adding a new section to be known as Section 1.12.155 - relating to pay and compensation. Read by title and passed.

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

Ordinance No. 16383

Adopting the Civil Service and Personnel Rules pursuant to Sec. 6.14 of the City Charter and repealing and re-enacting Chapter 1.24 of the Official Code of the City of Tacoma. Read by title and passed.

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

Ordinance No. 16384

Amending Sections 2.01.020, 2.01.040, 2.01.050, 2.01.060, 2.01.070, 2.01.100 and 2.01.110 of the Official Code of the City relating to dangerous buildings. Read by title and passed.

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

Ordinance No. 16385

Amending Chapter 5.12 of the Official Code of the City by amending Sections 5.12.210, 5.12.420, 5.12.450, 5.12.460 and 5.12.500 and repealing Sections 5.12.230, 5.12.240 and 5.12.260 - relating to health, sanitation and meat inspections. Read by title and passed.

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

Ordinance No. 16386

Amending Chapter 6.28 of the Official Code of the City by adding 10 new sections to be known as Sections 6.28.050 to 6.28.140 inclusive and amending Sections 6.28.020, 6.28.030 and 6.28.040 - relating to licenses and taxes - Music Machines. Read by title.

Mr. Easterday said that Mayor Hanson had asked that this be set over for

two weeks until he returned from Japan.

Mr. Easterday then moved that the Ordinance be postponed for two weeks until July 13, 1959. Seconded by Mr. Anderson. Roll call: Ayes 8; Nays 0; Absent 1, Mayor Hanson.

Ordinance No. 16387

Granting to the Washington Natural Gas Company the right to engage in the business of selling, distributing and supplying gas to consumers within the City of Tacoma. Read by title. 181
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Mr. Wilson Gaw, representing the Washington Natural Gas Company, protested the fact that the City will require a total of 8% levy on company revenues in the future., and they believed this to be excessive. He added that the City is now benefitting by an increase of nearly \$67,000 annually through the company's natural gas operations without any increase in services rendered by the City. The loss of business is a distinct possibility if the City persists in its intention of imposing an 8% tax on the company's gross revenues.

Mr. Gaw said Tacoma industry today is paying a 2% tax on its gas fuel bills. An increase to 6% in the B & O Tax would mean a 300% increase in this tax on both residential and industrial gas customers. Such a tax burden could well be the decisive factor in a new industrial concern locating in an area with a lower fuel tax rate. The reimposition of a Franchise tax would only result in cost increases which would seriously affect their competitive position.

He said they feel they could remain competitive only if the taxes imposed by the City did not exceed 4%. It is their suggestion that a limit be placed on the amount of tax any consumer could be charged. If the Washington Gas Company is permitted to grow, the City will receive increasing revenues from both the B & O and Property Taxes. He appealed to the Council that they postpone this Ordinance for 30 days permitting the City Attorneys and the company's representatives to further consider this matter of taxes and also the provisions of this new franchise.

Dr. Humiston said the amount of the B & O Tax is not an issue before the Council today. He said the existing franchise has already expired and the proposed franchise contains the same provisions as the former one except for the twenty-five year time period.

Mr. Rowlands pointed out that there are several cities that do have a 2% franchise tax that does not expire for some time. He also said that if this Ordinance should be adopted, no additional burden is being added as the 2% franchise tax is in effect now in Tacoma.

Mr. Gaw said it has been the practice of the company to not renew any franchise containing a 2% tax because it is a levy on all other gas users outside the City. This is charged as an operating expense and is charged against all users. The B & O Tax is charged only against those people levying the tax. The last ten franchises negotiated have contained no franchise tax for that very reason.

Mr. Rowlands said if the Council were to waive this 2% franchise tax it will in effect be doubling the B & O Tax which must be paid for and absorbed directly by the industries involved. Under the present program the 2% is absorbed by the company in operating expenses.

Mrs. Goering asked what would happen, if within the thirty day period, Washington Natural Gas Company did not accept the franchise.

Mr. Gaw replied that the Gas Company is under the Public Service Commission and cannot give up service at will. They have been certified to serve the citizens of 28 communities in the State of Washington. The Public Service Commission would not let the Gas Company give up, and he doubted if the Commission would let the City of

stop, their service. Because of this "Certificate Law" that exists in Washington, the State would no doubt have to take a hand in the matter if no agreement can be reached by Tacoma and the Washington Gas Company.

There being no further discussion on the Ordinance, roll was called resulting as follows:

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

Ordinance No. 16388

Amending the Official Code of the City of Tacoma by adding to Title 2 new sections to be known as Sections 2.15.010 to 2.15.420 inclusive, repealing Chapter 8.68 relating to Weights and Measures. Read by title.

Mr. E. M. Murray, an attorney representing the Fuel Oil Service Company, said they objected to Sec. 2.15.330 of this Ordinance which pertains to fuel and requires that each delivery shall be accompanied by duplicate delivery tickets to the customer. He said this has always been the practice of the fuel oil companies but it has not proven to be the most satisfactory system as many people complain that the slips are never received. He said the Fuel Oil Service Company desires to initiate a new program whereby the duplicate delivery slip is a post card containing the same information that would be mailed to the customer within 24 hours.

Mr. Joel Durnin of the Public Works Department said they would object to this method. The requirement set up in this Ordinance is that one copy of their delivery ticket be left with the purchaser at the time of the delivery. This is necessary for proper control. It is a protection not only to the fuel oil companies but also to the customers. If Mr. Murray's client desires to mail a post card, as described, to the customer, he need only have a four ticket billing system instead of the triplicate system now in effect. Then the driver could still leave the usual duplicate with the customer.

Mr. Murray said his client felt that this proposed system would be much more effective and would in no way constitute a threat to the public in not receiving the proper amount of oil. He asked that the Ordinance be amended to provide for this new method.

Dr. Humiston said evidently it was the opinion of the experts in the weight and measures field that the system now in operation was the most satisfactory and he was inclined to accept their opinion. He asked if any Council member desired to make a motion to amend the Ordinance as requested by Mr. Murray.

There being no motion, vote was then taken on the Ordinance resulting as follows:

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

Ordinance No. 16389.

Providing for the improvement of L I D 6766 for the installation of modern street lighting on ornamental steel or concrete standards on South Yakima Avenue from 6th Avenue to South 27th Street; East 34th Street from East D. to McKinley Avenue and South 34th Street from Tacoma Avenue to Pacific. Read by title.

Dr. Humiston said the L I D committee consisting of Mr. Porter, Mr. Easterday and himself heard this L I D last Tuesday, June 23, 1959. At that time there was about 4.3% protests on the entire district. This district is comprised of 3 non-contiguous sections of street: One on South 34th, one on East 34th and one on South

Yakima. Additional protests received since the hearing has brought the total protest filed against South 34th Street to 77.4%. This is a sufficient percentage to have the area deleted from the L I D if the Council so desires.

Mr. Easterday moved that the area of South 34th Street from Tacoma Avenue to Pacific Avenue be deleted from the district. Seconded by Mr. Porter. Roll call: Ayes 8; Nays 0; Absent 1, Mayor Hanson.

Dr. Humiston said Mr. Clevenger residing at 3320 East E Street has filed with the City Clerk since the hearing, additional protests against East 34th Street bringing the amount of protests on this area to 52.7%.

Mr. Porter moved to delete East 34th Street from East D to McKinley Avenue from the district. Seconded by Mr. Easterday. Roll call: Ayes 8; Nays 0; Absent 1, Mayor Hanson.

Mr. Easterday said he was not in favor of tearing up existing lights for which the property owners have already paid. He also objected on the grounds that wealthier areas of the City got the fancy poles at the City's expense under a policy previous to the 1958 bond issue. He said he hoped that at the next election this policy of the 1958 bond issue would be changed.

Dr. Humiston said he felt it only fair to point out that the location of the new modern lights was determined on the basis of where the lights were best needed from the standpoint of safety on the more heavily traveled streets. The Council voted to get the maximum amount of mileage in the lighting program, and if some people do not wish to pay, they still will get the lights but not the fancy poles, he added.

Dr. Humiston said with respect to Yakima Avenue from 6th Avenue to South 27th Street 7.2% protests have been filed.

Mr. Easterday moved that the Ordinance be tabled. The motion was lost for the want of a second.

Mr. Rowlands said he would like to clear up this entire situation. In 1954 there was a bond election for street lighting. At that time nothing was said about the differentiation between wooden poles and ornamental poles. Prior to the election, the Citizens Committee was appointed. The subcommittee on Street Lighting spend considerable time on compiling recommendations to submit to the City Council with the thought in mind of trying to make the money go as far as possible. It was recommended to the City Council that if the property owners wanted ornamental poles they would be charged an extra dollar a foot. This is the policy the City has adopted.

Mr. Anderson said when the Citizens Committee and the City Engineers made this study, they were interested not in the section of town but only in the areas having the most traffic and where the need was utmost. There was no favoritism shown.

Mr. Easterday said he could see no reason for rushing into this improvement.

Mr. Porter asked if a 2 week delay on this Ordinance would have any affect on the street lighting program. Perhaps it might be well to have a study session on this policy matter.

Mr. Rowlands said if the Council is at all considering any revision of their policy they should so notify the staff members, as other L I D improvements are under consideration.

Mr. Porter then moved that the Ordinance be postponed for 1 week. Seconded by Mrs. Price. Roll call: Ayes 3; Nays 5, Anderson, Bratrud, Goering, Perdue and Humiston; Absent 1, Mayor Hanson. Lost on roll call.

Roll was then called on the Ordinance resulting as follows:
Roll call: Ayes 7; Nays 1, Easterday, Absent 1, Mayor Hanson.

JUN 29 1959

UNFINISHED BUSINESS:

199 Opinion from City Attorney, Marshall McCormick, regarding City-owned Dock properties.

Placed on file.

ITEMS FOR FILING IN THE CITY CLERK'S OFFICE:

Tacoma Employees' Retirement System - Report for June, 1959

Tacoma Transit Company - Report for May, 1959

Belt Line Division - Report for May, 1959

Light Division - Report for May, 1959

Water Division - Report for May, 1959

206 Mr. Rowlands said for some time there has been an interest by the Metropolitan Park Board and the Planning Commission staff and others in the possibility of acquiring some property now owned by the Government in the Salishan Housing area. Mr. Buehler and Mr. Lantz have worked out some possible uses for the 150 acres which the General Service Administration of the United States Government would like to sell. The area is probably worth about \$35,000.

Mr. Lantz of the Park Board said there are about 2300 children in the Salishan project and only one small playground in the area. So there is great need for a larger playground with a baseball and a softball diamond. Part of this property in question is flat and would be excellent for this purpose. He also said that part of the area could be a potential site for a municipally owned golf course.

Mr. Lantz explained that they have been bickering with the G. S. A. for this area and have been told that it can be bought by the Park Board for 50% of the appraised value; but the G. S. A. gave the Park Board a deadline of June 30 to decide if they could buy it. Mr. Lantz said the Park District does not have the money to do this so it was recommended by the Park Commissioners that it be taken up with Mr. Rowlands the City Manager.

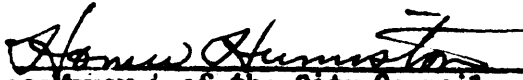
Dr. Humiston said he didn't see how the City Council could make any commitment until after the budget was discussed. He wondered if the G. S. A. would give any consideration to a request from the City of Tacoma for a postponement until such time as it is determined whether the City can afford it. He said he would entertain a motion to the effect that the City is very much interested in this and that in probability will make a deal with the G. S. A. but that they would have to wait until after budget time.

Mr. Perdue moved that the City Manager be instructed to contact G. S. A. and ask for a 6 months extension on the property involved. Seconded by Mr. Anderson. Roll call: Ayes 8; Nays 0; Absent 1, Mayor Hanson.

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31 Mr. Rowlands said he would briefly like to comment on his trip to Washington D. C. in regard to the airport situation. He said the meeting with the F. A. A. was very satisfactory. Each member of the F. A. A. present stressed the fact that there was no doubt of the need of the airport in Tacoma. It was pointed out to them that

there must be some give and take on air space; also that the 23degrees might be too much of a conflict with the existing military facilities and that by a re-alignment to about 11 degrees something might be worked out. That seemed to be the definite feeling when he and Mayor Hanson left there. He said they left a lot of reports worked out by the P. W. Department. The F. A. A. told them that a decision should be reached on the matter by August 1, 1959. He said he would give them more detailed information in a report.

There being no further business to come before the meeting, upon motion duly seconded and carried, the meeting was adjourned at 7:00 P.M.


Vice Mayor of the City Council

Attest:


Acting City Clerk