

DEC 14 1959

Council Chambers, 4:00 P. M.
Monday, December 14, 1959

Council met in regular session. Present on roll call 7: Anderson, Bratrud, Easterday, Humiston, Porter, Price and Mayor Hanson. Absent 2, Goering and Perdue. Mrs. Goering and Mr. Perdue both coming in at 4:05 p. m.

It was moved by Mr. Easterday that the minutes of the meeting of December 7, 1959 be approved as submitted. Seconded by Mr. Bratrud. Voice vote was taken on the motion, resulting as follows: Ayes 7; Nays 0; Absent 2, Goering, Perdue

Dr. Humiston said as he would not be able to remain until the end of the meeting, he would like to submit two items at this time. One was the Annual Report issued by Osaka, Japan, the City in which the Mayor's Conference was held. Since the report contained interesting information, he turned it over to Mr. Rowlands City Manager. 385

He also had a letter from the United States Information Service containing valuable information regarding the Tacoma House for the Kokura Fair, which was in answer to his request on how the fair might operate. It was pointed out that the Tacoma House will be refurnished and landscaped and will be fully equipped with electricity and there will be adequate interior lines to cover normal lighting needs. The cost of additional interior lighting will be borne by the City of Tacoma.

They expect approximately one million people to attend this fair during the two months run. During the day three people will be provided to act as hosts and guides for the Tacoma exhibit and also have promised night duty guards at their expense. Willingness was expressed to assist in any way possible regarding further information.

Mrs. Goering and Mr. Perdue coming in at this time.

HEARINGS AND APPEALS:

This is the date set for hearing on the petition of the Tacoma Freeway Mart, Inc., for the vacation of South 44th, 45th, 46th Streets from State to Five; South Steele from 43rd to 47th; South Prospect from 43rd to the alley and between South 46th and 47th from Prospect to Montclair Addition. 356

Mayor Hanson explained that this vacation is in keeping with the previous approval given by the City Council for the zoning of the Freeway Mart location. The Planning Commission has recommended their approval of the vacation. He asked if there were anyone present objecting to the vacation.

Dr. Humiston said during previous discussions on this matter, he raised a question of having the various elements of this rezoning conditioned on the ability of the Freeway Mart, Inc., to finance this project to the extent that there definitely will be a shopping center at this location.

If an Ordinance is drawn to effect this vacation it should contain the language "that no work should be started until it was assured it could be completed, or at least some percentage of it in an approximate time of 2 years." Then if

this were not accomplished, the zoning would revert to its former status. He asked if any Ordinance had been passed as yet concerning this rezoning.

Mr. Buehler, Planning Director explained that the Ordinances for the rezoning and the vacation of these streets are to be submitted together after the Council acts on this petition. He explained there was a financial clause that was added to the zoning ordinance when last amended which is the only financial responsibility in the contractual agreement, which states that any financial responsibility of the developer for work to be done on City streets, or giving access to the Shopping Center, may be subject to a contractual agreement between the developer and the City.

Dr. Humiston said he is aware of what Mr. Buehler has just explained, however, he felt that this does not prevent the Council from approving the rezoning and vacating the streets, etc., dependent on certain other performances.

Mr. McCormick, City Attorney, said he did not believe a vacation ordinance could be passed conditioned upon certain events. There is no provision in the State Law regarding the vacation of streets for the reservation of any rights except for easements etc., for public utilities. He added this might possibly be done in the rezoning Ordinance, but not in the vacation Ordinance.

Mr. Buehler added, regardless of the outcome of this rezoning, the streets in this area should be vacated. The streets are platted and are not in conformity with the rest of the area. He added that Dr. Humiston's remarks will bear further investigation in reference to the zoning Ordinance and he would like to study this further and take this up with the Attorney before any conclusions on the financial responsibility clause is determined.

Mayor Hanson said many discussions were previously held on this subject of financial responsibility and he had thought the matter settled. Does this mean then that the Tacoma Freeway Marthas to experience further delay because of this? He suggested the Planning Department work to obtain the agreement contemplated by the Ordinance and then present it to the Council for their action.

Mr. Buehler said the present area to be vacated is for 35 acres which was decided upon between the Commission and the developers for their center. This approval was recommended subject to dedication of right-of-way to the City for street purposes.

The zoning ordinance provides that the developer must enter into an agreement with the City covering necessary street improvements, utility installations before a building permit for the construction of the center can be issued. The Council will have to approve this contractual agreement. The ordinance also provides that the developers have 2 years to start the project with a one year extension. The Planning Commission is the only authority for issuing a one-year extension, he added.

Dr. Humiston moved that the proper Ordinance be brought in for next week to effect these street vacations subject to the dedication of right-of-way to the City for street purposes. Motion seconded by Mr. Porter. Voice vote was called on the motion, resulting as follows: Ayes 9; Nays 0; Absent 0.

RESOLUTIONS:

Resolution No. 15955;

By Hanson:

Fixing Tuesday, January 12, 1960 at 4:00 P. M. as the date for

hearing on L I D No. 4657 for permanent type pavement, including concrete curbs gutters and storm catch basins on South D Street from South 70th to South 72nd Street.

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

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

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 15956:

By BRATRUD:

Fixing January 11, 1960 at 4:00 P. M. as the date for hearing on the construction and reconstruction of sidewalks in various parts of the City. 448

It was moved by Mr. Easterday that the resolution be adopted.

Seconded by Dr. Humiston.

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

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 15957:

By Easterday:

Fixing Monday, January 18, 1960 at 4:00 P. M. as the date for hearing on the vacation of portions of streets and alleys bounded by North 17th, North 23rd, between Mildred and Frace Streets. 461

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

Seconded by Mr. Perdue.

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

Ayes 9; Nays 0; Absent 0.

The Resolution was declared adopted by the Chairman.

Resolution No. 15958:

By Price:

Awarding contract to Harmon's Service for the annual supply of tires and tubes for the calendar year 1960 in the total estimated amount of \$3,906.03 for passenger tires and \$4,600.30 for truck tires.

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

Seconded by Mr. Perdue.

Mr. Rowlands said Harmons service is a local firm, and was low on both the truck and passenger tires.

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

Ayes 9; Nays 0; Absent 0.

The Resolutin was then declared adopted by the Chairman.

Resolution No. 15959:**By Bratrud:**

Awarding contract to Montgomery Motorcycle Company for the purchase of 17 solo motorcycles for the sum of \$26,617.75 plus sales tax, less trade-in allowance of \$5,925.00 making a net bid of \$20,692.75 plus sales tax.

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

Mr. Rowlands said it takes about 3 months for the delivery of the motorcycles and that is the reason they are now being ordered. Some \$20,000 has been budgeted for this purchase, he added.

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

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman

Resolution No. 15960:**By Bratrud:**

Authorizing the sale of 15,000 lbs of junk copper wire to the Tacoma Junk Company on their bid of \$.1961 per lb, and for their bid on insulated wire at \$.2870 per lb. which was determined to be the highest and best bid.

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

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

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 15961:**By Easterday:**

Authorizing and directing the proper officers of the City to execute a lease of City property to Robert McCullough and William McCullough for the storing of lumber in connection with their sawmill operation for a five year period at the rate of \$100.00 per year.

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

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

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 15962:**By Price:**

Authorizing the proper officers of the City to execute an agreement and lease between the City of Tacoma and Allied Arts of Tacoma, Inc., for the use of the Public Safety Building.

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

Mr. Rowlands said this agreement with Allied Artater was discussed with the Council a few months ago. The Weyerhaeuser Timber Company will be making a considerable contribution to the Allied Arts Building contingent on certain conditions already discussed.

Mr. M. Johnson of the Allied Arts of Tacoma, Inc., said they are well on their way of accomplishing their job.

Mayor Hanson said this Art Center would be a welcome addition to the City, and asked Mr. Johnson if his group was satisfied that this Resolution gives them sufficient assurance that the work can be accomplished.

Mr. Johnson said it was very satisfactory.

Mr. Rowlands said this Resolution should be amended on page 3 by inserting the date, "20th day" in the blank space provided in point 7 (a).

Mr. Bratrud asked if there was sufficient funds in the budget for this agreement.

Mr. Rowlands replied there was an approximate amount of \$2,500 set up.

Mrs. Price moved to amend the Resolution by inserting the date "20th" day in the blank space provided in point 7 (a). Seconded by Porter. Motion Voice vote was called on the motion, resulting as follows: Ayes 9; Nays 0; Absent 0.

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

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 15963:**By Humiston:**

Commending Councilman John H. Anderson for his efforts as General Chairman of the 1959 United Good Neighbor Fund Campaign on attaining 102.1% of the established quota. 402

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

Mayor Hanson said this was a fine accomplishment for the City of

of Tacoma which indicates a fine responsible attitude taken by the people.

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

Ayes 9; Nays 0; Absent 0.

The Resolution was declared adopted by the Chairman.

Resolution No. 15964:

By Easterday:

Authorizing the proper officers of the City to execute a permit in reference to sewer crossings of the Northern Pacific Railway Company's right of way near the intersections of East "Q", East "T" and Hesmer Streets.

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

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

Ayes 9; Nays 0; Absent 0.

The Resolution was declared adopted by the Chairman.

Resolution No. 15965:

By Goering:

Requesting the Director of Labor and Industries of the State of Washington to immediately take all steps necessary to establish a separate classification or sub-classification for cities having a population over 150,000. (pertaining to State Workmen's Compensation Laws - Industrial Insurance).

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

Mr. Rowlands explained that the three largest cities in the State, Seattle, Spokane and Tacoma are concerned over the excess charges made on the workmen's compensation premiums. He distributed data covering July 1, 1958 through June 30, 1959 with five years average of claims, and explained that during the fiscal year ending June 30, 1959, Tacoma paid industrial insurance premiums totaling \$92,291.40 which is 148% in excess of the average of the City's claims over the past 5 years.

He said it is felt that Tacoma, with its' favorable accident experience and its civil service program, is grouped with small municipalities and rural counties for the purpose of assignment of workmen's compensation premiums.

Last week, the City of Seattle passed a similar Resolution. He asked that it be noted that the Resolution also provides that the premiums or rate shall in no event exceed those presently paid by Tacoma.

Mr. Rowlands said, in trying to effect economy he thought this is one area where Tacoma should be given more consideration.

Mayor Hanson said according to the data sheet, during the 5 year period, Tacoma has paid approximately \$275,000 more than has been paid out in claims.

Mr. Easterday asked if the possibility of receiving credit for the over payment has been explored.

Mr. Rowlands said this matter is being investigated. A meeting has been held with the State Officials where Stan Bixel, Personnel Director was present. Mr. Bixel said he was asked to attend this meeting in Olympia with the Department of Labor and Industries, together with representatives from Seattle and Spokane. The Department was asked primarily what happened to all the money paid in. Seattle said they paid in over one million dollars and received about 38% back. Some explanation was given that 10% went for administration and that frankly Tacoma and Seattle was carrying the load for other jurisdictions.

Mr. Rowlands said this Resolution is the initial step in opening up the possibility of Mr. Easterday's suggestion.

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

Ayes 9; Nays 0; Absent 0.

The Resolution was declared adopted by the Chairman.

FIRST 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 of the Tacoma Library for the year 1959. Read by title and placed in order of final reading.

Ordinance No. 16475:

Vacating the streets and alleys in the area bounded by South 58th, South 60th, Adams Street and the Pacific Traction Company right of way. (Mt. Tahoma High School Site). Read by title and placed in order of final reading. 270

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.

Mr. Dean Barline, Director of Utilities said this is primarily for the purpose of fixing the rates to conform with that which is being paid by the Bonneville Power Administration, as set forth in their contract.

The Ordinance was then placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 16477:

Amending Chapter 12.06 of the Official Code of the City by adding a new section 12.06.233 relating to a surcharge to contract power rates for major industrial users. Read by title.

Mr. Rowlands said a correction should be made on page one in the fifth paragraph, the date of December 31, 1960 should be changed to December 31, 1959.

Dr. Humiston then moved that the Ordinance be amended by changing the date of December 31, 1960 in the fifth paragraph on page 1 to December 31, 1959. Motion seconded by Mr. Anderson.

Voice vote was called on the motion, resulting as follows: Ayes 9 Nays 0; Absent 0.

Mr. Barline explained that this Ordinance applies to the six large industrial power users - St. Regis, Paper Company, West Tacoma Newsprint Co., Ohio Ferro Alloy Corporation, Hooker Electrical Chemical Corporation, Pennsalt of Washington Division, and American Smelting and Refining Company. Rates are established with these customers by long range contracts. Rate studies currently being made indicate a general upward revision of rates to be charged to customers which is necessary by reason of increased costs of operation of the Light Division. It is also contemplated that upon completion of these rate studies the Public Utility Board will recommend the passage of an Ordinance establishing rates to be charged to all electrical energy customers of the City.

Contracts with these major industrial power users provide that the next rate adjustment date is January 1, 1960 and after this date no new rate can be made effective until the next subsequent rate adjustment which is 3 1/2 years.

Since the rate studies are not yet completed an extension date was requested of these six major power users. One company refused, consequently it made necessary the passage of this Ordinance which imposes a surcharge on this class of customers effective December 31, 1959 to remain in force until such time as the new rate schedule is effective. The figure of 7 1/2% of the monthly billing has been established in this Ordinance. Mr. Bratrud asked if this 7 1/2% increase tied in with the increase rate being studied now?

Mr. Barline explained that approximately three months ago the Utility Board asked that a 7% raise be imposed. The rate study is almost completed and would probably be ready for introduction to the Council shortly. The rates will vary between 6% and 10% and the average is around 7 1/2%. The overall raise in rates will bring an additional \$800,000 revenue to Utilities, \$200,000 of which will come from this increase to the six major industries.

Mr. Bratrud asked if the Light Department would go in the "red" next year without a general increase.

Mr. J. D. Ferguson, Light Superintendent, said that the Utility Department can no longer afford to absorb the rising costs of labor, material and power and still have sufficient funds for normal plant expansions and replacements. Without the increase, he added, Utility customers can not be properly served.

Mr. Bratrud said he thought this was unfair to make the Ordinance an emergency, as he thought perhaps the Council Members would like to speak with the representatives of the six Major Industries before passing the Ordinance.

Mr. Barline explained that since January 1st is the deadline for a rate adjustment and one of the six companies refused to extend the date, it was felt that to follow the normal Ordinance procedure of two readings, publication and a 10 day waiting period would be impossible.

Roll call on the Ordinance resulted as follows:

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

Dr. Humiston leaving at this time.

Ordinance No. 16449: (Postponed from November 16, 1959)

Amending Section 6.64.050 (b) of the Official Code of the City in reference to Occupations Subject to Tax - increasing the Occupation tax on persons engaged in the distribution of natural gas from 2% to 3% per annum, effective January 1, 1960. Read by title and passed. 349

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

Ordinance No. 16468:

Appropriating \$12,750.00 from the General Fund for the purpose of purchasing and acquiring miscellaneous fire fighting equipment. Read by title and passed.

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

Ordinance No. 16469:

Amending the Official Code of the City relating to zoning by amending Section 13.06.325. (R-4-L Low Density Multiple-Family Dwelling District. Read by title and passed.

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

Ordinance No. 16470:

Authorizing the issuance and sale of General Obligation Bonds of the City in the sum not to exceed \$250,000.00 for the purpose of providing additional funds to construct an Athletic and Recreational Field. Read by title. 397

Mr. Rowlands explained that in order to get the best bids possible, Mr. Mills, Architect for the construction of the field, has requested that the bid opening be postponed until Friday, December 18, 1959, therefore, the information will not be available for the Council until next Monday, and requested that the Ordinance be postponed until that date.

It was then moved by Mr. Anderson that Ordinance No. 16470 be postponed for one week until December 21, 1959. Seconded by Mr. Bratrud. Motion carried unanimously on voice vote. Ayes 8; Nays 0; Absent 1, Humiston.

Ordinance No. 16471:

Approving and confirming the assessment roll for L I D 4639 for permanent type concrete paving, curbs, gutters and storm drains on South K Street from South 39th to 43rd and 45th to 50th; So. Tacoma Avenue from So. 72nd to South 74th; South 58th from Fawcett Avenue to South D; Sheridan Avenue from South 35th to South 39th and South 39th from L to M Streets. Read by title and passed. 352

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

Ordinance No. 16472:

353
 Approving and confirming the assessment roll for L I D 4654 for grading to the established grade and placing thereon a gravel ballast including concrete curbs, gutters, storm water catch basins and necessary storm drainage on South 37th Street from Hosmer Street to Ainsworth Avenue; South Wilkeson Street from South 37th to South 38th; also concrete curb and gutter on the east side of South Hosmer Street from South 37th to 75 feet south. Read by title and passed.

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

Ordinance No. 16473:

555
 Providing for the improvement of L I D 6770 for modern street lights on existing wood poles on North Highland and North Winnifred from North 26th to North 30th; North 14th from Orchard to Pearl; South Ferdinand from South 14th to South 16th; South Mullen from South 16th to 120 feet south of South 18th; and South Firlands Drive from South 16th to South 18th. Streets. Read by title and passed.

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

UNFINISHED BUSINESS:

The Director of Utilities and Director of Public Works presents the following Assessment Rolls for hearing:

101
 469
L I D 2296 for grading and graveling on Darien Drive from North 46th to North Frace and North Frace from Darien Drive to North 46th Street.

64
 475
L I D 4635 for resurfacing with asphaltic concrete on Court C from South 7th to St. Helens Avenue and from South 9th to South 13th Street.

It was moved by Mr. Perdue that January 12, 1960 be fixed as the date for hearing. Motion seconded by Mr. Anderson. Voice vote was called on the motion, resulting as follows: Ayes 8; Nays 0; Absent 1, Humiston.

L I D 5304: for cast iron water mains in Scenic Drive from Beverly Avenue to end of Cul-de-sac; in Bayview Drive from Scenic Drive to Panorama Drive.

It was moved by Mr. Perdue that February 9, 1960 be fixed as the date for hearing. Motion seconded by Mr. Anderson. Voice vote was called on the motion, resulting as follows: Ayes 8; Nays 0; Absent 1, Humiston.

ITEMS FOR FILING IN THE OFFICE OF THE CITY CLERK

Report from the Fire Department for November, 1959.

Report from the Municipal Court for November, 1959

Report from the Tacoma Police Department for November, 1959.

COMMENTS:

Mayor Hanson informed the Council that Mrs. Gerald Longstreth ⁴¹⁶ has resigned from the Housing Authority Commission, and he would like to submit the name of Rev. Carl Mau as her replacement for the term ending August 16, 1961. Mayor Hanson said that Rev. Mau of the Lutheran Memorial Church is well qualified for the position. He has been quite active in the Relocation Advisory Committee and should prove valuable in this position.

Mrs. Goering and Mr. Perdue expressed their approval of Rev. Mau, as a replacement.

Mr. Anderson then moved to suspend the rules to consider Resolution No. 15966 at this time. Motion seconded by Mr. Porter. Voice vote was taken on the motion, resulting as follows: Ayes 8; Nays 0; Absent 1, Humiston.

RESOLUTIONS:

Resolution No. 15966:

By Porter:

Appointing Rev. Carl Mau as a member of the Housing Authority Commission to fill the unexpired term of Mrs. Gerald Longstreth which expires on August 16, 1961.

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

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

Ayes 8; Nays 0; Absent 1, Humiston.

The Resolution was then declared adopted by the Chairman.

COMMENTS:

Mayor Hanson said he had received a telegram in answer to the City's request that the Northern Pacific Railroad continue to maintain their South Tacoma Shop. The telegram said some repair work on damaged local equipment would be done in the South Tacoma location. He said it is encouraging to have received some reply.

Mr. Easterday said he has been checking with the State of Colorado ³⁷¹ regarding the financing of tunnels. He said many tunnels have been financed and constructed in Colorado by the formation of several Counties or areas joining together. He advised that he has sent for a copy of the State Statutes which may give them some light on how the Naches Tunnel might be achieved. Possibly, he said, several counties, such as Pierce, King, Yakima might join together in this effort.

There being no further business to come before the meeting, upon motion duly seconded and passed, the meeting was adjourned at 5:35 p. m.

Attest:

Carl Mau

Ben Hanson

Mayor of the City Council