

Council Chambers, 4:00 P.M.
Monday, July 20, 1959

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

Mr. Anderson moved that the minutes of the meeting held July 13, 1959 be approved as submitted. Seconded by Mr. Easterday. Roll call: Ayes 8; Nays 0; Absent 1, Mr. Bratrud.

HEARINGS AND APPEALS:

This is the date to which the Council has continued the hearing on the appeal filed by Byron F. Anderson for the rezoning of property on Jackson Avenue between Lief Erickson Drive and 19th Street, from an R-1 District to an R-3 District.

Mayor Hanson explained that this hearing was postponed from last week as some of the Council members desired to look at the property in question before voting on the petition.

Mr. Allan Billett, attorney representing a number of the residents in the area opposing the rezoning, again presented his protests and asked the Council to uphold the decision of the Planning Commission to deny the rezoning.

Dr. Humiston then moved that the Council concur in the decision of the Planning Commission to deny the rezoning of the property on Jackson between Lief Erickson Drive and 19th Street from an R-1 to an R-3 District. Seconded by Mr. Perdue.

Mayor Hanson said his first impulse had been to vote in favor of the rezoning but after looking at the property he agrees that this rezoning would not be desirable.

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

RESOLUTIONS:

Resolution No. 15814

L. I. D. 4658

BY BRATRUD:

Fixing Tuesday, August 11, 1959 at 4:00 P.M. as the date for hearing on L I D 4658 for paving, including curbs and gutters and storm water catch basins on No. 17th from Jackson Ave. to Juniper; Cascade from No. 17th north 250 feet; Fir from No. 17th, 280 feet north and from Juniper to No. 17th north 100 feet.

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

Adopted on roll call July 20, 1959
Ayes 8; Nays 0; Absent 1, Bratrud.

Resolution No. 15815

BY EASTERDAY:

Awarding contract to Cascade Asphalt Paving Company for the construction of L I D 1993 and 4619 in the amount of \$98,572.60 plus sales tax.

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

Adopted on roll call July 20, 1959
Ayes 8; Nays 0; Absent 1, Bratrud.

Resolution No. 15816:

BY HUMISTON:

Approving and accepting the Plat of Narrows View First Addition, located on No. 26th, Vassault and Bristol Streets.

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

Adopted on roll call July 20, 1959
Ayes 8; Nays 0; Absent 1, Bratrud.

Resolution No. 15817:

BY PRICE:

Amending the application between the Federal Government as set out in Resolution No. 15662 passed Feb. 24, 1959, for the Fawcett Urban Renewal Area for a capital grant reservation from a three-fourths to a two-thirds capital grant basis. 3
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Mr. Anderson moved that the Resolution be adopted. Seconded by Mr. Porter.

Mr. Rowlands explained that it was desirable to amend the Resolution for a capital grant reservation from a three-fourths to a two-thirds capital grant which would mean that \$42,000 can be obtained in advance. The City will then be in a better position at budget time as this amount will not have to be appropriated. It will take approximately two years to reach the "execution stage" and at that time the Council can decide on what grant basis they desire to continue.

Adopted on roll call July 20, 1959
Ayes 8; Nays 0; Absent 1, Bratrud.

FIRST READING OF ORDINANCES:Ordinance No. 16399

Amending Chapter 6.28.020, 6.28.030 and 6.28.040 of the Official Code of the City in reference to licenses and taxes on Music Machines and adding 14 new sections, designated as Sec. 6.28.050 to 6.28.180 inclusive. Read by title. 205
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Mr. Rowlands said from the standpoint of the City this revised Ordinance would be of definite advantage as it clarifies the definitions and language. Under Section 6.28.040 - "license Fees" the Owner-Operator Music Machine License category of \$25.00 has been added. It also provides that the number of uses or plays must be registered on the machine by a meter. This will assist the Finance Department in the Administration of the B & O Tax.

Mr. Rowlands said one change was suggested by the Finance Department in Sec. 6.28.040 - that the mechanical music machine license of \$12000 will be payable semiannually instead of annually. The other licenses will be paid annually. This is in line with the overall program of the license division, he added.

Dr. Humiston moved that the last line of Sec. 6.28.040 be amended to read "All such license fees shall be payable annually in advance, except Mechanical Music Machine Licenses, which shall be payable semiannually in advance on the 1st day of April and the 1st day of October of each year. Seconded by Easterday. Roll call: Ayes 8; Nays 0; Absent 1, Bratrud.

Mr. Rowlands said a change was suggested last week by the Council in order to clarify the language as to who would be permitted to obtain a license. As this point is covered by the General License Ordinance, it was omitted from the revised Ordinance.

Mr. Hamilton, Assistant City Attorney, explained there is a provision in the General License Ordinance which prohibits a person who has been convicted by any State or Federal Law, or City Ordinance of being eligible for any license. Therefore, he said, it seemed repetitious to include this provision in the Music Machine Ordinance.

Mr. Hamilton also explained rather than complicate Sec. 6.28.120 - "Owner Operator License Required" by inserting the \$8.00 fee as suggested at last week's meeting, this was provided for by adding the Owner Operator's Music Machine License of \$25.00 to Sec. 6.28.040, thus incorporating the former \$12 fee, the \$5.00 location license and the suggested additional \$8.00 license fee. The provision was also made that a owner-operator, duly licensed, would not have to obtain a Mechanical Music Machine License or a Location Music Machine License.

Mr. Comfort, attorney representing the 8 local music machine operators who originally requested a more specific Ordinance, said there are two items omitted in this revised Ordinance which were included in Ordinance No. 16386. Sec. 6.28.130 no longer contains the provision that keys to home owned machines be kept on the premises and also that evidence be furnished upon request that gross receipts from the music machine are included in the gross proceeds of the business. The purpose of of requiring these two conditions was to protect music machine operators from those who might represent machines as home owned simply to avoid paying the \$250.00 license fee.

Mr. Hamilton explained this was omitted for the reason they felt it was not necessary. The requirement of a meter to register each play, and the right of the City to audit books, seems to cover this adequately.

Mr. Comfort also said that their main purpose in proposing this Ordinance was to keep those persons engaged in gambling devices out of the music machine business. This provision is no longer contained in the Ordinance as presented. The General License Ordinance does prevent those convicted of any crime from obtaining a license but his clients feel that this should be more specific to prevent those engaged in gambling devices from obtaining a music machine license.

Dr. Humiston said he felt the Council had no right to interfere in a person's business outside the City.

Mr. McMurtrie of the R. F. Jones Co., distributors of the Seeburg Machine said he was satisfied with the Ordinance as drawn. He said his company would wholeheartedly endorse any language in the Ordinance that would strengthen and eliminate any possible gambling or racketeering. This Ordinance has been brought about principally by the notariety and publicity established in the East as a result of the McClellan Committee investigation. This committee ruled that the music machine industry was basically a legitimate and honorable industry populated by honest and hardworking small businessmen. He said he felt there was no racketeering in this area.

On the premise that his company is a legitimate business and entitled to engage in business on the level of free competition, they would like to see the Section requiring City Manager approval of transfer of location licenses, stricken. It restrains competition. In Seattle under a similar Ordinance there has developed a protective situation whereby the operators are not required to give the best of service or the best of equipment; therefore eliminating a competitive situation.

Dr. Humiston said the City in its licensing procedure requires that the initial issuing of this license be approved by someone designated by the City Manager. The only thing this Ordinance does is to state that the re-issuing of this license has to be processed the same way. The Ordinance was then placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 16386

Amending Chapter 6.28.020, 6.28.030 and 6.28.040 of the Official Code of the City and adding 10 new sections known as 6.28.050 to 6.28.140 inclusive - relating to licenses and taxes on Music Machines. Read by title. 205
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Mr. Easterday moved that this Ordinance be tabled. Seconded by Mr. Porter.
Roll call: Ayes 8; Nays 0; Absent 1, Bratrud.

Ordinance No. 16393

Approving and confirming the assessment roll for L I D 1983 for sanitary sewers in Bristol Street from Norton Place to No. 46th; No. 46th from Bristol to Darien Drive; in Darien Drive from No. 46th to No. Frace; in Vassault from No. 48th 252 feet south. Read by title and passed. 172

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

Ordinance No. 16394

Approving and confirming the assessment roll for L I D 1986 for sanitary sewers from No. 13th from Juniper to Cascade; Juniper and Fir Streets from No. 13th to No. 17th; Fir from No. 13th to No. 17th; alley between No. Fir and Cascade from No. 13th to No. 17th Streets. Read by title and passed. 172

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

Ordinance No. 16395

Approving and confirming the assessment roll for L I D 5301 for cast iron water mains in North Shore Country Club Estates. Read by title and passed. 160

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

Ordinance No. 16396

Approving and confirming the Assessment Roll for L I D 6755 for ornamental street lighting standards with underground wiring for Highland, Winnifred and Shirley streets from No. 18th to No. 26th; Bennett from No. 18th to No. 23rd Streets. Read by title and passed. 160

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

Ordinance No. 16397

Approving and confirming the Assessment Roll for L I D 6756 for ornamental street lighting on Tacoma Avenue from So. 72nd to So. 74th Street. Read by title and passed. 160

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

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Ordinance No. 16398

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Providing for the improvement of L I D 6767 for modern street lights on ornamental standards on No. 30th from Proctor to Orchard; No. 30th from Shirley to Pearl and Stevens from So. 12th to So. 19th Streets. Read by title.

Mr. Rowlands said this Ordinance ties in with the Bond Program discussed several weeks ago. He said he has additional information to submit to the Council. He said he wanted to be assured everyone was in agreement on the policy as set up for other L. I. D.'s.

Mr. Rowlands said in order to bring the Council up to date on what has transpired, the Public Works Department has prepared a memorandum on streets lighted by the bond issue which was distributed to the Council members. He explained that the report was set up into two parts - the streets lighted by the 1954 Bond Issue and those lighted by the 1958 Bond Issue and when the improvement was put in.

Mr. Schuster said approximately 96.4 miles have been illuminated; 16.1 miles of that is north of 6th Avenue and 76.1 miles south of 6th Avenue and 4.2 miles on 6th Avenue. In reference to the amount of ornamental standards that has been installed there is approximately 9 miles north of 6th Avenue, 15.7 miles south of 6th Avenue and 2.8 miles on 6th Avenue. This distribution has been based on the need in the area.

Mr. Rowlands explained that Mr. Walter Gordon, chairman of the Street Lighting Subcommittee was present to speak on this subject.

Mr. Gordon said the committee recommended at the time the Bond Issues were being considered that the Street Lighting dollar would go further if the funds were spent for street lighting and not for underground wiring and ornamental poles. At that time they suggested, if the property owners preferred the ornamental lighting that they be asked to pay that additional expense.

After the discussion before the Council several weeks ago concerning a change of policy, the subcommittee met to discuss the possibility of reconsidering their recommendation. After careful study it was decided they did not wish to reconsider and their recommendations still stands.

Mr. Gordon said one problem has arisen that could be quite a headache -- the matter of existing ornamental standards that need replacing. The question has arisen, if the City replaces these poles does that mean wooden poles will replace the ornamental standards? The subcommittee considered this very carefully and agreed that if these standards needed replacing on arterial streets, wooden poles would be put in at the City's expense; if the people wished the underground wiring and ornamental poles they would have to pay the additional cost. If it were not an arterial the people would pay most of the cost. Mr. Gordon reaffirmed the policy of the City with reference to participation in Local Improvement Districts formed for the installation of residential street lighting:

1. One modern light on existing wood pole at an intersection with overhead wiring.
The assessment of the property owners shall be established at the rate of 30 cents per front foot along the street served.
2. Complete modern lighting on existing wood pole with overhead wiring.
The assessment of the abutting property owners shall be established at the rate of \$1.00 per front foot along the street served.

3. Complete modern lighting on properly spaced ornamental standards with underground wiring.
The assessment of the property owners shall be established at the rate of \$2.20 per front foot along the street served.

Dr. Humiston said as far as he was concerned he completely agreed with the present policy as recommended by the Street Lighting Subcommittee.

Roll call was then taken on Ordinance No. 16398, resulting as follows:

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

Mr. Anderson said to clarify the situation as to the policy in the Street Lighting Program, he moved that the City continue to follow the policy as recommended by the Citizen's Committee. Seconded by Dr. Humiston.

Mr. Anderson said in connection with this, the Citizen's Committee prepared a booklet explaining the Street Lighting Program and he felt it would be very helpful if they were available to those interested.

Mr. Gordon said members of the subcommittee would be glad to appear before any L I D Meeting to explain the problem to the public, if they wished.

Vote was then taken on Mr. Anderson's motion to continue the City's present policy in the Street Lighting Program. Roll call: Ayes 8; Nays 0; Absent 1, Bratrud.

UNFINISHED BUSINESS:

The Director of Public Works presents the assessment roll for the cost of the improvement of L I D 6754 for street lighting on wooden poles on Hawthorne, Howard, Oxford, MacArthur and Meyers Streets from 6th Avenue to So. 12th and Geiger from So. 8th to So. 12th Streets. 44.350
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Mr. Rowlands explained since Monday, September 7, 1959 is a holiday the Council Meeting would be held Tuesday, September 8th and also that is the regular meeting of the L I D Committee. He suggested that the L. I. D. meeting be held on September 9th, Wednesday so as not to conflict with the Council meeting.

Mr. Anderson then moved that September 9th be set as the date of hearing on Assessment roll for L I D 6754. Seconded by Dr. Humiston. Roll call: Ayes 8; Nays 0; Absent 1, Bratrud.

Report from the L I D Committee on L I D 4657 held on July 14, 1959.

It was reviewed that remonstrances filed against the L I D amounted to over 60%, thus according to a previous opinion by the City Attorney, the Council has no jurisdiction after an L I D reaches 60%. Therefore the L I D Committee recommended that the L I D not be created. 166
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Mr. Allan Billette, attorney for property owners in the area, said it is his understanding that there are two ways to proceed with an L I D; either by the petition method or by Resolution of the City Council. In this instance, the petition was filed, after which the City proceeded by the Resolution method. The petition has been examined and has been found to be valid. He explained that his clients requested that, since the petition is valid and the petition method contains no such provision that a 60% protest divest the Council of jurisdiction, he asked that the petition method be used here instead of the Resolution method.

Dr. Humiston said, during his first few years on the Council they had several unpleasant experiences which caused the Council back in 1953 to elect to use the Resolution method for all L I D's. The attorney at that time advised the Council they had the right to proceed in this manner so that a hearing could be held in order that all the property owners would be informed of the project.

Mr. McCormick said the policy has been to use the petition method regardless of the percentage of signatures, not as a petition method but as a basis for the Resolution method. He explained that what Mr. Billette is saying is that this petition meets all the statutory requirements. It is valid with signatures of over 50% of the owners of property involved and was filed with the City Clerk's office. Therefore there is a basis that these petitioners have the right to proceed either on the petition method or not. However, he said, it is within the discretion of the Council on a petition whether or not they wish to ask for an Ordinance to create this L. I. D.

Dr. Humiston moved that the Council recognize the Resolution method in this L I D and that inasmuch as 60% remonstrances were filed against the improvement affirm the recommendation of the L I D Committee that the L I D not be created. Seconded by Mr. Easterday. Roll call: Ayes 8; Nays 0; Absent 1, Bratrud.

Mr. Billette said he was asking the Council to hear the L I D under the petition method.

Dr. Humiston requested an opinion from the City Attorney as to whether or not the Council is obligated to accept a petition L I D in view of the fact they have elected to operate under the Resolution method.

Mr. McCormick said he would have this for Council next week.

Report from Kennedy Engineers for the construction of improvements to the Existing Sewage Treatment Plant.

Mr. Rowlands explained that this report from Kennedy containing recommendations for a priority program for construction of improvements to the existing sewage treatment plant fulfills the requirements of "Phase One" of engineering work authorized by Resolution No. 15739 adopted May 3, 1959.

Mr. Schuster, Director of Public Works Department, said they have studied this report and concur in all of the recommendations except for the construction of 2 acres of drained sludge drying beds at the cost of \$38,000. Their report gives a compromise solution of buying additional land for sludge drying beds which is the method approved by the Public Works Department. He added they hope to get the permission of the Council to continue with "Phase Two" of the work.

Mr. Rowlands pointed out, the letter from Kennedy Engineers stated that their office is prepared to undertake "Phase Two" engineering immediately in cooperation with the engineering firm of Sitts and Hill, Tacoma, a local firm.

Mr. Rowlands said they would like permission to proceed with the project as soon as possible. A resolution has been prepared for action today if this is acceptable to the Council, he added.

Mr. Easterday moved that the Rules be suspended to take up Resolution No. 15818. Seconded by Dr. Humiston. Roll call: Ayes 8; Nays 0; Absent 1, Bratrud.

RESOLUTIONS:

Resolution No. 15818

BY GOERING:

Retaining the firm of Kennedy Engineers to carry on and conduct Phase Two of the Public Works Construction Program in connection with the Sewage Treatment Facilities.

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

Adopted on roll call July 20, 1959
Ayes 8; Nays 0; Absent 1, Bratrud.

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Streets lighted by Bond Issue - Progress Report.
Placed on file.

Personnel Report for the month of June 1959.
Placed on file.

Mr. Rowlands advised the Council members that further investigation was made by the legal office in reference to the new state law setting April 1st as the date of expiration of the terms of office of elected officials. The law states that the Legislature cannot shorten a term of office to which an official has already been elected. Therefore, the April 1st date will not apply to any member of the present Council.

Mr. Rowlands said in connection with the Fire Alarm question, a meeting was held last Friday and a few minor adjustments were made. Everyone that was present at the meeting, with the exception of Mr. Dahl representing A. D. T. was in agreement, he added. 198
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Mr. Rowlands reported that there was to be a meeting at 7:00 P.M., Tuesday July 21, 1959 at the Top of the Ocean for the Urban Renewal and Housing Authority and the Master Builders Group. He asked that any Council member who would be able to attend to notify the Manager's office.

Mr. Rowlands said there has been a change in plans on the tour scheduled for July 29th with the Park Board. This tour will be combined with the Park Board and the Public Works Department and will be conducted Tuesday, July 28 from 10:00 A.M. until 3:00 P.M.

Mr. Rowlands distributed a bulletin from Association of Washington Cities and called the Council's attention to the Regional Meeting, August 12th at The Roosevelt Hotel in Seattle.

Mrs. Goering said she was concerned about the discussion in the Browns Point - Dash Point area in which annexation is contemplated in an effort to obtain services for the area which they do not now have. Annexation is a two-way street, she added, and asked that proposed annexations be studied on the basis of cost and benefit to the City, as well as to the area involved. She said she had not heard how Tacoma would benefit or what it would cost to annex this area. 51:157

Mr. Rowlands said he would compile some data for the Council on the subject.

Mr. Anderson said he felt Chief Fisk and the Tacoma firefighters should be commended for their fine work in fighting the two large Tideflats fires that occurred over the weekend. He added he also felt the auxiliary police and fire department and civil defense should also be commended for their assistance.

Mayor Hanson agreed and added that many young people who volunteered their help had visited his office today at his request and he had thanked them personally for their assistance.

A letter was read from Mr. Walter West of the Better Business bureau commending the Council on the passage of the "itinerant Photographers" Ordinance. He said it has been a protective piece of legislation, as in 1958 the Bureau handled over a thousand complaints but since the enactment of this Ordinance they have handled only 23 complaints.

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There being no further business to come before the meeting, upon motion duly seconded and carried, the meeting was adjourned at 6:40 P.M.

Gene Harrison
President of the City Council

Attest: *Josephine Melton*
City Clerk