

FEB 15 1960

1

City Council Chambers, 4:00 P.M.
Monday, February 15, 1960

The City Council met in regular session. Present on roll call 8:
Anderson, Bratrud, Easterday, Humiston, Perdue, Porter, Price and Mayor Hanson.
Absent 1, Mrs. Goering. Mrs. Goering coming in at 4:10 P.M.

Mr. Porter said he has not had sufficient time to examine the minutes thoroughly, but he believed there were some inaccuracies. He said the minutes differ slightly from the press report and also from his recollection; therefore, he moved that the approval of the minutes be held over for one week so that he could have an opportunity to study them further. Seconded by Mr. Easterday. Voice vote on the motion resulted as follows: Ayes 8; Nays 0; Absent 1, Goering.

COMMUNICATIONS:

Report from the City Planning Commission regarding Amendment to Major Street Plan. 26

Mrs. Goering coming in at this time.

Mr. Rowlands said this matter has been reviewed by the Planning Commission. This proposed amendment to the Major Street Plan has come about due to the new Baseball Field and this would allow an entrance from the south lot of the Park directly on to Bantz Blvd.

Mr. Buehler, Planning Director, said this report is in compliance with the City's Ordinance on the Major Street Plan and also with the State Statute. It requires that the Council set up a hearing and that due notice be published in an official newspaper of general circulation. This is to protect the access rights when proceeding with any kind of an amendment relative to the major street and the limited access plan in the City of Tacoma.

He called the Council's attention to a statement in the report indicating that such an entrance on to Bantz Blvd. will be permitted until such time as the State builds the proposed freeway connecting the Narrows Bridge with the Seattle-Tacoma Freeway on U. S. Highway No. 99 via Bantz Blvd. and So. 28th Street. The entrance will then have to be integrated into the Center Street interchange.

Mr. Buehler said he checked with Mr. McCormick, City Attorney, on the requirements for setting a date for hearing and he advised that March 7th would be a proper date and that the notice of the hearing be published in an official newspaper fourteen days before the date of hearing.

Mr. Easterday moved that March 7th be set as the date for hearing and that proper notice be given in an official newspaper. Seconded by Mr. Porter.

Voice vote on the motion resulted as follows: Ayes 9; Nays 0;

Absent 0.

HEARINGS AND APPEALS:

This is the date for hearing on the vacation of that portion of 50:454
55th Ave. N.E. abutting Lots 23 to 44 incl. Block 18, N. E. Tacoma Addition. (Tacoma 12
School District.)

Mr. Rowlands said this petition has been reviewed by the Planning Commission and the recommendation submitted to the Council. If 55th Ave. N.E. is vacated, it will provide more grounds for the school. He pointed out there were

three specific conditions to be met regarding the vacation.

One in particular is that 54th Avenue N. E. should be constructed to a minimum width of 32 feet to meet the City standards. Although 55th Avenue N.E. is presently opened and used for access to the residential area south of the school site, it has never been officially improved to minimum standards. However if 55th Avenue is vacated, these recommended improvements made on 54th Avenue will insure adequate access.

Mr. Rowlands explained he presumed this improvement would either be at the expense of the School District or through an L. I. D.

Mr. Buehler pointed out that the condition under discussion was the recommendation of the Public Works Department. There was considerable discussion before the Planning Commission relative to the improvement of 54th Avenue N.E. and a 5 to 3 vote resulted in favor of recommending this before 55th Avenue N.E. can be vacated.

Mr. Hopkins, School District Representative, said he objects to this recommendation as he felt it could become quite a dangerous in setting a precedent. This requirement affects property apart from that included in the petition. Although the School Board has never refused to do an L. I. D. improvement when necessary it is felt this is a different situation because of the unrelated condition. He said he is making this appeal as he felt it is a matter of principle. The School District will improve the street in question in order to have the vacation approved, but they are still of the opinion it is not proper to spend school money for a closed street.

Mr. Buehler explained further, that 55th Avenue N.E. although not improved to minimum standards, is one of the better access streets to property behind the school as 54th Avenue N. E. is only partially opened. The Public Works Department felt access should be maintained the same as there normally had been and that improvements should be made to 54th Avenue N.E. to insure adequate access once that 55th Avenue N.E. is vacated.

Mr. Easterday asked how much it would cost to bring 54th Avenue N.E. up to the same standard as 55th Street.

Mr. Buehler said he was unable to give any figures as the cost had been based on bringing 54th Avenue N.E. up to minimum standards.

Mr. Rowlands said the City has cooperated with the School Board on several schools, ie: Wilson High and Hunt Junior High Schools, in regard to clearing a sidewalk area for youngsters. Often times the school is located in a rather difficult spot and unsafe for school children to walk in the roadway; therefore the City has spent considerable time and money in grading and gravelling an area for their safety.

Dr. Humiston said he was a little confused about this non-vacated alley running through the school grounds.

Mr. Buehler said records show the alley has never been vacated and upon investigation the Planning Commission recommended that the alley be included in this vacation.

Mr. Perdue said it seemed to him that since the City is giving the school this street and the alley he thought the least the School District could do is provide the people in the area with an access road in place of the one being vacated.

Dr. Humiston asked the condition of the pavement on 29th Street N.E.

Mr. Buehler replied that 29th Street N.E. was one of the City's arterials and is kept up in a higher standard than those streets bordering it. Mr. Buehler suggested that the hearing be postponed for one week, and in the mean time photographs could be made available, of the area, to acquaint the Council with the conditions. If the Council so desired they could also investigate the area.

Mayor Hanson said he felt this would be in order. As he understands it, 55th Avenue N.E. is not up to standards and if 54th Avenue N.E. were brought up to standards by an L. I. D. the School would bear 50% of the cost.

Dr. Humiston moved that the Council postpone action on the petition one week. Seconded by Mr. Anderson.

Voice vote on the motion resulted as follows: Ayes 9; Nays 0; Absent 0.

Several of the Council members expressed a desire to look over the area and it was decided that those members desiring to do so would meet 8:00 A.M. Wednesday morning and a member of the staff would accompany them to acquaint them with the area.

Toney Shelton, Secretary and Business Manager of the Tacoma Public Schools requesting the filing fee of \$100.00 be waived in connection with their petition for the vacation of property at So. 52nd and Cheyenne for a new school site.

Dr. Humiston moved that the \$100.00 filing fee be waived. Seconded by Anderson. Voice vote on the motion resulted as follows: Ayes 9; Nays 0; Absent 0.

RESOLUTIONS:

Resolution No. 16022

Awarding contract to L. R. Gaudio Well Drilling Co. on their bid of \$12,868.00 for the contract for the construction of a water well at the Tacoma Sewage Treatment Plant. 50:488
13

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

Dr. Humiston explained the report that was submitted by Mr. Schuster, Public Works Director, mentions Resolution No. 15818 which authorizes the firm of Kennedy Engineers to carry on and conduct this program. He asked that further information be given on this.

Mr. Schuster pointed out as the Council recalls the Kennedy Engineering Firm was hired to make a survey of various improvements at the Sewage Treatment Plant which was submitted to the Council last year. In this report was the suggestion of a water well; then as a result of this report, Resolution No. 15818 was passed authorizing the Kennedy Firm to undertake Step (2) which was the drawing up of plans and calling for bids for the various improvements.

Mr. Rowlands added that this particular report of the Kennedy Firm was distributed to the Council in July of 1959 and this particular recommendation was contained on page 29 of the report.

Dr. Humiston said he conceded that the Council approved this recommendation but at the same time he wondered whether the full knowledge that the Water Department could bring forth on the matter is being used by the City.

He said the report mentions that wells are now in use in the tide flat area at Carsten's, Kaiser, Hooker Chemical and Federal Meat. As he recalls the City put through an extension of the large main at Taylor Way to Kaisers Manufacturing Plant because they were not getting a sufficient supply of water out of their well. He said he would like to have a written recommendation for or against this method, by the Water Division.

Dr. Humiston said he understands this can be postponed for one week without jeopardizing the bids; therefore he moved that the Resolution be postponed for one week to allow the Water Department to submit a written report on the feasibility of the well for the Sewage Treatment Plant. Seconded by Mr. Bratrud.

Mr. Perdue said inasmuch as Mr. Barline is present he asked if he could give a report on the subject.

Mr. Barline said they did not have sufficient information to give such a report at the present time. However, he said, normally their policy is to discourage wells due to the fact that these wells bring in water that is not fit for human consumption and there is the problem here of cross connections polluting the City water.

There is also the problem of wells installed on the tide flat area being silted. The City has had to furnish water to one Company for six months with a fire hose as their well had become clogged with silt.

Mr. Schuster said the Kennedy Consulting Firm assured them that a well could be drilled without it becoming inoperative because of a silt condition.

Voice vote on Dr. Humiston's motion to postpone the Resolution until February 23, 1960, resulted as follows: Ayes 9; Nays 0; Absent 0.

Resolution No. 16024

BY GOERING:

Authorizing the filing of an application by the City of Tacoma for an advance of funds from the United States in an amount not to exceed \$25,000.00 for the preparation of a General Neighborhood Renewal Plan for downtown Tacoma.

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

Mayor Hanson said this loan is to be applied towards the Federal Participation, but in the event this does not succeed, he asked if the City would be liable for reimbursement of the \$25,000.

Mr. Bob Jacobson, Urban Renewal Coordinator, said the passage of this Resolution will authorize the filing of a "General Neighborhood Renewal Plan. When approval of the application is received, preparation of a ten year program will begin. It will no doubt take six months to prepare the plan and six months to obtain approval of the same. Then the final project to be undertaken, must begin in ten years time, although final completion might not follow until fifteen years from now.

Mr. Rowlands said the Council should also note that some credits may be picked up for improvement in the Central Business area.

Mr. Bratrud said his understanding was that the City was going to start with the Center Street area as a guidance and then if it succeeded, the City would proceed with other areas. He asked if the City should not complete the Center Street project before embarking on a big downtown program.

Mayor Hanson said this action does not represent a commitment on the part of the City, but merely enables the City to be prepared to submit an acceptable plan and at the same time permit them to take advantage of the improvements already in the general area. Therefore, it is not inconsistent with the previous plan of pushing the Center Street area and using that as a guide. The City is also taking the preliminary steps in the other areas where Urban Renewal may be advisable.

Mr. Jacobson added the downtown area had been given the No. 1 priority by a Citizens' Committee originally, but the Federal legislation allocating

FEB 15 1960

5

substantial money for projects in largely commercial areas had only recently been approved.

Mr. Bratrud said he felt Urban Renewal plans caused an uncertainty on the part of businessmen as to exactly what they should do with their business. He doubted the wisdom of having these people all over Tacoma upset over these proposed plans that sometime take so long to accomplish.

Mayor Hanson said on the contrary, as he sees it, proceeding at this time with this will better enable the businessmen to know in the near future exactly where their particular property will fit into the General plan for Urban Renewal.

Mr. Buehler said a general shift in the street pattern is not contemplated in the downtown area, therefore any improvements planned by businessmen would no doubt fit into the overall program.

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. 16025

BY EASTERDAY

Adopting the Workable Program of Urban Renewal 1960 Recertification for Tacoma, as the present official plan of action for Urban Renewal within the City of Tacoma.

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

Mr. Rowlands said a copy of the Workable Program of Urban Renewal which was submitted to the Council members is a review of the program and a report on the progress made. The report was also submitted to the Federal Agency to inform them of the progress being made.

Voice vote on the Resolution, resulted as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16026

BY PORTER:

Authorizing the proper officers of the City to execute a clearance easement to the Dept. of the Air Force in the amount of \$150.00 over .78 acres of Water Division flume line property located on the Northwesterly corner of McChord Air Force Base.

Mr. Perdue moved that the Resolution be adopted. Seconded by Mr. 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. 16027

BY PRICE:

Authorizing the proper officers of the City to execute and deliver a supplemental agreement accepting the offer of the trunk line railroads for a 10% increase in switching rates retroactive to January 1, 1960.

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

Mr. Barline said this 10% increase will mean an additional \$35,000 a year and will enable the Department to adequately maintain and operate the Tacoma Municipal Belt line Railway properties.

Voice vote taken on the Resolution, resulted as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16028

BY BRATRUD:

Approving the annexation of Hyada Park Voting Precinct in the area of N.E. Tacoma.

Mr. Easterday moved that the Resolution be approved. Seconded by Mr. Anderson.

Mr. Rowlands said the attached report submitted to the Council members from the Planning Commission entailed a considerable amount of work by them and also by many staff members.

He pointed out that he knew the Council members would be interested in the material on pages 8 and 9 in particular. Page 8 indicates the anticipated revenues from Browns Point and on page 9 the estimated expenditures from the General Fund.

One item to clarify on page 9 is the \$2,000 item under Library Service for Operation of Clubhouse facilities. This refers only to maintenance service in the Clubhouse.

Mr. Buehler emphasized that the City is not taking over the Clubhouse. The people of Browns Point built this building and it belongs to them, he added.

This area covers about 286 acres. The staff attempted to make a projection within that area for future growth based upon a detailed study of the sites. The topography is quite steep making it almost impossible to estimate the potential development on a sites-per-acre basis. This was all considered when arriving at the cost figures, etc.

Mr. Buehler explained if the Council approves this Resolution today, the annexation petition will then go to the County Commissioners who must schedule a public hearing on the annexation. If the petition is found to meet legal requirements, a special election must be called in the Browns Point area.

Mr. Rowlands said they had received a letter from the National Board of Fire Underwriters, a copy of which was sent to each Council member, stating that the annexation if approved, would have only a slight adverse affect on the recent rating of Tacoma. He added that approximately 5 to 10 deficiency points could result.

Mr. Bratrud said he understood an anti-annexation petition was being circulated in Browns Point and wondered whether the Council should wait to see if it was filed before acting on this Resolution.

It was the opinion of some of the Council members that the City should forward the petition and let the people in the area decide the question at the polls.

Voice vote on the Resolution resulted as follows;

Ayes 9; Nays 0; Absent 0.

The Resolution was declared adopted by the Chairman.

Resolution No. 16029

BY PORTER:

Awarding contract to Lige Dickson Co. on their bid of \$213,605.70 for Improvements Nos. 3010-E and 3508.

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

Voice vote on the Resolution resulted as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

FIRST READING OF ORDINANCES:Ordinance No. 16515

Appropriating the sum of \$1,576.98 from the General Fund for the purpose of paying the costs of Civil Defense evacuation signs. Read by title.

Mr. Rowlands said this is a carry over from last year as the signs were not delivered before the 20th of January at which time the books for 1959 were closed.

The Ordinance was then placed in order of final reading.

Ordinance No. 16516

Amending Sections 1.12.030 and 250 of the Compensation Plan in reference to Jury Duty and determining the effective date of range increases. Read by title.

Mr. Rowlands explained that this Ordinance concerns the compensation for full time City employees who are called for jury duty. He felt this is an attempt to encourage the employees to return to their City employment if their duties on the jury do not last all day.

There is also a proposed change for the "within-range increases", in order to simplify the preparation of payrolls where the eligibility date falls in the first half of a pay period, such increase shall become effective as of the first date of said pay period; those falling in the second half of the pay period shall become effective the first day of the following pay period.

The Ordinance was then placed in order of final reading.

FINAL READING OF ORDINANCES:Ordinance No. 16514

Creating a special fund in the Treasury of the City known as Cumulative Reserve Fund for the Garbage and Refuse Utility. Read by title. SD: 491

Mr. Rowlands said the information requested at last weeks Council meeting was submitted along with this Ordinance and points out the capital expenditures expected in the next two or three years.

Roll was then called on the Ordinance resulting as follows:

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

FEB 15 1960

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

Tacoma Employees Retirement System report for January 1960.

Tacoma Municipal Court report for January 1960.

Report from the Director of Finance for December 1959.

COMMENTS:

Mr. Rowlands explained that it appears more money is necessary for the repair of the City Fire Boat and said that Captain F. W. Buckler, the Marine Surveyor who was hired by the City to supervise the overhauling of the Fireboat was present with additional information on the matter.

Mr. Buckler said after making numerous repairs to the hull it was found that flexible couplings and other items as set forth in the letter from the Cummings Boat Company, are needed to keep the bearings which were just replaced from being ruined in a short time. The sum needed to accomplish this would be \$5,156.00.

As a result of this communication from the Cummings Boat Company and Capt. Buckler's explanation, the City Council decided it was essential to make this appropriation to protect the \$25,000 already spent for the boat's rehabilitation and to get the Fireboat back into service.

Mr. Easterday moved that an emergency Ordinance be brought in next week appropriating the necessary funds. Seconded by Mr. Bratrud.

Voice vote on the motion resulted as follows: Ayes 9; Nays 0; Absent 0.

Mr. Easterday said a short time ago the City Council authorized a millage proposition for improvements to the Fire Department which will be placed on the March 8th ballot and to his knowledge there has been little publicity on the proposition to acquaint the Public of its importance. He asked if any plans have been made to inform the public on the subject.

Mr. Rowlands explained that the Pierce County Insurance Committee have funds to advertise this proposition five or six times before the election, and also will have T. V. and Radio time, particularly in the last two weeks.

Mr. Rowlands pointed out the Dock Property proposition would also be on the March ballot.

Mr. Rowlands distributed the Ball Park Progress Report. Mayor Hanson said the firms involved are to be congratulated as the project is advancing as anticipated.

Mr. Porter said he had a statement to make and would like to have it placed in the minutes verbatim.

"I have with me a tape recording machine on which I intend to record council meetings for my own protection and for use by anyone who wished to know exactly in its full content what is said and done by the Council. I do not feel that I can in the future trust certain of my fellow Council members.

"At last Monday's Council meeting a new precedent was established when the Council took official notice and discussed an entirely erroneous matter as though it were official City business. I can now see that the entire discussion was a prearranged scheme to smear and discredit me over something I had no knowledge of or control over.

"In my two years' service on the City Council it was the first time I hit the headlines, and was over a matter completely erroneous and extraneous to Council proceedings.

"Further, I wish to state: If the facts stated in the publication called 'The Truth' were not true, the people involved could sue. If the statements are true, then they will have to live with the truth.

"I have been allegedly personally slandered by my fellow councilman, a candidate for mayor, John Anderson, at a public meeting in one of our local churches when I was not present, yet no one in the Council felt this matter important enough to bring before the Council.

"I am presently investigating Mr. Anderson's alleged statements, and if they were made as reported to me, they are untrue, maliciously slanderous and enexcusable, and I have been advised to sue Mr. Anderson." Signed: James S. Porter

Following the statement, Dr. Humiston suggested to Mayor Hanson, as Chairman of the Council meeting, that he terminate any discussion on political statements of any kind until after the election is over, and that only Council business should be transacted.

Mayor Hanson said those members who felt that the material was beyond the scope of the Council's business could well have pointed that out and made a motion to that effect at that time. It was his opinion that it was in order as it came up under "Comments by the Council Members" and he suggested that it was rather a matter left to the restraint and sense of responsibility on the part of each individual Council member. He will not attempt to "throttle" any member of this body if they feel it is necessary to bring something before the Council. However, he is open to any motion to "cut off" any discussion in any area that is, in their opinion, beyond the scope of Council business.

Dr. Humiston promised to make such a motion if any further political discussions are started at the Council meetings.

Mayor Hanson said inquiries in reference to the Tacoma Airport site decision indicated a report from the Air Force is being awaited by the F. A. A. This report will definitely indicate their long range plans for the uses of McChord Field. The report is expected within three or four weeks. No other information was obtainable. 50:478
32

Mayor Hanson reported on his trip to Washington D. C. and said he expects a favorable decision from the Civil Aeronautics Board on Pan American Airways' application to make Seattle-Tacoma Airport a terminal on its Far East flights. Presentations before the Board were made by the Governors of Washington and Oregon, the Congressional delegations from both States, the Mayor of Seattle and himself. 50:478

He said he felt the time and expense were well worth while. He added he also had made many valuable contacts with aircraft and electronics manufacturers on a side trip to New York, which may prove of benefit to the City in its quest for new industry.

Mr. Henry Carlbon said a published statement by Mr. Barline, Director of Utilities, that Carlbon's anti-Cowlitz petitions had possibly cost the City a million dollars in bond interest, and a published statement by Mr. McCormick, City Attorney, that he was considering a harassment suit against Cowlitz opponents were politically inspired and cost him votes as a candidate for Mayor. 50:393

He asked for a public retraction and if it were not made he would take the matter to Court in a personal injury suit. He further asked that Mr. Barline's statement be proven.

Mayor Hanson advised Mr. Carlbow he was out of order and that his complaint should be made with the officials from whom the statement was made.

Mayor Hanson added that he had discussed with the City Attorney the possibility of the City bring suit against persons who persist in bringing frivolous litigations against this project, which has been upheld by the U. S. Supreme Court.

Mr. Byran Rosen of the Rosen Supply Company located in Tacoma, said his company felt it was very unjust that the \$20,000 contract for copper tubing was awarded to a Seattle firm, Western Utilities Supply Company, as the Rosen Company's bid was only 99 cents higher. He felt the City should take into consideration the fact that his company is a local firm and pay a \$20.00 business tax to the City on the contract; whereas the Seattle firm would pay nothing.

Mr. Gaisford, Finance Director said the Seattle firm maintains a local office and would be required to pay the tax also.

Mr. Barline, Director of Utilities, said the provision of the City Charter is that contracts should be awarded on the lowest and best bid. When material are concerned that are standard specification material, nothing is involved in the way of inspection, manufacturers, difference in the products, etc. and there is no alternative than to give it to the lowest bidder.

Mr. Al Benedetti, Water Superintendent, said there was no good reason to bypass the Seattle firm since its former service and materials have been satisfactory.

Mr. Rosen contended that when he attended the bid opening February 8th only three bids were opened. Since his firm's bid was the lowest of the three he left with the impression that the contract would be awarded to them. It is his understanding that three bids were brought into the bid opening after he left; among these was the Seattle's firm slightly lower proposal. He questioned the legality of the procedure.

City Clerk Josephine Melton explained the latter three bids had been filed with the Clerk's office the previous day and placed in the safe. Through inadvertence they had not been taken into the Council Chambers for the bid opening, but were sent for and opened before the meeting was adjourned.

Mayor Hanson asked Marshall McCormick, City Attorney, for his opinion on the legality of the matter.

Mr. McCormick said as it was explained the bids were all properly signed, sealed and filed at the propertime. Inadvertently when the bids were gathered up for the bid opening these bids were left behind. But he felt since they were opened before the meeting adjourned, this procedure was legal and proper.

He added it was true the Rosen bid was only 99 cents higher but the practise has been to consistently and legally held that the State Law, the City's Ordinance and Charter specifically state that the contract shall be awarded to the lowest and best bidder. If the Utility Board of the City Council make a finding based on substantial facts, such as the convenience of delivery, the history of performance, equipment, service, etc. and find that one bid is better than the other, even though it is a higher bid, then the award can be made on that basis. But in the absence of that finding, as in this case, the contract is awarded to the lowest bidder.

Mayor Hanson said in other words, in this instance, in order to award the bid to other than the lowest bidder there would have to be shown a differentiation in the bid.

Mr. McCormick said there were no facts to justify the action of awarding the contract to other than the lowest bidder.

There being no further business to come before the meeting, upon motion duly seconded and passed the meeting adjourned at 6:15 P.M.

Ben Thurson
President of the City Council

Attest: *Josephine Nestor*
City Clerk