

APR 29 1957

COUNCIL CHAMBER, 7:30 P. M.

Monday, April 29, 1957

Council met in regular session. Present on roll call 5; Battin, Goering, Humiston, Stojack, Tollefson. Mr. Jensen taking his seat at 7:37 P. M. Mr. Perdue at 7:35 P. M. Absent 2, Bratrud and Mayor Anderson. In the absence of Mayor Anderson, Dr. Battin, Vice Mayor presided.

It was moved by Mr. Tollefson, seconded by Dr. Humiston 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 dispensed with. Motion carried Ayes 5; Nays 0; Absent 4, Bratrud, Jensen, Perdue and Mayor Anderson.

**RESOLUTIONS:****Resolution No. 14976:****By ANDERSON:**

Fixing May 20, 1957 as date for hearing on petition to vacate the alley between Pearl Street and Woodlawn Street from Sixth Avenue north to No. 7th Street. (Petition of Investment Exchange Development Corporation 4-23-57)

Adopted on roll call: April 29, 1957  
Ayes 5; Nays 0; Absent 4, Bratrud, Jensen, Perdue and Mayor Anderson.

**Resolution No. 14977:****By TOLLEFSON:**

Fixing May 20, 1957 as the date for hearing on petition to vacate the alley between Pearl and Woodlawn Street from Sixth Avenue south to Bantz Boulevard. (Petition of Investment Exchange Development Corporation 4-23-57)

Adopted on roll call April 29, 1957  
Ayes 5; Nays 0; Absent 4, Bratrud, Jensen Perdue and Mayor Anderson.

**Resolution No. 14978:****By STOJACK:**

Fixing May 27, 1957 as the date for hearing on petition to vacate the alley between East 40th Street and East 43rd Street from the East line of East G Street to the west line of the alley between McKinley Avenue and East G Street.

Adopted on roll call April 29, 1957  
Ayes 5; Nays 0; Absent 4, Bratrud, Jensen Perdue and Anderson.

Resolution No. 14979:

By BATTIN:

Authorizing the proper officers of the City to sell one "Rehle Brothers" Compression Compression Testing Machine, complete with 220 volt motor, to Lewis E. Teklin on his bid of \$502.00 plus sales tax. (Utility Department)

Adopted on roll call April 29, 1957  
Ayes 5; Nays 0; Absent 4, Bratrud, Jensen, Berdue and Mayor Anderson.

Resolution No. 14980:

By GOERING:

Authorizing execution and delivery of a quit claim deed to the owners of property located at 4507 North 8th Street, which is encumbered by an easement to string wires across same, as this easement is no longer necessary for continued effective utility operation.

Adopted on roll call April 29, 1957  
Ayes 6; Nays 0; Absent 3, Bratrud, Jensen and Mayor Anderson.

Resolution No. 14981:

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By ANDERSON:

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Stating intention of Council to adopt a payment plan wherein the General Fund of the City shall pay to the Water Division of the Department of Public Utilities the sum of \$35.00 per hydrant per year as and for a fire service charge or hydrant rental charge, beginning with the fiscal year 1958.

City Manager Rowlands called attention to MC-137, pertaining to additional information on Fire Service Charges which had been distributed to Council members with the agenda. Resolution No. 14981 is submitted in accordance with the recommendation of Mayor Anderson who wants to bring this matter to some conclusion, Mr. Rowlands advised. The Utility Board has requested early action in order that they might have some figure on which to base the Water Department Budget, Mr. Rowlands stated. An Ordinance covering this matter had been submitted for the Agenda by the Utility Board which was reviewed by the Legal Department who advised that this had nothing to do with rates, and need not be a part of the rate ordinance. He felt this ordinance should be reviewed by the Council before being placed on the Agenda, and he had therefore withheld it from the Agenda, Mr. Rowlands added.

Mr. VanderEnde, Chairman of the Utility Board stated the Board had passed a resolution requesting an ordinance be passed by Council, and they feel that any ordinance which is approved by the Board should be placed on the Agenda for discussion. The Utility Board has not seen MC 137 until tonight, and feel they should be given an opportunity to review this report of the Manager and answer it, he said. They object to the resolution submitted by the Council as they feel this matter should definitely be handled by Ordinance.

Mr. Barline advised that their agreement for hydrant rentals for the City of Ruston is based on the same rate as that charged in Tacoma, and that is one reason they want to make it a part of the Water rate ordinance.

Mr. Rowlands pointed out that the form requesting the ordinance, which requires his signature, had not been filed until today, although the ordinance under question had been presented to his office last Thursday. Nevertheless, he would not have approved this particular ordinance request without first discussing it with Council, Mr. Rowlands added. Copies of the proposed ordinance were distributed to Council members at this time.

Dr. Humiston said he was not aware that the Manager had the right to put anything on or hold anything from the agenda, as it was his opinion the only one having this authority would be someone having the power to make a motion, i.e. the duly elected Council members.

Mr. VanderEnde said that according to Charter provisions, the City Manager has no jurisdiction over the Utility Board. Mr. Barline said he thought there was some question whether this needs the approval of the City Manager.

At this time Dr. Humiston said he felt it was proper to take up the matter of procedure on Resolutions and Ordinances. He felt nothing of this nature should be on the Agenda unless sponsored by some member of the Council, and he did not favor the method used at present whereby the names of Councilmen are rotated and the member whose name appears as sponsor is not contacted prior to the preparation of the Ordinance or Resolution, Dr. Humiston said. This matter was discussed briefly and Mr. Tollefson said he felt it was out of order to bring this up, as the matter under consideration was whether this should be covered by Ordinance or Resolution and what rate should be set up. Dr. Humiston said he felt the one of procedure was also a problem and he did not want this snowed under at this time. However he was agreeable to having it postponed. Dr. Battin ruled that this question should be postponed for one week, to be considered next meeting.

Dr. Humiston suggested Council determine whether it should be a Resolution or an Ordinance in this case. Mr. McCormick advised that it could be handled either by Ordinance or Resolution. In the past it has been the policy of his office to use a Resolution whenever there is an agreement involved as there is no publication costs, and is more difficult to amend an Ordinance. He stated that the Resolution on the Agenda had been drawn up prior to the time the Ordinance was submitted by the Utility Department. In the past this charge has not been set up by Ordinance, but rather has been by mutual agreement between the Utilities Department and General Government, Mr. McCormick said. Under the circumstances they felt a Resolution would be just as binding on the Council as an Ordinance, he added.

Mr. Stojack said he felt the request of the Utility Board for an Ordinance should be honored and he moved that the resolution be laid on the table. Mrs. Goering seconded the motion, saying she did not want to act on the Resolution until the request of the Utility Board is considered, as she felt this would be by-passing the Utility Board. Motion lost on roll call: Ayes 3; Goering, Jensen, Stojack; Nays 4; Humiston, Perdue, Tollefson, Battin. Absent 2, Bratrud, Anderson. Motion was declared lost.

It was moved by Mr. Tollefson, seconded by Dr. Humiston, that Rule 7 (relative to filing of new matter for Council consideration) be suspended in order to consider the ordinance submitted by the Utility Board. Motion carried unanimously.

It was moved by Mr. Tollefson, seconded by Mr. Perdue that Ordinance No. 15863, re Hydrant rental, be placed on the Agenda for 1st reading. Motion carried unanimously.

#### FIRST READING OF ORDINANCES:

Ordinance No. 15863:

Amending Ordinance No. 14980 - An ordinance relating to the Municipal Water Supply System of the City of Tacoma; providing for sale of same; fixing price thereof, etc. (fixing Stand-by Fire service rate at \$4.20 per month per hydrant).  
Read by title.

It was moved by Mr. Tollefson, seconded by Mr. Perdue that Hydrant rental rates be fixed by Resolution. Dr. Humiston asked whether or not a change in Hydrant rental rates at this time would be binding on other communities before January 1, 1958. Mr. Barline replied that this change would have no effect on the income of the Water Department until the first of next year. Mr. Tollefson pointed out that Council has asked the Utility Board to settle the matter of Fire Hydrant rental before Budget time, and this is the reason it was brought up at this time.

Roll was called on Mr. Tollefson's motion that the rates for Hydrant rental be fixed by Resolution, which passed. Ayes 6; Nays 1, Stojack, Absent 2, Bratrud and Mayor Anderson.

Mr. Stojack asked if by this action Council was not by-passing the request of the Utility Board for time to study the report of the City Manager. Mr. VanderEnde said they would like to have time to study this report.

It was moved by Mrs. Goering, seconded by Dr. Humiston to postpone action on Resolution No. 14981 for one week. In discussing this motion, it was brought out that one week did not allow the Board sufficient time, and that several Council members and the City Manager would not be present at next Monday's meeting, or the following meeting. Thereupon Dr. Humiston withdrew his second, leaving the motion without a second.

It was moved by Mrs. Goering, seconded by Mr. Perdue to delay consideration of Resolution No. 14981 for three weeks (May 20, 1957). Motion carried unanimously.

It was moved by Dr. Humiston, seconded by Mr. Stojack that Ordinance No. 15863 be laid over for three weeks to May 20, 1957. Motion carried: Ayes 6; Nays 1, Tollefson; Absent 2, Bratrud, Anderson.

Resolution No. 14982:

By Humiston:

Authorizing an agreement between the Pierce County Commissioners and Light Division for installation of transformers, high-voltage switch gear and appurtenances in the County-City Building at an estimated cost of \$45,000, and providing for monthly payments to be made to the Light Division for three years at 4% interest.

Dr. Humiston asked whether this Resolution could be delayed until the Council is informed concerning the formula of payment for same between the City and County saying he did not like to commit the General Fund until he knows definitely what portion the City is going to pay.

Mr. Rowlands said they would like to have the Council's approval as soon as possible so they can advise the County Commissioner to proceed on this basis.

Mr. Barline was asked regarding the purchase of the necessary equipment and he stated the Utility Department would not order anything until the agreement is signed. He also stated that it takes about six months to get a transformer after it is ordered.

Further discussion brought out the fact that the rate of payment would still be the same as originally agreed but the space usage will be changed as a result of the two new wings and additional floors

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A new Resolution was submitted which contained an amendment to include a proviso giving the County the right at any time to pay all or any part of the balance without further interest charges, and giving the City the same right with regard to the portion they owe the County. It was moved by Mr. Stojack, seconded by Dr. Humiston to amend the resolution by including this proviso. Motion carried unanimously.

Roll was then called on the Resolution, as amended.

Adopted on roll call April 29, 1957

Ayes 7; Nays 0; Absent 2, Bratrud, Anderson.

Resolution No. 14983:

Approving actions of the Public Utility Board in authorizing the sale of Light and Power Bonds of 1957 in the sum of five million dollars, and approving the terms of the Notice of Sale attached hereto.

Adopted on roll call April 29, 1957

Ayes 7; Nays 0; Absent 2, Bratrud, Anderson.

FIRST READING OF ORDINANCES:

Ordinance No. 15862:

Vacating that portion of the alley between North 35th Street and North 36th Street from North Alder Street to Ruston Way (Petition of J. R. Wiborg, et al, 2-18-57) Read by title and placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 15860:

Amending Ordinance No. 14887 - ADMINISTRATIVE CODE - by adding thereto a new section to be known as Section 32A - designating the official name of the Belt Line Division as "Tacoma Municipal Belt Line Railway". Read by title and passed.

Roll call: Ayes 7; Nays 0; Absent 2; Bratrud and Mayor Anderson.

Ordinance No. 15861:

Vacating certain described portions of North Cheyenne Street at its intersection with the alley between vacated North 47th Street and North 48th Street, (Petition of George W. Pease, et al.). Read by title and passed.

Roll call: Ayes 7; Nays 0; Absent 2, Bratrud and Mayor Anderson.

Ordinance No. 15832: (laid over to this date on April 8th)

Amending Ordinance No. 14793 - ZONING ORDINANCE - by adding thereto one new section to be known as Section 9N. (C-2 District at SE corner of South 30th and Pacific Avenue - Petition of Wellman Building Company, Inc. - 1-28-57) Read by title.

Mr. Rowlands advised that the appraisal value has been agreed upon to the satisfaction of both parties. However, Mr. Wellman, who had agreed to be here tonight but for some reason is not present, asked to have the Ordinance laid over for one week in order that he might clarify his position with regard to a Liquor License.

It was moved by Dr. Humiston, seconded by Mr. Jensen to postpone the Ordinance for one week to May 6, 1957. Motion carried unanimously on roll call: Ayes 7; Nays 0; Absent 2, Bratrud and Mayor Anderson.

UNFINISHED BUSINESS:

The Director of Public Works presents the assessment rolls for the cost of the following Local Improvement Districts:

L I D 2225: Grading and ballasting and surfacing North Frace Street from North 38th Street to North 46th Street; 47: 71

L I D 4583: Asphalt paving, etc., on East B Street from East 56th Street to East 60th Street; on East 60th Street from East B to A Street; also on A Street from South 60th Street to South 62nd Street; also storm sewer on East 58th Street from East D to East B Street; 48: 257  
49: 226

L I D 4604: Grading and paving the alley between Pacific Avenue and Bell Street from South 40th Street to South 43rd Street. 48: 288  
49: 288

It was moved by Dr. Humiston, seconded by Mr. Perdue that June 4th be set as the date for hearing on the above assessment rolls. Motion carried unanimously. Ayes 7; Nays 0; Absent 2. Bratrud, and Mayor Anderson.

This being the date fixed by the Council for the hearing on the petition of the Port of Tacoma (4-1-57) for vacation of the Plat of "Manufacturers Addition" (in the Tide Flats Industrial Area) the hearing was held at this time. The Clerk reported that no remonstrances had been filed. Mr. Buehler, Chief of the Planning Division, advised that the City Planning Commission has given its approval to the petition subject to the recommendation of the Public Works Department that 49th Avenue N. E. be excluded from the vacation and the recommendation of the Utilities Department that the present Bonneville-Olin Corporation 110 kv line crossing the plat be protected as per judgments on file. Marc Anderson, Manager of the Port of Tacoma, advised Council that the Port District owns the entire area involved, and whenever a plat is acquired, they immediately take steps to have it vacated in order to replat same in accordance with their plan. In reply to a question from Mr. Tollefson, as to whether the Port planned to put in another access road when they have acquired all the property they want in the area, Mr. Anderson stated that their plan provides for a street across the district. No remonstrators appearing, it was moved by Mr. Stojack, seconded by Mr. Tollefson that the petition be granted subject to the recommendations of the Public Works and Public Utilities Departments, and that the City Attorney be directed to draw the necessary ordinance. Motion carried on roll call: Ayes 7; Nays 0; Absent 2. Bratrud and Mayor Anderson. 203  
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The City Planning Commission refers the petition of Mrs. Esther Hemminger (3-4-57) for rezoning to R-3 District, property on South 40th Street between Pacific Ave and "A" Street, back to Council with the recommendation that it be denied for the reason that it did not contain sufficient signatures to comply with requirements of the Zoning 167

Ordinance, and suggests that Council consider refunding all or some portion of the \$50.00 filing fee since the petition was filed in error.

It was moved by Mr. Stojack, seconded by Mr. Jensen that the petition be denied in accordance with the recommendation of the City Planning Commission and that the fee of \$50.00 be refunded in full. Motion carried on roll call: Ayes 7; Nays 0; Absent 2, Bratrud and Mayer Anderson.

ITEMS RECEIVED FOR FILING IN THE OFFICE OF THE CITY CLERK:

x Personnel Department: - Report for the month of March, 1957.

x Director of Finance: - Annual Report for the year ending December 31, 1956.

x Dr. Battin advised that Mayor Anderson had asked him to present the following names as members of the Board of Censors:

Rev. John Phillips - Teacher at College of Puget Sound - also Assistant Minister at Mason Methodist Church;

Mrs. Charles E. Gardner, Parent Teacher Association President;

Mr. Triga Ek, Teacher for the Tacoma Public Schools;

Mr. Fred Diamond, Druggist; and

Mr. Charles Weller, a Grocer.

It was moved by Dr. Humiston, seconded by Mr. Stojack that the proper Resolution be prepared covering these appointment, for next week's meeting. Motion carried unanimously. Ayes 7; Nays 0; Absent 2, Bratrud and Mayor Anderson.

x The Clerk read a letter from the Pacific Northwest Section of the American Water Works Association which is holding its 30th Annual Conference in Tacoma on May 2nd and 3rd, inviting Council members to sit in on their discussions and observe the organization in action. Copies of the program were distributed to Council members.

CITY MANAGER COMMENTS:

493 As requested by Council on September 4, 1956, Mr. Rowlands reported the total cost for L I D 2264 - M-c Oil mat surface on South Thompson Avenue from South 56th Street to South 59th Street was \$2,321.05. This figure is well under the \$2,500 maximum, therefore, it is not required that the City call for bids, Mr. Rowlands added.

x Dr. Battin reported that the City of Tacoma had received favorable publicity at Cincinnati Ohio and Brookings South Dakota, not only from members of his Debate Team, but also from the host of Daffodils which had been transported by Air Express for use as decorations at the Banquets.

Pictures were taken at Cincinnati and published in their paper as well as papers in neighboring Cities. In Brookings, the women from the Churches and Hospitals used the blooms to decorate at Easter time and they were much appreciated as the ground was covered with snow and no flowers were in bloom.

x Mr. Tollefson advised that he was leaving in the morning for New York to attend a Navy League meeting. While in the East, he asked Council if they would like to have him stop off at Washington D. C. to check on some matters concerning the City of Tacoma, such as possible reactivation of the Tacoma Shipyards, and

possible Federal financial support of the Cowlitz project. While in Washington he said he would be strictly on City business.

Dr. Humiston pointed out that anyone making a trip would not have authority to commit the Council, but could merely bring back information. Mr. Stojack said he was not in favor of it, as he felt the Mayor is the proper person to represent the City. Mr. Jensen said he thought the idea was fine, but that Mr. Tollefson should be aware of what the Utilities Department has done already on the Cowlitz so he would not weaken or harm any progress already made.

It was moved by Dr. Humiston, seconded by Mr. Perdue that Council authorize Mr. Tollefson, while in the East, to make a stop in Washington D. C., for the purpose of obtaining what information he can on matters of vital interest to the City, with the understanding that he check with the Director of Utilities on the Cowlitz project before he leaves, and that the City of Tacoma pay the additional expenses involved. Motion carried on roll call: Ayes 6; Nays 1, Stojack; Absent 2, Bratrud and Mayor Anderson.

Upon motion, duly seconded and carried, Council adjourned at 9:20 P. M.

Charles R. Patton  
Vice President of City Council.

Attest: Josephine Melton  
City Clerk