

COUNCIL CHAMBER, 7:30 P.M.

Monday, March 31, 1958

Council met in regular session. Present on roll call 7; Stojack, Berdue, Goering, Humiston, Battin, Jensen and Mayor Anderson. Absent 2; Bratrud and Tollefson. Tollefson arrived at 7:35.

Moved by Mr. Stojack, seconded by Mr. Jensen to approve the minutes of the previous meeting, and the reading thereof dispensed with. Motion carried on roll call: Ayes 7; Nays 0; Absent 2, Bratrud and Tollefson.

It was moved by Mr. Stojack to suspend the rules regarding the filing of new matter before the Council. Motion seconded by Mr. Jensen and carried unanimously on roll call.

Mr. Stojack advised that he had a zoning reclassification petition from Chester A. Hogan, requesting property on the N.W. corner of East 40th and Portland Avenue be rezoned from an "R-2" to a "C-1" zone. ✓

Mr. Buehler advised that Mr. Hogan wished to have this petition considered at the next Planning Commission meeting. Inasmuch as 10 days notice is required before a hearing, it was necessary that the petition be presented at tonight's meeting for referral to the Planning Commission for hearing at their next Planning meeting.

Mayor Anderson then requested the petition be referred to the Planning Commission.

RESOLUTIONS:Resolution No. 15263:L I D 5298:By JENSEN:

Fixing Tuesday, May 20, 1958 as date for hearing on LID 5298 for cast iron water mains in North 26th Street from Huson Street to Baltimore St.

Adopted on roll call March 31, 1958
Ayes 8; Nays 0; Absent 1, Bratrud

Resolution No. 15264:By BATTIN:

Awarding contract to Harrison Brothers Company on their bid of \$30,789.54 for replacement of the Fairbanks Street Bridge between East "R" and East "T" Streets with an earth fill, also the relocation of sanitary sewers and the construction of a drainage culvert, constituting W.O. No. 6140.

Adopted on roll call March 31, 1958
Ayes 8; Nays 0; Absent 1, Bratrud

Resolution No. 15265:By GOERING:

Awarding contract to Bona Fide Builders on their bid of \$26,723.00 for construction of new cement concrete sidewalks and replacement of defective walks,

MAR 31 1958

curbs, etc., in various locations throughout the City, constituting W.O. No. 8642.

Adopted on roll call March 31, 1958
Ayes 8; Nays 0; Absent 1, Bratrud

Resolution No. 15266:

By ANDERSON:

Authorizing the proper officers of the City to execute and deliver a local improvement assessment deed to Harry W. and Elaine E. Fleming for property located on Winnifred Street between So. 8th and So. 9th Sts.

Adopted on roll call March 31, 1958
Ayes 8; Nays 0; Absent 1, Bratrud

Resolution No. 15267:

By GOERING:

Transferring property located on No. 30th Street between North Shirley and Pearl Streets to the Department of Public Works, from the Department of Public Utilities, Water Division, in exchange for property located at South 36th and Lawrence Sts.

Adopted on roll call March 31, 1958
Ayes 8; Nays 0; Absent 1, Bratrud

Resolution No. 15268:

By HUMISTON:

Authorizing the proper officers of the City to execute a quit claim deed from the City to the State of Washington, releasing the City's easement for ingress and egress over Sprague Street.

Mr. Rowlands advised that the property covered in this deed is to be used as a part of the freeway and that the State will provide the City with a service road, for access to the gravel pit, located outside the City limits.

Adopted on roll call March 31, 1958
Ayes 8; Nays 0; Absent 1, Bratrud

Resolution No. 15269:

By BRATRUD:

Authorizing the proper officers of the City to execute a lease agreement with Elmer T. Erickson for certain Water Division property located near Kapowsin Lake for a 5 year period at an annual rental of \$100.00 per year.

Mr. Dean Barline, Director of Public Utilities advised that this Resolution is similar to one that was passed last year by the Public Utility Board, and the City Council. The former leasee of the property could not change his insurance to meet the requirements of the City, and one of the other persons involved asked to take over the lease. Mr. Barline advised the property is to be used for pasture land.

Adopted on roll call March 31, 1958
Ayes 8; Nays 0; Absent 1, Bratrud

Resolution No. 15270:

By REQUEST OF STOJACK AND BRATRUD and RE-REQUEST OF BATTIN:

Commending the Citizens' Committee for Tacoma's Future Development for the diligent study and unselfish time and effort involved in the preparation and presentation of the various bond issues to the voters.

Adopted on roll call March 31, 1958
Ayes 8; Nays 0; Absent 1, Bratrud

Resolution No. 15271:

By REQUEST OF STOJACK AND BRATRUD and RE-REQUEST OF BATTIN:

Commending John H. Anderson, Mayor of Tacoma for the unselfish time and effort involved and devoted by him in connection with the raising of the funds and presentation of the various bond issues to the voters.

Adopted on roll call March 31, 1958
Ayes 8; Nays 0; Absent 1, Bratrud

Resolution No. 15272:

By REQUEST OF BATTIN:

Commending the City Manager, David D. Rowlands and all of the members of his staff, and all other employees who worked on the Bond Program favorably approved by the voters of Tacoma, March 11, 1958.

Mayor Anderson advised that he would also like to thank Mr. Dean Barline ~~and~~ Mr. Earl Small and his supervision for all their work in connection with the Bond issue.

Mr. Barline advised he would convey the message to Mr. Small.

Adopted on roll call March 31, 1958
Ayes 8; Nays 0; Absent 1, Bratrud

Resolution No. 15273:

By REQUEST OF BATTIN AND TOLLEFSON:

Commending the Tacoma Clearing House Association, its officers and members for the time, effort and financial aid unselfishly given in connection with the successful passage of the bond propositions.

Adopted on roll call March 31, 1958
Ayes 8; Nays 0; Absent 1, Bratrud

Resolution No. 15274:

By REQUEST OF BATTIN AND TOLLEFSON:

108 MAR 31 1958

Commending the Tacoma Chamber of Commerce, its staff and officers and its membership for their efforts and time unselfishly devoted to the preparation and presentation of information and data and financial aid in connection with the various bond propositions.

Adopted on roll call March 31, 1958
Ayes 8; Nays 0; Absent 1, Bratrud

Resolution No. 15275:

By REQUEST OF STOJACK:

Reinitiating proceedings for reclassification and rezoning property on the north side of South 12th Street from the end of present C-1 District between Junett and Cedar Streets, thence west to 150' west of the west line of Cedar Streets, from an R-3 District to a C-1 District.

Dr. Humiston advised that the Council thoroughly investigated this rezoning several months ago, and he said unless there were new or additional information at this time, he was under the impression the matter was disposed of when Council took action before.

Mr. Stojack stated that he believed there was considerable misunderstanding on this petition. He advised the Planning Commission will be holding a public hearing on the proposed change for filing zoning petitions on Tuesday, April 1st. Last week a member of the group interested in the rezoning, appeared before Council and showed an urgency in resolving this matter, and if Council passes this Resolution and refers the matter to the Planning Commission, he did not know whether their recommendation would be the same or not. In all fairness to the petitioner and the Property Owner involved, it would be in the best interests to pass the Resolution and solve the question one way or the other.

Dr. Battin advised that last week they were advised that the Company had a deadline to meet, and if this deadline had not been met, the "deal" would be off.

Mr. Norton Gordon, of the Investment Exchange Development Corp was present and advised that the owner had agreed that if the Council would initiate proceedings they would stand by a little longer.

Mr. Rowlands advised that if this Resolution is approved tonight it would be returned to the Planning Commission who would conduct a hearing on the petition.

Mr. Buehler advised that there were 3 ways to initiate a rezoning request: One is by Council request (by Resolution). Two, By Planning Commission so moving to reconsider, or by three, Petition of the property owners. The fee, in this particular instance should be waived, as it was paid previously when the other hearing was held and Council denied the previous petition.

Mayor Anderson asked Mr. McCormick if the Council voted to reinstate the request, would the petition be referred back to the Planning Commission.

Mr. McCormick advised that the petition would be referred back to the Planning Commission and it would be heard again the same as an original petition.

Mr. Stojack advised that the Petition had been presented to the Planning Commission before and they felt as long as Council turned it down previously the Council should be the one to reinstate the petition.

Mr. Perdue stated that in his opinion it appears that the Planning Commission is unwilling to initiate the petition. He added that if the Planning Commission believes it has value, they should reinitiate it as long as they have the power to do so.

Roll was called on the Resolution resulting as follows: Ayes 4;
Nays 4; Battin, Goering, Humiston and Perdue; Absent 1, Bratrud.

Resolution No. 15276:

By BATTIN:

Authorizing the Director of Finance to proceed with sale of Water Bonds of 1954, Series "E", bonds numbered one through five hundred.

Mr. Barline, Director of Utilities was asked to explain the purpose of this sale. He advised that in 1954 the City Council authorized the issuance of \$5,000,000.00 in Bonds in 5 series of \$1,000,000.00 each. In 1954 and 1955 four series of the bonds were issued and were used primarily for construction of the McMillan and Portland Avenue reservoirs and the metering program throughout the City.

He explained that there are a number of items the Utility Department desires should be done with the last series, but he said it is not necessary that the whole series be issued and sold at this time and recommended that \$500,000 be sold now. The money, he said, will be used mainly for the rehabilitation of the well pier at the Green River crossing at a cost of \$60,000.00; reconstruction of the McMillan Reservoir spillway costing \$240,000.00; Reconstruction of one of the tunnels on the Green River Supply line, which is scheduled for 1959, and estimated to cost \$90,000; and a well-house for the new well recently installed, this is to cost approximately \$35,000.00.

Adopted on roll call March 31, 1958
Ayes 8; Nays 0; Absent 1, Bratrud

Resolution No. 15277:

By REQUEST OF TOLLEFSON:

Urging and requesting the House Ways and Means Committee and the Senators and Representatives representing the citizens of Tacoma to do all things possible to effect the passage of legislation broadening the market for State and Local securities.

Adopted on roll call March 31, 1958
Ayes 8; Nays 0; Absent 1, Bratrud

Resolution No. 15278:

By REQUEST OF ANDERSON:

Urging and requesting the Senators and Representatives representing the citizens of Tacoma and members of the committees before which HR.11566 and S.3502 will be heard, to do all things possible to effect passage of bills providing for additional funds which can be allocated to Tacoma for acquisition and construction of its airport.

Dr. Humiston requested Mayor Anderson to contact the Port Commission and ask that they pass a Resolution similar to our Resolution No. 15278 regarding the airport.

Adopted on roll call March 31, 1958
Ayes 8; Nays 0; Absent 1, Bratrud

FIRST READING OF ORDINANCES:

Ordinance No. 16077:

Amending Chapter 6.70 of the Official Code of the City, relating to the Utilities Gross Earnings Tax.

Mr. Rowlands advised that the City Attorney had revised Section 6.70.011 regarding Gross Earnings Defined, and asked that the new paragraph be substituted.

It was moved by Mr. Stojack, seconded by Mr. Tollefson, that Section 6.70 of the Ordinance as filed be amended to read as follows:

"Section 1. That Chapter 6.70 of the Official Code of the City of Tacoma, Washington, be and the same is hereby amended to include a new section to be known as Section 6.70.011 to read as follows:

6.70.011. GROSS EARNINGS DEFINED. That the term "gross earnings" as used in this chapter shall be defined as moneys received from the sale of water and electric energy and for providing garbage and refuse services and sewer services, less moneys received from any department, division or fund of the City of Tacoma, for such sales made or services rendered thereto, and less amounts received from interchange settlements under agreements as provided by ordinance and sales of surplus or dump energy to generating electric utilities: PROVIDED, that all other moneys, revenues, or income received or earned by any utility of the City, not hereinabove defined as "gross earnings", shall be exempt from the taxes imposed under the provisions of this chapter." Motion carried, Ayes 8; Nays 0; Absent 1 Bratrud. The ordinance was read by title and placed in order of final reading.

Ordinance No. 16078:

Amending the Official Code of the City of Tacoma, by adding 5 new Sections, designated as Sections 1.12.650, 1.12.660, 1.12.670, 1.12.680, and 1.12.690, pertaining to a suggestion award program for General Government employees.

Mr. Rowlands advised that \$1500.00 had been appropriated in the 1958 budget for this purpose. The Personnel Department has reviewed several plans for the award program and it was believed that this was the most equitable one to encourage participation by the employees. Read by title and placed in order of final reading.

Ordinance No. 16079:

Providing for the establishment of hours for the Mayor and increasing and establishing the salary for said Mayor.

Dr. Humiston advised that this same Ordinance had been discussed approximately a year ago, and at that time he asked the City Attorney to make a search as to the precedent of establishing hours within Washington State Law. He reported that the State Constitution or statutes that set up the duties of the various elected officials, does not state the hours they must spend each day, week, month or year. He said they have certain duties that are assigned to them according to the Constitution and Statutes, and for us to set a precedent would be very unusual. Read by title and placed in order of final reading.

FINAL READING OF ORDINANCES:**Ordinance No. 16072:**

Creating in the Treasury of the City of Tacoma a special fund to be known as the General Street and Bridge Improvement Construction Fund of 1958; specifying the purpose for which said fund is created; providing for the deposit therein of the proceeds of the sale of \$3,923,000 of Bonds to be issued by the City as authorized by vote of the people at the general municipal election held on Tuesday, March 11, 1958.

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

Ordinance No. 16073:

Creating in the Treasury of the City of Tacoma a special fund to be known as the Storm Drain and Storm Sewer Construction Fund of 1958; specifying the purpose for which such fund is created; providing for the deposit therein of the proceeds of the sale of \$2,775,000 of bonds to be issued by the City of Tacoma authorized by the vote of the people at the general municipal election held on Tuesday, March 11, 1958.

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

Ordinance No. 16074:

Creating in the Treasury of the City of Tacoma a special fund to be known as the Street Lighting Construction Fund of 1958; specifying the purpose for which said fund is created; providing for the deposit therein of the proceeds of the sale of \$1,040,000 of bonds to be issued by the City of Tacoma as authorized by the vote of the people at the general municipal election held on Tuesday, March 11, 1958.

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

Ordinance No. 16075:

Creating in the Treasury of the City of Tacoma a special fund to be known as the Public Buildings Construction Fund of 1958; specifying the purpose for which said fund is created; providing for the deposit therein of the proceeds of the sale of \$148,000 of bonds to be issued by the City of Tacoma as authorized by the vote of the people at the General Municipal election held Tuesday, March 11, 1958.

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

Ordinance No. 16076:

Amending the Official Code of the City of Tacoma relating to licenses and taxes and by adding 5 new sections to be known as Sections 6.68.055, 6.68.057, 6.68.345, 6.68.375, and 6.68.445.

MAR 31 1958

Mr. Rowlands presented to each Council member a suggested amendment to Sec. 6.68.250 which pertains to "Business Within and Without City Apportionment". He advised that in reviewing this section with the staff, they feel it should be amended.

Mr. Gaisford advised that this ordinance actually brings our Business and Occupation Tax Ordinance in conformity to the State Act, so that the tax payers would report practically the same way to the City as to the State, and that it is clearer to the taxpayer. And, he added, penalties have been imposed for late filing that are comparable to the State.

Dr. Humiston asked what extent representative businesses taxed would be altered by this amendment and if they are aware of the fact that we are amending the Ordinance.

Mr. Rowlands advised that no one would be affected by this change, only in the amount of interest to be paid for extension of time.

Dr. Humiston then moved that Section 13 of the Ordinance as filed be amended to read as follows:

"Section 13. That Section 6.68.250 of the Official Code of the City of Tacoma, Washington, be and the same is hereby amended to read as follows:

6.68.250. BUSINESS WITHIN AND WITHOUT CITY APPORTIONMENT. Any person rendering services and maintaining places of business both within and without this City shall, for the purpose of computing tax liability under this section, apportion to this City that portion of his gross income which is derived from services rendered within this City. Where such apportionment cannot be accurately made by separate accounting methods, the taxpayer shall apportion to this city that proportion of his total income which the cost of doing business within the City bears to the total cost of doing business both within and without the City."

Motion seconded by Mr. Perdue. Motion carried unanimously. Roll was then called on the Ordinance resulting as follows:

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

UNFINISHED BUSINESS:

Mayor Anderson, submitting report as requested at last week's meeting to appoint committee to work with the City Manager relative to a possible negotiated purchase of the Tacoma Transit Company, and appointing Dr. Humiston, Mr. Jensen and Mr. Stojack as members of this committee. The committee will appoint their own chairman.

NEW BUSINESS:

Receipt and Distribution of 1957 Annual Report for the City of Tacoma.

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

- X Belt Line Division - Monthly Financial Report, dated Feb. 28, 1958.
- X Light Division - Monthly Financial Report, dated January 31, 1958.
- X Water Division - Monthly Financial Report, dated February 28, 1958.

Dr. Battin asked City Manager, David Rowlands what has been done regarding the several extra telephones leading into a "bookie joint" on Commerce Street.

131

Mr. Rowlands advised that action was taken by the Chief of Police and the phones have been removed. He added that he did not have all of the details with him but that he would see that a report is submitted to the Council Members. X
112

Dr. Battin then asked Mayor Anderson what had been done regarding the "Code of Ethics." 102

Mayor Anderson advised that each adult person should have their own Code of Ethics, within themselves. He said it is not necessary to put it in writing and if we conduct ourselves as ladies and gentlemen, we do not need a "Code of Ethics."

Mayor Anderson advised that the Retirement Board desired to meet with the members of the City Council any day next week. It was suggested that the meeting be held next Monday, April 7th at 4 P.M. in the Council Chambers.

Mr. Gaisford, a member of the Retirement Board was instructed to convey this information to the Board.

Mayor Anderson reminded the Council that Tuesday April 1st at 4 P.M. the meeting to present the awards to the Committee for Tacoma's Future Development will be held in the Utilities Building Auditorium and urged all the Council Members to be present. 104

CITY MANAGERS COMMENTS:

Mr. Rowlands advised Council Members that additional copies of the Annual Report were available and could be obtained from his office. 112

Mayor Anderson requested copies be sent to the Mayors Office for distribution.

Mr. Rowlands advised that the Annual Convention of the Association of Washington Cities, is to be held May 21, 22 and 23rd in the Davenport Hotel in Spokane. He asked that Council Members advise him if they wished to have rooms reserved.

Council then adjourned at 8:35 P.M.

John H. Anderson
President of City Council

Attest:

Franco J. Kutzhall
Acting City Clerk