

Council Chambers, 4:00 P. M.
Monday, May 4, 1959.

Council met in regular session. Present on roll call 7; Anderson, Bratrud, Easterday, Perdue, Porter, Price and Mayor Hanson. Absent on roll call 2; Humiston and Goering. Mrs. Goering coming in at 4:15.

It was moved by Mr. Perdue that the minutes of the meeting of April 27th, 1959 be approved as submitted. Seconded by Mr. Easterday. Roll call: Ayes 7; Nays 0; Absent 2, Humiston and Goering.

PETITIONS:

Petition from Byron E. Anderson for the rezoning of property on Jackson Avenue between Leif Erickson Drive and 19th Street from an R-1 District to an R-3 District.

Referred to the Planning Commission:

RESOLUTIONS:

Resolution No. 15735:

By Hanson:

Awarding contract to the International Harvester Company for the furnishing of 17 Truck Chassis for the sum of \$113,089.27 plus sales tax, less trade-in allowance for 17 used truck chassis in the amount of \$8,500.00 making a net bid in the sum of \$109,112.84 plus sales tax.

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

Mr. John Binns, Attorney representing the Diamond T Trucks, said the deposit submitted by the International Harvester Company with their bid was insufficient and not in accordance with the call for bids. The advertisement for bids reads in the third paragraph, "that each bid must be accompanied by a certified check for 5% of the amount of the proposal." It also states in the City Code, Section 1.06.257 that "Each bidder shall make a deposit in the form of a certified check or bid bond in an amount equal to not less than 5% of the total bid." The International Harvester Company submitted a bond for \$5,460., only to 5% of the net total. Mr. Binns explained that it seemed in all fairness that the proper course was, since the International Harvester Company failed to meet the bond requirement, that the Diamond T. Trucks, Inc., bid should be accepted, or that all the bids should be thrown out and another date be set for submitting bids.

Mr. Rowlands, City Manager, said the City Attorney, Mr. McCormick, had made an attempt to meet with Mr. Binns on this matter, but had been unable to arrange such a meeting. Therefore, he asked Mr. McCormick to give his interpretation of this matter.

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Mr. McCormick said they do not agree with Mr. Binns on this matter. Mr. Hamilton, Assistant City Attorney, has checked into this quite thoroughly and was prepared to report on his findings.

Mr. Hamilton explained that Mr. Binns was correct in saying that the International Harvester Companies bid bond was 5% of the net total rather than the total amount but, it was the Legal Department's opinion that this did not mean that the Council was not in a position to accept this particular bid and make the award. He said the Security Bond is for the benefit of the City and the law seems clear that the City may, if it chooses, waive that irregularity and award the contract to the apparent low bidder. A similar case arose in 1953 when Mr. Boyle, the City Attorney at that time, ruled that the Council could waive such an irregularity and award the contract to the low bidder if they so desired. Mr. Hamilton said that while a shortage in the bid bond was a basis for disqualifying a bid it was not mandatory to do so. Therefore, he said it was the opinion of the Legal Department that if the Council so desired, it can accept the award as recommended.

Mr. Rowlands pointed out to Council that this particular low bid was \$554.00 less per truck than those awarded in 1957. The overall bid is extremely attractive, he added.

Vote was then taken on the Resolution.

Adopted on roll call May 4, 1959
Ayes 8; Nays 0; Absent 1, Humiston.

Mayor Hanson said since there were many people present who were interested in Resolution No. 15740, he requested Council's permission to consider it at this time.

It was moved by Mr. Bratrud, seconded by Mr. Easterday to suspend the Rules of the Council pertaining to the Order of Business, in order to consider Resolution No. 15740 at this time. Motion carried. Ayes 8; Nays 0; Absent 1, Humiston.

Resolution No. 15740:

By Price:

Requesting the Planning Commission to hold a hearing on the application of the Tacoma Youth Center Organization for a permit for the use of Fire Station No. 3 at North 13th and J Streets for a recreational youth center.

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It was moved by Mr. Easterday to adopt the Resolution, seconded by Mr. Bratrud.

Mr. Rowlands said copies of information submitted by Mrs. Gellenback, Student Advisor of the Y. Y. C. O. for the use of the abandoned fire station, if the proposal is approved, together with three or four testimonial letters from various organizations supporting this site were submitted to the Council. The Resolution sets up that a hearing be held by the Planning Commission before such a permit can be granted.

Mrs. Gellenback introduced several teen-age members of the T. Y. C. O. who presented their views on the desirability of using the abandoned fire station for a Youth Center.

Mr. Easterday suggested that the students appear before the Planning Commission at their hearing which is to be held at a later date.

Mr. Lionel Schmitt, representing the parents of the T. Y. C. O. members, said much is said about juvenile delinquency and the question should be asked, "What can we, as adults, do to help?" He said these youngsters have raised a sum of money and have done a job all by themselves. Are we going to help, or are we going to continue to place obstacles in their way. The least we can do is to give them support. We may by giving them this support prevent even one youngster from becoming a juvenile delinquent. This is an opportunity to help them.

Mayor Hanson said he felt the residents of the fire station neighborhood, who presented a petition a few weeks ago in opposition to the Youth Center proposal, will be pleasantly surprised to learn how well behaved these youngsters are. He said he felt that this center would be an asset to the neighborhood and would not be abused. He said he has no question as to the wisdom of allowing this to be used as a youth center. He added that many residents were more concerned about fire protection for the area and, did not understand the situation.

Mr. Rowlands said No. 3 Station housed merely a ladder truck, not a pumper and that its transfer to North 25th and Proctor Streets had been approved by the Board of Fire Underwriters.

Vote was then taken on the Resolution, resulting as follows:

Adopted on roll call May 4, 1959
Ayes 8; Nays 0; Absent 1, Humiston.

Council then resumed the regular order of business.

Resolution No. 15736:

By Goering:

Awarding contract to Totem Equipment Company for the furnishing of fourteen Refuse Bodies for the sum of \$62,930.00 plus sales tax.

It was moved by Mr. Anderson to adopt the Resolution, seconded by Mr. Bratrud.

Adopted on roll call May 4, 1959
Ayes 8; Nays 0; Absent 1, Humiston.

Resolution No. 15737:

By Anderson:

Authorizing and directing the proper officers of the City to accept an assignment by Maurice and Shirley Spencer of their interest in a real estate

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contract to Myron and Sina Dewey for property located in the area of South 70th and Fawcett Avenue.

It was moved by Mr. Anderson to adopt the Resolution, seconded by Mr. Bratrud.

Adopted on roll call May 4, 1959
Ayes 8; Nays 0; Absent 1, Humiston.

Resolution No. 15738

By Humiston:

Authorizing and directing the City Manager to file an application with the Government of the United States of America for Federal grants for sewage treatment works pursuant to the provisions of 33 U. S. C. A. 466.

It was moved by Mr. Easterday to adopt the Resolution, seconded by Mr. Anderson.

Mr. Rowlands said the City has embarked on its proposed sewage treatment plant improvement, and this particular Resolution authorizes the application for Federal grants up to \$250,000.00.

Adopted on Roll call May 4, 1959
Ayes 8; Nays 0; Absent 1, Humiston.

Resolution No. 15739:

By Goering:

Authorizing the proper officers of the City to execute a written agreement with Richard R. and Robert M. Kennedy, Engineering Firms, for the purpose of carrying on engineering studies in connection with the sewage treatment facilities, for the sum of \$1,800.00.

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

Mr. Rowlands said the agreement attached to the Resolution was worked up after consultation with Mr. Schuster, Public Works Director, the staff and himself. It establishes priority of the type of construction to take place in connection with the treatment plant. Also paragraph 6 in the agreement spells out specifically that when the plans are submitted to the Council the question of retaining Engineers to carry on and conduct the work will be decided at that time. The Kennedy Engineering Firm designed the present plant, therefore, it was felt that since they had the drawings etc., that went into the building of the plant, they would be the proper firm for the first phase of the improvement plan.

Adopted on roll call May 4, 1959
Ayes 8; Nays 0; Absent 1, Humiston.

FIRST READING OF ORDINANCES:

Ordinance No. 16339:

Amending Chapter 6.38 of the official code of the City and adding a new section to be known as Section 6.38.065, in reference to Public dance halls and skating rinks - attendance of minors at dances. Read by title.

Mrs. Ralph J. Brown asked that the ordinance be more restrictive. She said she felt a governmental agency has no right to sponsor dances because many Christian people in the community are opposed to dancing. She also suggested that the Ordinance spell out what "properly supervised" means and what the penalty would be for failing to meet these requirements.

Mr. Dick Cope said he felt the Service Clubs, such as Hi-Y, Car Clubs, Music Clubs, etc., should be allowed to sponsor dances as there wouldn't be many dances otherwise. A good number of the younger group are going to Midland and Seattle to dance now. Tacoma should provide this entertainment for its youth.

Mr. Bratrud said this Ordinance had been discussed in the Study Session before Council meeting, and he felt that since there was such a difference of opinion among the Councilmembers that the Ordinance should be postponed for two weeks and that the Council hold another meeting before any action is taken on this matter.

Mr. Bratrud then moved that the Ordinance be postponed for two weeks, until May 18th. Seconded by Mr. Anderson. Motion carried: Ayes 8; Nays 0; Absent 1, Humiston.

FINAL READING OF ORDINANCES:

Ordinance No. 16331:

Vacating the streets and alleys within the area bounded generally by the Freeway, the bluff along South Tacoma Way, South Fife Streets and Lincoln Heights Addition, except South 35th Street and the portions of streets and alleys vacated under Ordinance No. 16291. Read by title and passed.

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

Ordinance No. 16332:

Approving and confirming the assessment roll for L I D No. 2254, for grading, ballasting and surfacing on Orchard Street from North 9th Street to North 16th Street, and on North 16th Street from Huson Street to Orchard Street. Read by title and passed.

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

Ordinance No. 16333:

Approving and confirming the Assessment Roll for L I D No. 4622 for asphalt paving, concrete curbs and gutters and storm drainage on East 61st Street from East B to East D; East D Street from East 60th to East 61st; on South L Street from South 56th to South 58th Streets; on South 60th Street from Pacific Avenue to Fawcett and on South C Street from South 61st Street to South 63rd. Read by title and passed. 48

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

Ordinance No. 16334:

Providing for the improvement of L I D No. 2296 for grading to the established subgrade and placing thereon a gravel ballast and concrete sidewalks abutting individual properties on Darien Drive from North 46th Street to North Frace Street and on North Frace Street from Darien Drive to North 46th. Read by title and passed. 61
412

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

Ordinance No. 16335:

Providing for the construction of cast iron water mains in Alaska Street from South 58th to South 60th and from Wapato Lake Drive to South 64th Street; in Sheridan Avenue from South 56th to South 58th; in South 57th Street from Sheridan to Asotin and in South 58th Street from Sheridan to Alaska, creating L I D No. 5308. Read by title and passed. 51
469

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

Ordinance No. 16336:

Providing for the improvement of L I D 6764 for installation of modern lights supported on existing wood poles on South I Street from South 21st to 27th; South 21st Street from Ferry to State; South Ferry Street from 400' north of South 25th Street to 460' south of South 25th Street; South 25th Street from State to Steele Streets and South 23rd Street from Ferry to Steele Streets. Read by title and passed. 31
51.496

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

Ordinance No. 16337:

Providing for the improvement of L I D 6765 for installation of modern street lighting on existing wood poles on South 17th Street from Pine to Prospects Streets; Fife Street from South 12th to 15th and from 17th to 19th Streets; Oakes Street from South 12th to 15th; Prospect Street from South 12th to 17th Streets; Pine Street from South 15th to 120 feet north of South 17th Street. Read by title and passed. 51

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

Ordinance No. 16338:

Amending Section 2 of Ordinance No. 16318 for L I D 2299, to provide that said cost shall be borne in the following proportions: \$3,300.00 against the property included in said District, and \$1,250.00 shall be paid by the City from its City Street Fund. Read by title and passed.

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

Mayor Hanson, having first announced that he was on the prevailing side on the vote taken at the Council's last meeting on April 27, 1959 on Ordinance No. 16323, moved that the Council reconsider its vote on said Ordinance to rezone property at 71st and "d" Streets for a bowling alley, and that thereafter the matter be placed on the agenda for Council's consideration at its regular meeting on May 11, 1959. Motion seconded by Mrs. Goering.

Mr. Bratrud explained, unless action is taken immediately on this matter, Mr. Hoffman would build outside the City limits. This Bowling Alley will be a \$400,000 facility and will employ nine persons the year round. Mr. Bratrud said he could not see where this business would harm the neighborhood in any way.

Mr. Bratrud then moved to amend Mayor Hanson's motion to reconsider Ordinance No. 16323 at this meeting instead of on May 11. The amendment was seconded by Mr. Easterday. Motion carried.

Mr. Anderson said he felt all along the Council should be reluctant to overrule the Planning Commission's decision, as a good deal of study went into this matter. Vote was then taken on Mr. Hanson's motion, as amended. Roll call: Ayes 8; Nays 0; Absent 1, Humiston.

Vote was then taken on Ordinance No. 16323; to Amend Chapter 13.06. of the Official Code of the City relating to zoning by deleting certain described property from Section 13.06.065 and by adding a new section to be known as Sec. 13.06.130 (7) - property located at the northwest corner of South D and South 71st Street extended. Read by title.

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

Mr. Bratrud asked Mr. Schuster, Public Works Director to expedite the issuance of a building permit so that the building could be completed in time for the start of the League season, on September 1, 1959.

ITEMS FOR FILING IN THE OFFICE OF THE CITY CLERK:

Report from the Tacoma Transit System for the month of March 1959 and 1958 and three months of 1959 and 1958.

Mr. Bratrud said he had been informed by a customer of a Mutual Company, which buys power wholesale from the City Light, that he had received a free light bill for April, and pays lower monthly rates than City customers. He said he did not feel that this was right. He quoted Section 4.3 of the City Charter in reference to rates and charges: "The rates and charges for services to consumers outside the City may be greater but shall not be less than to those inside the City."

*** See insertion at end of Council Minutes (Page 106)

Therefore, he felt either the rates should be raised to consumers outside the City, or they are going to have to declare a 12 1/2% dividend to the rest of the customers.

Mayor Hanson said he disagreed, as the consumer in this case was not the individual but the Cooperative that is purchasing from the City. He said perhaps this does point out that Tacoma is having somewhat of a burden in the industrial rate section of our rate structure and perhaps it will justify a raise in that area.

Mr. Bratrud said, regardless of how they figure it the consumer outside the City should not be paying less than we are as owners of the Corporation. Instead of encouraging people to come into the City we are discouraging them. Mr. Bratrud said he would vote "no" for any increase in electric rates until this is cleared up.

Several other members indicated they would also vote "no" until such time as this is remedied.

Mrs. Price asked for information as to how the electric rates are based.

Mayor Hanson said it would be well to obtain a report from the Utilities Department outlining the various considerations which must go into the setting of rates.

A letter was read from Architect Charles Pearson, resigning his position on the City Planning Commission. He pointed out that "in view of the types of decisions they are called upon to make, it becomes a very controversial position for which an Architect is being placed. Therefore, he felt for the benefit of his partners and himself as architects he must resign." 125

Mr. Anderson moved to accept Mr. Pearson's resignation with regrets. Motion seconded by Mr. Bratrud. Motion carried: Ayes 8; Nays 0; Absent 1, Humiston.

Mr. Anderson said at the request of the Council he visited Mr. Pearson to discuss the possibility of his staying on as a member of the Planning Commission and Mr. Pearson explained that he had enjoyed serving on the Board, but in view of the reasons submitted in his letter he felt he should resign.

Mr. Rowlands explained that Mr. Pearson was under the impression, while serving on the Commission, that his firm would still be free to accept City business but found out he was mistaken, and that his firm would be penalized if he did not resign, as they would be unable to enter into a contract with the City for the design of the downtown escalators. Mr. Rowlands said it might be well if the Council would give some thought to changing the State Law in this regard, as it prevents many businessmen from serving the City.

Mr. Anderson said he agreed with Mr. Rowlands and felt that many fine people were being prevented from serving the City because of this law.

Mayor Hanson asked that the Council members furnish him with their suggestions on a successor for Mr. Pearson.

Mayor Hanson also noted that the terms of Marshall Riconosciuto on the Planning Commission and James Healy on the Utility Board are expiring this June.

Mr. Anderson suggested that Mayor Hanson submit the names of persons he has in mind for these positions and that a closed session be held to discuss the appointments.

Mr. Easterday said he was informed today that the City has only seven or eight months left in which to use the present garbage dump on the tideflats, and wondered what were the plans of the City in regard to this.

Mr. Schuster, Director of Public Works, said they were well aware of this and were surveying several sites for this purpose. They were faced with two problems, one, that there are not too many sites available and, two, that the site chosen must not be too far from the City so as to increase operating expenses.

116 Mr. Rowlands passed out a pamphlet on Sewer Rates prepared by the Public Works Department and thought the booklet answers many questions that have been asked in reference to sewer rates.

Mrs. Goering said they were not given the impression that the sewer charges would be higher than the water bills, a large number of residents seem to be paying more than the minimum, although it had been estimated when rates were increased that from 90 to 95% of all residents would be in the basic \$2.00 category.

Mr. Rowlands said it was contemplated that 90% to 95% of the people would pay the minimum rate and after the final billing is made and the results checked, a report will be made to Council to see if this is correct.

Mrs. Goering said they are receiving reports already of water bills being \$5.15 and sewer rates being \$5.90, private rate.

Mr. Rowlands said under the sewer rates, those using up to 900 cubic feet per month during the winter pay \$2.00 per month minimum, but use of from 900 to 1500 cubic feet jumps the bill to \$2.95.

Mrs. Price said there has been a lot of complaints that it cost more to take the water away from their homes than bring it in.

Mr. Rowlands said after this survey is completed, the Council will be able to make an adjustment in the rate if they feel it necessary.

Mr. Perdue said that generally speaking, he has found that if an average family receives a sewer bill in the \$5.00 bracket, there are broken water lines, leaking valves or other malfunctions during the base period on which rates are based. He said he was sure adjustments would be made in these cases.

Mr. Schuster, Director of Public Works said this was true and that in many of these instances the residents are being allowed to use the previous winter billing as their base period.

Mayor Hanson added that if the figure is lower than 90% of all residents paying the minimum, some adjustment would be proposed in the water use limit.

Mayor Hanson said many people seemed to have gained the impression that the gross earnings tax from the increased sewer rates were being used to tear down the City Hall. He pointed out that all the City's utilities pay 8% of their gross earnings into the general fund, in lieu of taxes, and the City can use this tax revenue for general purposes.

116 Mr. James Patterson, representative of the Tacoma Chapter of the N. A. A. C. P. was present in reference to the matter of Mr. Alonzo Brown who was arrested as being drunk and held in the drunk tank of the City jail for six hours, while in reality he had suffered a cerebral hemorrhage.

He said he felt the length of time it took the Police Department to determine that Mr. Brown was sick and not drunk constitutes negligence. He said this is not the first case of irregularities that has been brought to the attention of the Tacoma Branch and they felt that an investigation should be made of this incident and why case after case comes in similar to this.

Mrs. Brown, wife of the person in question, said her husband is subject to high blood pressure and is under the care of a doctor. She said when she found out her husband had been arrested for drunk and was in jail she attempted to convince the police, both over the phone and in person, that her husband must be sick as he did not drink. When she arrived at the Station, she was told that her husband had been taken to the hospital, but while she was standing in the lobby she saw her husband being carried out on a stretcher.

Hercules Miller, an inmate of the jail at the time Mr. Brown was arrested, said he tried to convince the jailer that Mr. Brown must be sick, as he knew he didn't drink. But his efforts were initially unsuccessful.

Rev. J. E. Boles, Rev. E. S. Brazill and Rev. Bass all spoke on Mr. Brown's behalf, stating that this was a regrettable situation and asked that the matter be investigated.

Mayor Hanson and several of the Councilmembers expressed concern over the matter and asked that this be checked into.

Mr. Rowlands said that a full report will be made.

Mr. Rowlands informed the Council that a meeting between the Humane Society and employees was scheduled for Tuesday, in order to discuss the requests of the employees for a higher wage. 114

Mr. Louis Hatfield, Business Agent for Teamsters' Local 416, which has organized the employees, said the Humane Society is employing people at a wage rate which they feel should be adjusted. The problem is that they do not have the money. He said he would recommend the employees settle for \$30.00 per month increase, plus medical benefits, pending new negotiations at budget time. He said the total additional cost to the society for this would be about \$3,000. He asked the Council to help in the matter of determining how the Society could receive this needed money.

Mr. Rowlands said there are several problems in this matter. First of all, he said the City usually negotiates with the Unions and then sets up the budget in October of each year. He said he wanted to caution the Council about setting a precedent of adopting a budget and then having various unions negotiating during the year. Secondly, if the Society is considering giving its employees a raise, perhaps there should be some adjustment in the license fee for dogs and perhaps the licensing of cats. He said there has been attempts to pass this, but their requests have not always been given prompt consideration. The only way the City would give the Society more money would be to increase the percentage of dog license receipt from 95% to 100%. This would give the Society an additional \$1,800.

The chief principle here, he said, does the Council want to re-open these negotiations in the middle of the year?

Mr. Rowlands said he presumes that an appropriation could be made by the Council, but it would have to be by unanimous vote.

Mr. McCormick, City Attorney, said the Humane Society is an independent group, and the only connection the City has with it is by contract, so the only way to subsidize this is to re-open the contract.

Mr. Rowlands said that since further meetings were scheduled this week, between the employees and the Humane Society in an attempt to come to some solution, perhaps it would be best for the Council to await the outcome of these meetings and then bring up the subject at next week's meeting.

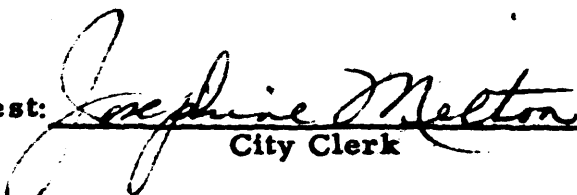
Mayor Hanson said he felt that would be the proper way to handle it. He asked if it would be possible to increase the license fee, at the present time.

Mr. Rowlands said it would be quite costly as the Society would then be required to re-check all the animals and at the present time they are at least half way through their annual dog check.

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There being no further business to come before the meeting, upon motion, duly made and seconded, the meeting was adjourned at 7:15 P. M.


President of the City Council

Attest: 
City Clerk

(Insertion from page 102)

86 Mrs. Goering said she would like reconsideration of this Ordinance for other reasons. After last week's meeting she went out to the area and re-examined the situation. It was her contention previously that it was the Council's duty to protect the investments and privacy of individual residents but after re-examining the area and speaking with Mr. Hoffman about possible screening between the building and the residences she changed her mind about the undesirability of a bowling alley in the district.

Mr. Hoffman who was present explained they have been working on this project since January and had set May first as the deadline for the building so that this would allow them sufficient time to complete the building for the September Bowling Tournaments. He said they would like to have a decision on this matter today. As far as screening the property as suggested, the Planning Commission has given him instructions as to what he would have to do, Mr. Hoffman added.

Mrs. Price asked if Mr. Hoffman had found any way to solve the traffic problem on D Street that has been mentioned in the past.

Mr. Hoffman said they have a letter from Albertson's Food Store giving them permission to use their parking lot as an access area from Pacific Avenue and also from 72nd Street. Therefore, he felt the traffic would be no problem.