

Council Chambers, 4:00 P.M.
Monday, April 13, 1959

Council met in regular session. Present on roll call 8: Anderson, Bratrud, Easterday, Goering, Humiston, Perdue, Porter and Price. Absent on roll call 1, Mayor Hanson. In the absence of Mayor Hanson, Dr. Humiston, Vice-Mayor, presided.

It was moved by Mrs. Price that the minutes of the meeting of April 6, 1959 be approved as submitted. Seconded by Mr. Perdue. Roll call: Ayes 8; Nays 0; Absent 1, Mayor Hanson.

HEARINGS AND APPEALS:

This is the date to which the Council has continued the hearing on the petition of Frank J. Johnson for the vacation of a portion of So. Tacoma Way on the north side between So. 35th and So. Cedar Streets.

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Mr. Buehler, Planning Director, explained that this petition was first heard before the Council on January 12, 1959. The Planning Commission at their hearing denied the petition because of a 42 inch concrete well pipeline of the Water Division which crosses the property. It was explained that the pipe would have to be relocated before the property could be vacated. In the meantime, Mr. Frank Johnson, the petitioner had passed away and his nephew, Mr. George Johnson requested a 90 day postponement to allow final probate of the estate and to determine whether or not he wished to pay the cost of relocating this pipeline.

Mr. William LeVeque, attorney for Mr. Johnson, said he would like to ask for a six months postponement as he believes the problems raised by the Planning Commission can be worked out between the estate and the various City Departments during that time. He added that the estate of Frank Johnson was still in the process of administration and it would be at least another six months before title will be given to Mr. George Johnson.

Mr. Buehler said he felt this request was reasonable as they had worked very hard with Mr. Frank Johnson in an attempt to resolve this problem and were willing to postpone the hearing for that period.

Mr. Anderson then moved that the hearing on the petition be postponed for six months until October 19, 1959. Seconded by Mr. Easterday. Roll call: Ayes 8; Nays 0; Absent 1, Mayor Hanson.

RESOLUTIONS:

Resolution No. 15710

BY PERDUE:

Awarding contract to Morris Construction, Inc. on their bid of \$35,398.04 for Improvement No. 2290 which was determined to be the lowest and best bid.

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

Adopted on roll call April 13, 1959
Ayes 8; Nays 0; Absent 1, Mayor Hanson

Resolution No. 15711

BY BRATRUD:

Awarding contract to Rudd Paint and Varnish Company on their bid of \$5,450 for 2600 Gallons of White Traffic Paint, which was determined to be the lowest and best bid.

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

Adopted on roll call April 13, 1959
Ayes 8; Nays 0; Absent 1, Mayor Hanson

Resolution No. 15712

BY EASTERDAY:

Awarding contract to Pacific Paint and Varnish Company on their bid of \$5,360.00 plus tax for 2000 gallons of White Traffic Paint and Beads, Pre-mixed, which was determined to be the lowest and best bid.

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

Adopted on roll call April 13, 1959
Ayes 8; Nays 0; Absent 1, Mayor Hanson

Resolution No. 15713

BY PRICE:

Authorizing the sale of 35 tons of scrap steel rails and 15 tons railroad scrap iron to the Northwest Pipe & Salvage Company on their bid of \$1,194.50.

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

Adopted on roll call April 13, 1959
Ayes 8; Nays 0; Absent 1, Mayor Hanson

Resolution No. 15714

BY PORTER:

Authorizing the sale of Water Division Salvage to the American Salvage Sales, Inc; Pacific Iron & Metal Co; American Surplus Sales Inc; Simon Junk Co; Sternoff Metal Corp; and the Tacoma Junk Company in the total amount of \$5,436.10.

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

Adopted on roll call April 13, 1959
Ayes 8; Nays 0; Absent 1, Mayor Hanson

Resolution No. 15715

BY ANDERSON:

Authorizing the proper officers of the City to execute and deliver to Richard Lench and Nellie Gibbons a Local Improvement Assessment Deed upon payment of \$2,818.24 for property located on Brown's Point Boulevard, at Silver Bow Road intersection.

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

Adopted on roll call April 13, 1959
Ayes 8; Nays 0; Absent 1, Mayor Hanson

Resolution No. 15716

BY HUMISTON:

Conveying two small parcels of land in the vicinity of No. 21st and Highlands Street to the Department of Public Works for street purposes which are no longer necessary to the Light Division.

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

Adopted on roll call April 13, 1959
Ayes 8; Nays 0; Absent 1, Mayor Hanson

Resolution No. 15717

BY ANDERSON:

Authorizing the proper officers of the City to execute an agreement with the State of Washington for the acquisition of certain lands owned by the State of Washington, held for the use of the State of Washington Department of Game.

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

Adopted on roll call April 13, 1959
Ayes 8; Nays 0; Absent 1, Mayor Hanson

Resolution No. 15718

BY PERDUE:

Authorizing the proper officers of the City to execute and deliver a supplemental agreement accepting the offer of the Railroad Companies for a 5% increase in the existing rates per car for the Tacoma Municipal Belt Line Railway, retroactive to January 1, 1959.

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

Adopted on roll call April 13, 1959
Ayes 8; Nays 0; Absent 1, Mayor Hanson

Mr. Anderson moved that the rules be suspended in order to take up Resolution No. 15719 which is not on the agenda. Seconded by Mr. Perdue. Roll call: Ayes 8; Nays 0; Absent 1, Mayor Hanson.

Resolution No. 15719

BY HUMISTON:

Fixing Monday, May 11, 1959 at 4:00 P.M. as the date for hearing on the vacation of a portion of So. 74th Street.

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

Adopted on roll call April 13, 1959
Ayes 8; Nays 0; Absent 1, Mayor Hanson

FINAL READING OF ORDINANCES:

Ordinance No. 16325

Amending Ordinance No. 16310 by adding a new section to be known as Sec. 4; that the payment to Pierce County for the benefit of certain taxing districts provide for, shall be paid in full on or before April 30, 1959 out of the current Light Funds of the Light Department and 50% of the amount so paid shall be charged against the 8% gross earnings tax, now imposed upon the Light Utility for General Government and shall be deducted therefrom. Read by title.

Mr. Rowlands explained that Mrs. Goering had requested at last week's meeting an amendment to this Ordinance to read that the source of the payment would be adjusted pending the outcome of the study of the Special Conference Committee, and he said this change has been made.

Mrs. Goering then moved that Sec. 4 of Ordinance No. 16325 be amended by adding the sentence "provided, however, that the ultimate source of said 1959 payment to Pierce County, whether wholly or partly the Light Division or wholly or partly the General Government, shall be adjusted after receipt of the report and recommendation of the Special Conference Study." Seconded by Mr. Bratrud. Roll call: Ayes 8; Nays 0; Absent 1, Mayor Hanson.

Roll call was then taken on the Ordinance as amended.

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

Ordinance No. 16326

Amending Section 1.34.200 of the Official Code of the City by increasing the Working Fund Advance of the Director of Public Works, Garbage and Refuse Utility from \$25.00 to \$50.00. Read by title and passed.

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

Finance No. 16327

Vacating Shirley Street between No. 43rd and No. 44th Street, together with westerly 75 feet of the alley between No. 43rd and No. 44th Street and from Shirley to Bennett Streets. (Holy Cross Parish Petition) Read by title and passed. 65

Call: Ayes 8; Nays 0; Absent 1, Mayor Hanson

REPORTS FOR FILING IN THE OFFICE OF THE CITY CLERK

Report from the Light Division for the month of February 1959.

Mr. Easterday said he would like to thank Mr. Rowlands for the privilege of attending the banquet held Friday night during the City Managers Convention, and said he thought those who missed the privilege of attending missed an excellent talk given by Mr. Reno Odlin.

Dr. Humiston said he made a tour of the County-City Building Sunday and it was gratifying to see so many people present expressing their admiration and pride of the new building. 68

Mr. Rowlands said the question has arisen in reference to the annexation of the area of Federal Way in South King County. The hearing has been set for April 21, 1959. The various departments of the City have been gathering information regarding this matter; but inasmuch as this involves a tremendous amount of work, he would like an opinion from the Council as to whether the work should be continued in view of the Legal Department's uncertainty as to whether they have the legislation to bring an area from another county into Tacoma. 82

This was made possible at one time about five years ago in Richland, Washington when special legislation by the State enabled the annexation of a part of another county. If the people in the South King County do petition for annexation, Tacoma is not legally in a position to accept it and this work might be of no avail.

Mr. Porter pointed out, although there is no legislation enabling such an annexation, he believed there was no legislation prohibiting this.

Mr. Hamilton, Assistant City Attorney, said that was true but the State Statute adopted in 1955 specifically authorized an original incorporation of a city in more than one county; therefore a city incorporated under this specific statute has the authority to annex adjoining areas in more than one county, but this is the only case.

Mr. Rowlands said in the State of Washington unless there is expressed permission, a City is prohibited from any action. This is just the reverse of most other states.

Dr. Humiston said he felt that if both the people of Tacoma and those of the South King County area vote in favor of the annexation there should be enough information compiled so that this special legislation could be requested. He asked if there were any members of the Council who did not wish the staff to continue gathering material for this report. All members agreed that this work should continue on an informal basis.

APR 13 1959

Mr. Rowlands informed the Council that Mr. Marush, of the Marush Fish Co. was interested in leasing property on Dock Street for the purpose of constructing a building and a dock in the approximate cost of \$10,000. He said, because Mr. Marush recently sold his wholesale and retail fish company he cannot go into this type of business for a period of three years, but his business will probably be processing fish eggs for fishermen. Mr. Rowlands said he and Mr. Comfort, Assistant City Attorney, have met with Mr. Marush and are in the process of working out an agreement; and he asked the Council if this would be acceptable to them.

Mr. Anderson said as long as the building is constructed according to the zoning laws he can see no objection to leasing the property to Mr. Marush for this purpose.

Mr. Rhea, an attorney representing Johnny's seafood, the purchasers of Mr. Marush's former business, said they are interested in the fact that Mr. Marush is planning on going back into business and they desire to protect themselves from future competition. They feel that the City of Tacoma, the landlord in this case, should also be interested in protecting its tenants. Johnny's Seafood feel that this should be a consideration in entering into the lease and a request should be made that Mr. Marush agree that he would not enter into the wholesale or retail fish business.

Mr. Anderson said he felt that this was no concern of the City. All the City is doing is leasing the ground.

Dr. Humiston agreed with Mr. Anderson that the City had no right to enter into that kind of an agreement.


Mr. Rowlands said Mr. Marush had no objections to such a stipulation being included in the lease if the same wording was used as was contained in the agreement between Mr. Marush and Johnny's Seafood.

Mr. Rhea said he was not talking about the 3 year period in that agreement but about the entire period covered by the lease.

It was the consensus of the Council that the City had no right to request Mr. Marush not to enter into the wholesale or retail fish business.

The City Clerk read a letter from Dan Hall of the Tacoma Timing Association inviting the members of the City Council to attend the Drag Races on April 26, 1959 at Shelton, Washington.

There being no further business to come before the meeting, upon motion duly made and seconded, the meeting was adjourned at 5:00 P.M.


Vice President of the City Council

Attest:


City Clerk