

JUL 8 1957

COUNCIL CHAMBER, 7:30 P. M.

Monday, July 8, 1957.

Council met in regular session. Present on roll call 6; Bratrud, Goering, Humiston, Stojack, Tollefson and Mayor Anderson. Absent 3, Battin, Jensen, Perdue.

It was moved by Dr. Humiston, seconded by Mrs. Goering, that the minutes of the previous meeting, copies of which had been mailed by the Clerk to each Council member, be approved and the reading thereof dispensed with. Motion carried unanimously.

OFFICIAL COMMUNICATIONS:

City Planning Commission, recommending the petition of Morley Brotman be denied for reclassification from an R-2 One Family Dwelling District to a C-2 Commercial District property located on the northwest corner of South 19th and Stevens Streets and Mason Avenue, for the reason that it should be resubmitted under the new Zoning Ordinance section for Planned Shopping Centers which was recently adopted. It was moved by Dr. Humiston, seconded by Mr. Stojack to concur in the recommendation of the Planning Commission. Motion carried unanimously.

RESOLUTIONS:

Resolution No. 15052:

By ANDERSON:

Appointing J.B. Feist as a member of the City Planning Commission for a six year term, expiring June 30, 1963.

Adopted on roll call July 8, 1957
Ayes 6; Nays 0; Absent 3; Battin, Jensen, Perdue.

Resolution No. 15053:

By ANDERSON:

Appointing John D. Rue as a member of the Public Utility Board to fill the unexpired term of Gerritt Vander Ende, ending June 30, 1958.

Mr. Tollefson asked if it were possible to hold the appointments of the new Utility Board members until such time as a meeting is held with the members of the present Board. He said he would like to see the present Board remain until this has been done.

Mayor Anderson explained that he would like the appointments confirmed at tonight's meeting as the Utility Board is having difficulty in securing a quorum for their meetings. He added that there were certain facts to be obtained from the present Board but he would like to see the new Board appointed at this time.

Dr. Humiston stated he thought much information can be obtained from the new members as well as from the old, but said it would be well to hold a meeting with both Boards at an early date.

Mr. Tollefson said it would be agreeable with him if an early meeting could be scheduled.

Mayor Anderson stated he would arrange such a meeting as early as possible.

Adopted on roll call July 8, 1957
Ayes 6; Nays 0; Absent 3; Battin, Jensen, Perdue.

Resolution No. 15054:

By ANDERSON:

Appointing James Marvin Healy as a member of the Public Utility Board to fill the unexpired term of Ralph Johnstone, ending June 30, 1959.

Adopted on roll call July 8, 1957.

Ayes 5; Nays 1; Tollefson; Absent 3; Battin, Jensen, Perdue.

Resolution No. 15055:

By ANDERSON:

Appointing Harry B. Berry as a member of the Public Utility Board to fill the term expiring June 30, 1962.

Adopted on roll call July 8, 1957

Ayes 6; Nays 0; Absent 3; Battin, Jensen, Perdue.

Resolution No. 15056:

By TOLLEFSON:

Authorizing the proper officers of the City to grant an easement to the United States of America, Department of Agriculture, Forest Service, for 100 foot right of way for highway, telephone line, pipeline and utility facilities over and across the upper end of Cushman Reservoir.

Adopted on roll call July 8, 1957.

Ayes 6; Nays 0; Absent 3; Battin, Jensen, Perdue.

Resolution No. 15057:

By PERDUE:

Authorizing the proper officers of the City to execute an agreement with the State of Washington, designated as GC 280, providing for the removal of two pairs of street rails imbedded in the roadway surface of the Puyallup River Bridge, located on Secondary State Highway No. 4 and within the corporate limits of the City of Tacoma.

Adopted on roll call July 8, 1957

Ayes 6; Nays 0; Absent 3; Battin, Jensen, Perdue.

Resolution No. 15058:

By JENSEN:

Authorizing the proper officers to transfer \$1,500 from Item No. 2 "Right of Way Acquisition" to Item No. 7, "Rebuild 21st Street Bridge Approach" as designated in the 1957 Annual Budget - Page 124 under proposed construction program.

Dr. Humiston asked why this transfer was needed at this time.

Mr. Rowlands explained that the transfer was made necessary because of unforeseen difficulties in the construction of the 21st Street Bridge.

Mayor Anderson asked Mr. Staman, Director of Public Works to explain the "unforeseen difficulties".

Mr. Staman stated that the City had additional expenses due to the unforeseen use of reinforced concrete and treated and untreated lumber. He explained that the lumber was to be used for floor planking on the bridge and for stringers, hand rails, etc. He added that the City has appropriated a total of \$21,500 for the 21st Street Bridge approach.

Adopted on roll call July 8, 1957

Ayes 6; Nays 0; Absent 3; Battin, Jensen, Perdue.

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Resolution No. 15059:**By HUMISTON:**

Awarding contract to Kendall Construction Co. for sanitary sewers in L I D 1964 in the amount of \$5,955.80 plus sales tax on items 4 to 11 and Supplemental proposal in the amount of \$1,006.00 plus sales tax on items 3 and 4, which is determined to be the lowest and best bid.

Adopted on roll call July 8, 1957.
Ayes 6; Nays 0; Absent 3; Battin, Jensen, Perdue.

Resolution No. 15060:**By GOERING:**

Awarding contract to Kendall Construction Co. for \$8,935.36, determined to be the lowest and best bid for construction of sanitary sewers in L I D 1971.

Adopted on roll call July 8, 1957
Ayes 6; Nays 0; Absent 3; Battin, Jensen, Perdue.

Resolution No. 15061:**By BRATRUD:**

Awarding contract to Kendall Construction Co. on their low bid of \$27,280.28 for grading, ballasting, storm sewers and MC-3 Oil mat in L I D 2248.

Adopted on roll call July 8, 1957
Ayes 6; Nays 0; Absent 3; Battin, Jensen, Perdue.

Resolution No. 15062:**By JENSEN:**

Awarding contract to Tom Tonnison for grading, ballasting, storm sewer and placing an MC-3 Oil mat surface in L I D 2261 on his bid of \$13,279.15, which is determined to be the lowest and best bid.

Adopted on roll call July 8, 1957
Ayes 6; Nays 0; Absent 3; Battin, Jensen, Perdue.

Resolution No. 15063:**By STOJACK:**

Awarding contract to Kendall Construction Company for grading, ballasting, storm sewers and placing an MC-3 Oil mat on North 30th Street from Pearl Street to Highland Street on their low bid of \$7,430.70.

Adopted on roll call July 8, 1957
Ayes 6; Nays 0; Absent 3; Battin, Jensen, Perdue.

FIRST READING OF ORDINANCES:**Ordinance No. 15916:**

Transferring funds from the Maintenance and Operation class of the 1957 Budget of the City of Tacoma, to the Capital Outlay class. (\$700 for Police Pistol Range and \$650 for replacement of tractor motor attachment). Read by title and placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 15910:

Amending Section 1.12.100 of the Charter and Official Code of the City of Omaha. (payment of false arrest insurance for Police Officers and transportation and living costs of certain City employees.)

Dr. Humiston asked if the False Arrest Insurance was a common type and what the costs would be.

Mr. C. A. Gaisford, Director of Finance, explained that several cities have this type of insurance and that the cost may be as little as \$9.00 per year for each employee with a maximum coverage of \$10,000 for the Police Officers. He added that the coverage for the Police Chief would be higher.

The ordinance was then read by title and passed.

All Call: Ayes 6; Nays 0; Absent 3; Battin, Jensen, Perdue.

Ordinance No. 15911:

Appropriating the sum of \$7,512.00 from the City Street Fund for the purpose of paying for the City participation in Local Improvement District No. 4610 as required by Ordinance No. 15908. Read by title and passed.

All Call: Ayes 6; Nays 0; Absent 3; Battin, Jensen, Perdue.

Ordinance No. 15912:

Authorizing the Department of Public Utilities, Light Division, to operate the steam electric plants for other utilities or consumers, and establishing charges therefor. Read by title and passed.

All Call: Ayes 6; Nays 0; Absent 3; Battin, Jensen, Perdue.

Ordinance No. 15913:

L I D 1963:

279

Approving and confirming the assessment roll for L I D 1963 for constructing sanitary sewers on South K Street from So. 65th Street to South 67th Street and in South 67th Street from K Street to 180 feet west. Read by title and passed.

All Call: Ayes 6; Nays 0; Absent 3; Battin, Jensen, Perdue.

Ordinance No. 15914:

L I D 6748:

279

Approving and confirming the assessment roll for L I D 6748 for installing three street lighting units on the west side of Jackson Avenue from Hegra Road south approximately 570 feet. Read by title and passed.

All Call: Ayes 6; Nays 0; Absent 3; Battin, Jensen, Perdue.

Ordinance No. 15915:

L I D 2273:

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287

Providing for the improvement of East 68th Street from East B Street to East C Street by grading, and a gravel and oil mat surface; creating L I D 2273. Read by title.

Dr. Humiston asked if it were possible, under the new State Law, to drop a portion of a Local Improvement District at the time of the hearing.

Mr. McCormick, City Attorney, explained that it is the intent of the State Law that when a Local Improvement District is composed of several small isolated units, any one of these units may be withdrawn, but, when the Local Improvement District is strictly one street or group of adjoining streets, if a portion is to be withdrawn, a new district has to be created.

It was reported that an error was found in the ordinance, and it was requested that the ordinance be postponed for one week. It was then moved by Mr. Bratrud, seconded by Dr. Humiston, to postpone Ordinance No. 15915 for one week. Motion carried unanimously.

Ordinance No. 15881: (Postponed from June 10, 1957)

Requiring a permit and the collection of fees therefor for the installation or alteration, extending or repairing of steam, hot water or cooling systems; establishing minimum regulations for installation, extending, altering or repairing thereof. Read by title.

Ordinance No. 15882: (Postponed from June 10, 1957)

Amending Ordinance No. 14892 - LICENSE ORDINANCE - by adding thereto 9 new sections to be known as Sections 77, 77A to 77H inclusive. (licensing heating installations.) Read by title.

Mr. Rowlands reported that the Citizens Advisory Committee on the Heating Code had met and had recommended several changes in the two ordinances. He advised that, in the best interests of the City, Ordinances Nos. 15881 and 15882 should be rejected, and, he said, new ordinances are to be drawn and presented for Council action in approximately two weeks.

Roll was then taken on Ordinance No. 15881, resulting as follows:
Roll Call: Ayes 0; Nays 6; Absent 3; Battin, Jensen, Perdue.

Roll was then taken on Ordinance No. 15882, resulting as follows:

Roll Call: Ayes 0; Nays 6; Absent 3; Battin, Jensen, Perdue.

Mr. Rowlands requested that Ordinance No. 15832, which was set over to July 15th for rezoning of property at the southeast corner of South 30th Street and Pacific Avenue, (petition of Wellman Building Co., Inc., 1-28-57) be presented for Council's action tonight. He reported that several conferences with the State Highway Commission and Mr. Northstrom, Attorney for Mr. Wellman, had been held.

Mr. Rowlands also advised that the State has completed their appraisal of the Wellman property and the two appraisals made are not identical, but are close. Since there has been considerable delay occasioned by the negotiations, he said he could see no objection to further delay the enactment of this ordinance.

It was then moved by Mr. Bratrud, seconded by Mr. Stojack to suspend Rule 7, relative to the filing of new matter for Council's consideration, in order to consider Ordinance No. 15832 which was postponed to July 15th. Motion carried unanimously.

Ordinance No. 15832:

Amending Ordinance No. 14793 - ZONING ORDINANCE - by adding thereto one new section to be known as Section 9N. (C-2 District at SE corner of So. 30th and Pacific A) Read by title and passed.

Roll Call: Ayes 6; Nays 0; Absent 3; Battin, Jensen, Perdue.

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

- 139 a. A report for the City of Tacoma, Washington on the Collection, Treatment and Disposal of Sewage and the Collection and Disposal of Storm Water, submitted by Brown and Caldwell, Civil and Chemical Engineers.
- b. Belt Line Division, Department of Public Utilities - monthly financial report dated May 31, 1957.

- c. Light Division, Department of Public Utilities - monthly financial report, dated May 31, 1957..
- d. Water Division, Department of Public Utilities - monthly financial report, dated May 31, 1957.

Mr. Dean Barline, Utilities Director, inquired about the meeting to be held with the members of the Utility Board. He said that in his opinion it would be well to hold this meeting with the members of the present Board and those of the new Board. It was suggested that this meeting be held at noon on July 15th. Mayor Anderson advised that he will contact the Board members. 314

Mr. Bratrud stated that he heard the stand-by charges on the Cowlitz Dam were cut off the first of July. He asked Mr. Barline, Director of Utilities, if this were true, and, if not, just how soon it will be discontinued. 315

Mr. Barline replied there was a July date given shortly after the adverse ruling was submitted. He said there is only a portion of his crew remaining who are working on permanent markers at the Dam Site to eliminate engineering costs in the event Tacoma or the other Utility will be permitted to build the Dam at a future date.

Mr. Bratrud reported that \$607,000 had been paid by the Light Department in June on Work Orders marked "Cowlitz." He asked if this was for the Dam and for what purpose. Mr. Saisford, Director of Finance, explained that this was not for the Cowlitz Dam, but was for the Cowlitz Sub-station, located near Tacoma.

Mr. Bratrud then asked how long will charges on the Dam continue. Mr. Barline replied that there will be another month's work on the monuments and approximately two months more to complete the engineering.

Mr. Tollefson asked what is the amount that will be spent before there is a cut-off date. Mr. Barline replied that he would have to have the figures in hand before he could answer this question.

Mr. Stojack asked Mr. Barline how much more engineering is required, and what plans have to be drawn. Mr. Barline answered that engineering work had to be completed on the Fish Facilities and the Electrical Plan.

Mr. Bratrud referred back to his previous question on the \$607,000 and said that he would like to know exactly what this was spent for. He then asked in what capacity Frank Stewart is employed, who received \$1925.00 out of the \$607,000, and asked what this was for. Mr. Barline replied that he was a "Power Supply Analyst" and has been working on two or three jobs for the City.

Mr. Bratrud said the costs are mounting continually, and he again asked, "How far are we going on the Cowlitz Dam?" Mr. Barline stated that the City has an appeal before the United States Supreme Court and if the City is successful we will find out in a year or year and a half and if the writ is denied, the City will know in six months.

Mr. Tollefson asked if it would be wise to discontinue the work now until such time as we are successful in Court, and if the Court decides in our favor, continue with the engineering at that time. Mr. Barline explained that they are cutting down as quickly as possibly be done.

Mr. Tollefson stated that percentage wise and risk wise, the Council is in an embarrassing position by not knowing what the risk figures are, as the Council is frequently called upon to pass on Resolutions and Ordinances for the Cowlitz. He then requested Mr. Barline to submit answers to the following questions for next week's meeting:

1. How much more will it cost to bring the Fish Facilities to a close;
2. How much more would it cost to terminate the Cowlitz work, and then bring it up to a later date.

Mayor Anderson reported that many people have inquired if the City Hall Chimes will be moved to the new County-City Building.

Mr. Tollefson advised that under the architectural plans for the County-City Building no plans were submitted for a tower for the chimes, and, he said, if we asked for a chime tower now, we would be expected to pay for it. He asked how much more it would cost to build a tower for the chimes.

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Mr. Rowlands said that if a tower were to be built for the chimes it would cost from \$10,000 to \$15,000, and if the clocks were added, another \$6,000 or \$7,000 would be required, and that no money has been appropriated.

In connection with the Brown and Caldwell report on the Metropolitan Tacoma Sewerage and Drainage Survey, Dr. Hamiston asked if there was a breach of contract on the part of Brown & Caldwell as to the filing of the report, and asked Mr. McCormick, City Attorney, for an opinion on this matter.

Mr. McCormick replied that he would submit an opinion on this question.

Mr. Rowlands advised that their report is excellent, but that they were approximately two months late in submitting it to the City. He also stated that Brown and Caldwell has requested the City to pay an additional fee for this report.

Mr. Staman advised that Brown and Caldwell contracted to compile the report for \$35,000 and the City was not required to pay any additional fee. He also advised that Mr. D. H. Caldwell and Mr. J. T. Norgaard will be in Tacoma in a week or two to answer any questions the Council may have concerning their report.

Upon motion, duly seconded and carried, Council adjourned at 8:46 P. M.

Attest:

Josephine Meltzer
City Clerk.

John H. Anderson
President of City Council.