

COUNCIL CHAMBER, 7:30 P. M.

Monday, May 12, 1958

Council met in regular session. Present on roll call 8; Bratrud, Hoering, Hansen, Humiston, Perdue, Stojack, Tollefson and Mayor Anderson. Absent 1, Battin, taking his seat at 7:45 P. M.

It was moved by Mr. Tollefson, seconded by Mr. Bratrud that the minutes of the meeting of May 5th be approved. Motion carried on roll call: Ayes 8; Nays 0; Absent 1, Battin.

PETITIONS:

The Bank of California and Albert F. Kelley, Sr., for rezoning the S. W. corner of South 38th and Sheridan Avenues, from an R-2 District to a C-1 District. Referred to the City Planning Commission.

Public Works Department, requesting the \$100.00 filing fee be waived for the vacation of property along the west edge of Mason Avenue between South 12th Street and South 11th, also along the south edge of South 11th Street between Mason and Tyler. It was moved by Dr. Humiston, seconded by Mr. Bratrud that the fee be waived. Motion carried. Ayes 8; Nays 0; Absent 1, Battin.

Public Works Department, requesting the \$100.00 filing fee be waived for the vacation of property located between North 10th Street and North 11th from Bennett to Winnifred Streets. It was moved by Dr. Humiston, seconded by Mr. Bratrud that the fee be waived. Motion carried. Ayes 8; Nays 0; Absent 1, Battin.

RESOLUTIONS:Resolution No. 15334:By BATTIN:

Fixing Monday, June 9, 1958 at 7:30 o'clock P. M. as the date for hearing on the vacation of property along South Tacoma Way, South Fife Street and Lincoln Heights Addition; except So. 35th Street.

Adopted on roll call May 12, 1958  
Ayes 8; Nays 0; Absent 1, Battin.

Resolution No. 15335:By ANDERSON:

Fixing Monday, June 9, 1958 at 7:30 o'clock P. M. as the date for hearing on the vacation of that portion of No. Frace Street between North 40th and North 42nd St.  
Adopted on roll call May 12, 1958  
Ayes 8; Nays 0; Absent 1, Battin.

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Resolution No. 15336:

By ANDERSON:

Authorizing the proper officers of the City to execute and deliver a local improvement assessment deed to J. Ralph and Janet A. Williams for property located at the southeast corner of So. 9th and Mason Streets, for the sum of \$300.00.

Adopted on roll call May 12, 1958  
Ayes 8; Nays 0; Absent 1, Battin.

Resolution No. 15337:

By GOERING:

Authorizing the proper officers of the City to execute and deliver a local improvement assessment deed to Jack and Helen Fabry for property located on the north side of East 57th Street about 400 feet west of McKinley Avenue, for the sum of \$580.00.

Adopted on roll call May 12, 1958  
Ayes 8; Nays 0; Absent 1, Battin.

Resolution No. 15338:

By HANSON:

Authorizing the proper officers of the City to execute and deliver a local improvement assessment deed to Clarence A. and Alice A. Cole, in the sum of \$10.00 for property located at the N. E. corner of Pearl and Seaview Sts.

Adopted on roll call May 12, 1958  
Ayes 9; Nays 0; Absent 0.

Resolution No. 15339:

By BATTIN:

Authorizing the proper officers of the City to execute and deliver a Local Improvement Assessment Deed to Jack and Helen Fabry for the sum of \$600.00 for property located on the north side of East 57th Street, about 500 feet west of McKinley Avenue.

Adopted on roll call May 12, 1958  
Ayes 9; Nays 0; Absent 0.

**Resolution No. 15340:****By BATTIN:**

Consenting to the establishment of limited access for a portion of Primary State Highway No. 1, located near So. 68th and Sprague and extending north and east to the vicinity of M Street near So. Tacoma Way, in accordance with the plan entitled "Primary State Highway No. 1, Tacoma Freeway South City Limits to Pacific Avenue. Plan showing access", as designated on sheets 2 and 3 of said plans.

Mr. Rowlands asked that this Resolution be postponed for one week for the reason that the Department has not yet received the deeds. It was then moved by Mr. Tollefson, seconded by Dr. Humiston to postpone for 1 week. Motion carried: Ayes 9; Nays 0; Absent 0.

**Resolution No. 15341:****By PERDUE:**

Amending Resolution No. 15307 by adding \$63.42 to the amount of said appropriation, so that said Resolution as amended will authorize the appropriation of \$1,763.42 for the purchase of 3 motorola radios for the Police Department motorcycles.

Adopted on roll call May 12 1958  
Ayes 9; Nays 0; Absent 0.

**Resolution No. 15342:****By HUMISTON:**

Appropriating the sum of \$450.00 from the Cumulative Reserve Fund for Capital Outlay for the purpose of paying trade-in value of two wrecked motorcycles.

Adopted on roll call May 12, 1958  
Ayes 9; Nays 0; Absent 0.

**Resolution No. 15343:****By ANDERSON:**

Authorizing the proper officers of the City to purchase one special truck body to be used as a combination crew truck, paint and sign truck in the Department of Public Works, at a cost not to exceed \$1,090.00 plus sales tax, and appropriating sufficient funds from the "B" Account of the Equipment Rental Reserve Fund for payment therefor.

Adopted on roll call May 12, 1958  
Ayes 9; Nays 0; Absent 0.

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**Resolution No. 15344:****By PERDUE:**

Awarding sale of Series "E" Water Bonds for 1954 in the amount of \$500,000.00.

Mr. Benedetti, Assistant Water Superintendent explained to Council that they received an interest rate of 2.21% in awarding the bonds. He felt this was a good interest rate compared to the last bonds that were sold for 2.70%.

Adopted on roll call May 12, 1958  
Ayes 9; Nays 0; Absent 0.

**FIRST READING OF ORDINANCES:****Ordinance No. 16106:**

Relating to welding; making it unlawful for any person to engage in the business of welding in the City without securing a certificate therefor, and adding a new chapter to the Official Code, under Title 6. Read by title.

Mr. Lester Gillis, Chief of the Building Division said that they have arranged with the Tacoma Vocational School to give tests for the certificate for welding under City supervision. He said certificates are now required on certain jobs in the City. The fee for such certificates in Seattle cost \$25.00 and he said Tacoma's fee will be approximately \$10.00 to \$15.00.

Mr. Deidrick Verlo, President of the International Association of Iron Workers spoke in favor of the Ordinance, stating he felt they were badly in need of such an Ordinance.

The ordinance was then placed in order of final reading.

**Ordinance No. 16107:**

Appropriating \$4,301.51 from the Cumulative Reserve Fund, Streets and Bridges and \$5,698.49 from the City Street Fund for purpose of regrading So. 9th Street in the vicinity of G Street, Read by title, and placed in order of final reading.

**Ordinance No. 16108:**

Amending Ordinance No. 15928 regarding schedule of charges to be paid into Equipment Rental Fund by various offices and departments of the City. Read by title.

Mr. Rowlands explained that this Resolution will adjust the rental rates downward from the present rates, due to the lack of funds to apply to the Account "B". These new rates will cover operation costs only.

The Ordinance was then placed in order of final reading.

**Ordinance No. 16109:**

Relating to zoning and amending Chapter 13.06 of the Official Code by adding a new section to be known as Section 13.06.120 (5) property located

on the N. W. corner of East 40th and Portland Avenue, to be included in the C-1 Commercial District. Read by title and placed in order of final reading.

Ordinance No. 16110:

Relating to elections and dividing the City of Tacoma into various election precincts for the holding of State and Municipal Elections. Read by title.

Mr. Rowlands explained this Ordinance was complying with the Legislature passed in 1957, eliminating the 25th District from the City. At the same time, he explained, some of the precincts were equalized and new precincts were added which makes the total of 228 precincts compared to the original 237 in the City. The ordinance was then placed in order of final reading.

Ordinance No. 16111:

Amending Section 5.26 of the Official Code relative to the impounding of stray dogs and cats and the redemption of cats or other small animals. Read by title.

Mr. Rowlands said this new section which was added to the present ordinance defines "stray dog", "stray cat" and "stray animals" as being any dog, cat or other animal loitering about the City and having no apparent owner or home, was requested by the Humane Society. This, he said, would give the Humane Society authority to impound such animals. This would not apply to a licensed dog whose ownership will show on the license. Mr. Fidler, Manager of the Humane Society explained that this would allow the Humane Society to destroy or otherwise dispose of stray cats or other small animals 48 hours after impounding.

Under the present procedure, cats and other small animals must be held at least 10 days and can only be disposed of after publication and after a public auction.

- This amendment would help the Humane Society in disposing of thousands of stray cats turned in to them each year.

Mrs. Lloyd Stacey, who was present, quoted the amendment as "vicious" unless a few words were added to the definition of "strays". She said a cat at large is any cat not on a leash, then this makes every cat in the City subject to being picked up.

Mrs. Stacey suggested that the amendment "any dog, cat or animal loitering in a neighborhood or any public place without an apparent owner or home" be changed by adding "with no apparent reason--for a period of three or more days."

- Mr. Fidler said the three day waiting period might be all right in the County, but in the congested City it would result in a lot of complaints.

FINAL READING OF ORDINANCES:

Ordinance No. 16097:

- Vacating a portion of the alley between Sixth Avenue and South 7th Street from the west line of So. Orchard Street to the east line of So. Shirley Street Read by title and passed.

Roll call: Ayes 9; Nays 0; Absent 0.

**Ordinance No. 16098:**

Amending Section 2.02.070 of the Official Code relating to buildings (appointment of Building Board of Appeals). Read by title.

Mr. Rowlands said this Ordinance was amended to conform with other Boards, whereby the Board is appointed by the Mayor for a fixed term and approved by the Council.

Roll was then called on the Ordinance, as amended, resulting as follows:

Roll call: Ayes 9; Nays 0; Absent 0.

**Ordinance No. 16099:****L I D 1968:**

Approving and confirming the assessment roll for L I D 1968 - sanitary sewers on So. Bell Street from 64th to 68th. Read by title and passed.

Roll call: Ayes 9; Nays 0; Absent 0.

**Ordinance No. 16100:****L I D 4594:**

Approving and confirming the assessment roll for L I D 4594 - asphalt paving, concrete curb and gutter on No. 8th from Mullen to Orchard Streets. Read by title and passed.

Roll call: Ayes 9; Nays 0; Absent 0.

**Ordinance No. 16101:****L I D 4613:**

Approving and confirming the assessment roll for L I D 4613 - grading paving, curbs and gutters etc., on So. L Street from 35th to 39th, also paving and curbs and gutters on Cushman and Ainsworth Avenues from So. 37th to 38th. Read by title and passed.

Roll call: Ayes 9; Nays 0; Absent 0.

**Ordinance No. 16102:****L I D 4618:**

Approving and confirming the assessment roll for L I D 4618 - asphalt paving, on So. 21st Street from Ainsworth to Cushman. Read by title and passed.

Roll call: Ayes 9; Nays 0; Absent 0.

**Ordinance No. 16103:****L I D 6751:**

Approving and confirming the assessment roll for L I D 6751 - ornamental street lights and standards on No. 33rd from Proctor to Union. Read by title and passed.

Roll call: Ayes 9; Nays 0; Absent 0.

Ordinance No. 16104:LI D 4579:

X Approving and confirming the assessment roll for L I D No. 4579 - for concrete pavement on Chandler Street from So. Tacoma Way to Center Street. Read by title and passed.

Roll call: Ayes 9; Nays 0; Absent 0.

Ordinance No. 16105:L I D 4626:

Providing for the improvement of L I D 4626 - paving, curbs and gutters on Thompson Avenue from So. 48th to 50th; I Street from 48th to 52nd; J Street from 48th to 50th; L Street from 50th to 52nd; So. 50th from M to Thompson and 52nd Street from M to J Streets. Read by title. 85  
50:68  
84

It was reported by Mr. Bratrud that at the L I D meeting held on April 15, 1958 over half of the property owners residing on South J Street protested the paving. It was asked at the meeting if this one street could be deleted from the district, and at that time it was requested that an opinion be obtained from the City Attorney to ascertain if this could be done.

Another petition, with approximately 60 signatures was filed this evening, against the entire. The petition was filed too late for the Engineers to check the remonstrances before the Council Meeting.

Inasmuch as the remonstrances had not been checked, and the opinion had not been reviewed by the L I D Committee, it was moved by Mr. Bratrud that the Ordinance be postponed for one week, until May 19, 1958. Seconded by Mrs. Goering. Motion carried. Ayes 9; Nays 0; Absent 0.

UNFINISHED BUSINESS:

This is the date to which Council continued the hearing on the Business and Occupation Tax for the Consumers Central Heating Company.

Mr. Hilton Gardner, Attorney for Consumers Central Heating Company said the franchise the company has been operating under since 1940 grants them the privilege of selling steam and hot water, and also for the use of laying pipes. For this Franchise, Mr. Gardner said, the firm pays 2% of their gross earnings to the City. 166  
148  
240  
264  
282

Robert Comfort, Assistant City Attorney said their franchise was for the use of the streets only, and the tax is paid on the business. In his opinion, Mr. Comfort said, there would be no legal bar to the addition of a business tax if the Council so desired.

Mr. Gardner said he felt the City should not impose this tax as it is contrary to the agreement.

Mr. Tollefson and Mr. Hanson both felt that Mr. Gardner was correct in his explanation of the franchise.

After some discussion, it was moved by Dr. Humiston, seconded by Mr. Tollefson that the Business and Occupation Tax Ordinance be amended to exclude the Consumers Central Heating Company from paying the B. and O. Tax. Motion carried unanimously on roll call. Ayes 9; Nays 0; Absent 0.

It was requested that a copy of the existing Franchise Ordinance for Consumers Central Heating Company be sent to the Councilmembers for their perusal.

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

- X a. Tacoma Police Department - Monthly report for April, 1958.
- X b. Tacoma Fire Department - Monthly report for April, 1958.
- X c. Tacoma Police Department - Monthly report for Traffic Division April, 1958.

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Dr. Humiston explained that several months ago the Council raise the interest rates on Local Improvement Districts from 4% to 5%. He requested the Finance Director to prepare a graph indicating the interest rate on the tax exempt bonds for the past 10 years. The thought being that the City might consider lowering its present interest rate from 5% to 4%. It was also requested that the Finance Director prepare a complete report of the various securities now held by the Guaranty Fund which may now be sold at a profit, and permit the city to pick up other investments at a higher interest rate.

COMMENTS BY THE CITY MANAGER:

Mr. Rowlands explained to Council that in connection with the proposed eight million dollar revenue bond issue for Sanitary Sewer Improvement, the City should have a rate study made before any rates can be established or any construction started.

Mr. Chester Woods, representative from the firm of Hill and Ingram presented a proposal and said that their firm would be pleased to be retained as their consultants for this study, at a cost not to exceed \$10,000.

Mr. C. V. Fawcett, representative from McLean and Company, who is the City's financial advisor in connection with this proposed bond issue, said that a revenue bond issue of this size should have a fair rate structure to start with, to be assured of sufficient funds to complete the overall program.

Dr. Humiston said he felt the Council's obligation was to establish equitable rates and did not think the bonding firms should be concerned with anything but provisions for adequate revenues to pay off the bonds.

Mr. Fawcett said the City should have competent engineering consultants study the rates, to make sure they could be defended in the event the City was taken into Court.

After some discussion, it was directed by the Mayor that the City Attorney be instructed to bring in a Resolution accepting the proposal of the Engineering firm of Hill and Ingram for making a study of sewer service charges for the City.

A group of students from the United States History Class of Stadium High School was present and presented a letter with a 12 point program. Mayor Anderson thanked the students for their interest and said many of the points are being pursued by the Council, and was pleased to see that the Youth of today are taking such an interest in Tacoma's future.



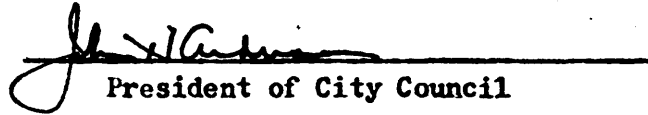
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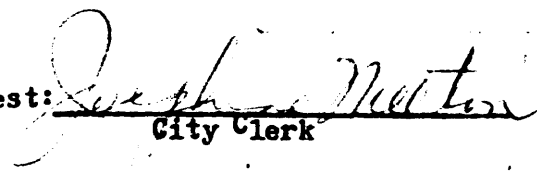
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159

Mr. Henry Carlbon was present in reference to Local Improvement District Bonds that he has been holding since 1921 which became worthless as a result of the depression. Mr. Carlbon asked the Attorney what course he could take to get his money out of these bonds. Mr. McCormick said the only recourse Mr. Carlbon has, is to file a formal claim against the City.

There being no further business Council adjourned at 10:00 P.M.

  
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President of City Council

Attest:   
City Clerk