

CITY COUNCIL MINUTES

City Council Chambers, 7:00 P. M.
Tuesday, March 14, 1961

Council met in regular session. Present on roll call 7: Bott, Easter-day, Murtland, Olson, Price, Steele, and Mayor Hanson; Absent 2: Cvitanich and Porter. Cvitanich coming in at 7:14 P. M. Porter coming in at 8:00 P. M.

Mrs. Price moved that the minutes of the meeting of February 28, 1961 be approved as submitted. Seconded by Mr. Steele. Voice vote on the motion resulted as follows: Ayes 7; Nays 0; Absent 2, Cvitanich and Porter.

Mayor Hanson said, before proceeding with the Agenda, Mr. Bob Evans of Allied Arts is present to outline to the Council some of the plans of Allied Arts with reference to the beautification of Tacoma.

Mr. Evans said Allied Arts started on its tree planting program 1-1/2 years ago, but was delayed by lack of funds. However, as a result of financial assistance the program is again under way. Allied Arts is promoting the placing of tubs containing trees along Pacific Avenue and "A" Street from 7th to 9th Streets, while the Retail Trade Bureau is promoting the installation of other containers throughout the remainder of the central business district.

Mr. Evans said the concrete containers used by Allied Arts have proved functional and satisfactory. The organization has made arrangements with the Boy Scouts to have the containers painted. Also, the Camp Fire Girls will plant bulbs.

Mr. Cvitanich coming in at this time.

Mr. Evans added that Allied Arts regards this entire effort as one of community interest and one which we would like the City's interest and support.

Mayor Hanson assured Mr. Evans his organization's program has the support of the City and commended Mr. Evans and his group for showing the initiative and spontaneity in this program.

Mrs. Olson moved that the Council congratulate the Allied Art's Committee for their forward step and urge them to continue in their efforts. Seconded by Mr. Cvitanich. Voice vote: Ayes 8; Nays 0; Absent 1, Porter.

Mr. Bott asked if Allied Arts had considered transplanting some daffodils in the containers for the Daffodil Festival?

Mr. Evans said possibly that could be arranged.

Mr. Evans also mentioned that he had spoken with Mr. Schuster, Public Works Director, in regard to putting the Clock in the old City Hall back into working order. 51:405

HEARINGS & APPEALS:

This is the date fixed for hearing on the vacation of the alley between Union Ave. and Washington St. from No. 13th to No. 14th St. (petition of University of Puget Sound)

Mayor Hanson said the approval of this petition has been recommended by the Planning Commission, which report was submitted to the Council members.

Mr. Easterday moved that the proper Ordinance be drawn vacating the property subject to the conditions set forth. Seconded by Mrs. Olson. Voice vote: Ayes 8; Nays 0; Absent 1, Porter. Motion carried.

COMMUNICATION:

Communication from the Tacoma Employees' Retirement System in reference to the L I D Guaranty Fund.

Mr. Steele moved that this recommendation be adopted. Seconded by Mrs. Olson. Voice vote: Ayes 8; Nays 0; Absent 1, Porter. Motion carried.

PETITION:

Petition from Harold A. Dabroe, requesting the rezoning of the property located at the N. W. corner of So. 38th & J St. to be rezoned from an "R-3" to a "C-1" District.

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Referred to the Planning Commission.

RESOLUTIONS:

Resolution No. 16440: (postponed from the meeting of March 7, 1961)

Awarding contract to Tucci & Sons, Inc. for the construction of the Leach Creek holding basin in the amount of \$81,001.10 which was determined to be the lowest and best bid.

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Mrs. Price explained that Mr. Porter notified her that he would be late for the meeting and asked that the Council hold this Resolution over until the end of the meeting so that he could be present during the discussion. She then moved that the Resolution be postponed until the end of the meeting. Seconded by Mr. Steele. Voice vote: Ayes 8; Nays 0; Absent 1, Porter. Motion carried.

Resolution No. 16477:

Fixing Monday, April 10, 1961 at 4:00 P. M. as the date for hearing on L I D 3520 for sanitary sewers on Locust and Linden Lane from 6th Ave. to So. 12th St. and rescinding Resolution No. 16438.

Mrs. Price moved that the Resolution be adopted. Seconded by Mr. Steele. Voice vote taken on the Resolution resulted as follows:

Ayes 8; Nays 0; Absent 1, Porter.

The Resolution was declared adopted by the Chairman.

Resolution No. 16478:

Fixing Monday, April 10, 1961 at 4:00 P. M. as the date for hearing on L I D 5331 for cast iron water mains in the area bounded by Union Ave., No. 36th, Lawrence St., and No. 33rd, and repealing Resolution No. 16384. 2

Mr. Cvitanich moved that the Resolution be adopted. Seconded by Mr. Murtland.

Voice vote taken on the Resolution resulted as follows:

Ayes 8; Nays 0; Absent 1, Porter.

The Resolution was declared adopted by the Chairman.

Resolution No. 16479:

Fixing Monday, April 10, 1961 at 4:00 P. M. as the date for hearing on L I D 5333 for water mains in the area bounded by East 72nd, East "S", East 68th and Homestead Ave.

Mr. Bott moved that the Resolution be adopted. Seconded by Mr. Cvitanich.

Voice vote taken on the Resolution resulted as follows:

Ayes 8; Nays 0; Absent 1, Porter.

The Resolution was declared adopted by the Chairman.

Mr. Rowlands said it has been requested that the next Resolution be postponed for one week.

Resolution No. 16480:

Authorizing the settling of the claim of Shirley Barger in the amount of \$2500 for the wrongful death of her son caused by his falling on a defective street.

Mr. Steele moved that the Resolution be postponed for one week. Seconded by Mrs. Price. Voice vote: Ayes 8; Nays 0; Absent 1, Porter. Motion carried.

Resolution No. 16481:

Authorizing the proper officers of the City to sell approximately 75,000 cu. yds. of gravel to the Rock & Sand Co., Inc. on their bid of 10¢ per cu. yd.

Mr. Steele moved that the Resolution be adopted. Seconded by Mrs. Price.

Mr. Benedetti, Acting Director of Utilities, explained that this gravel is in the Howard Hanson Dam Flood Basin area, and is on property acquired in connection with the construction of the dam as the majority of the property will be flooded. The contractor desiring to buy this gravel is the contractor who is building the access road into the dam.

Voice vote was then taken on the Resolution resulting as follows:

Ayes 8; Nays 0; Absent 1, Porter.

The Resolution was declared adopted by the Chairman.

Resolution No. 16482:

Authorizing the extension of the agreement with the Ohio Ferro-Alloys Corp. for the sale of electric power and energy for a period of 60 days from March 21, 1961.

Mr. Steele moved that the Resolution be adopted. Seconded by Mrs. Price.

Mr. Benedetti said the present agreement for the sale of electric power and energy with the Ohio Ferro-Alloys Corporation will expire March 21, 1961. In re-negotiating this contract it has been necessary to negotiate with their agent in Ohio. Previously there was a local manager in Tacoma who was empowered to negotiate but he is not here any longer, so it has been difficult over this long distance to have the contract ready for this March 21st deadline.

This Resolution will extend the present contract 60 days with the provision that any new rates offered to the Company will be made available retroactively to March 21, 1961. This is agreeable to the Ohio Ferro-Alloys Company, he added.

Voice vote was then taken on the Resolution resulting as follows:

Ayes 8; Nays 0; Absent 1, Porter.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16483:

Authorizing the proper officers of the City to execute the necessary deeds with the Board of Commissioners of Lewis County for the relocation of roads and bridges within the Mayfield Project boundary.

Mr. Steele moved that the Resolution be adopted. Seconded by Mr. Easterday.

Mr. Benedetti explained that in connection with the Mayfield Dam Project there will be a considerable area that will be flooded which will in turn inundate 6 County roads. An agreement was entered into between Lewis County and the City of Tacoma which provided for the relocation of these roads, and it further provided that the City of Tacoma would transfer easement rights for roads that would be inundated at such times that the County would present us with the necessary descriptions for those roads, which this Resolution will accomplish.

Mr. Cvitanich asked if it would be proper for him to vote on this Resolution? Mr. McCormick answered that it would be.

Voice vote was then taken on the Resolution resulting as follows:

Ayes 8; Nays 0; Absent 1, Porter.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16484:

Authorizing the proper officers of the City to execute and deliver a local improvement assessment deed to J. A. and Emma Pearson for the sum of \$400 for property located on the S. W. corner of So. 14th & Durango St.

Mr. Steele moved that the Resolution be adopted. Seconded by Mr. Easterday.

Voice vote taken on the Resolution resulted as follows:

Ayes 8; Nays 0; Absent 1, Porter.

The Resolution was declared adopted by the Chairman.

Resolution No. 16485:

Authorizing the proper officers to execute and deliver to Joseph and Jane McGhee a real estate contract in the amount of \$850 for property located on the N. E. corner of So. 44th and Wilkeson.

Mr. Murtland moved that the Resolution be adopted. Seconded by Mr. Easterday.

Mr. Bott asked if this property was sold on bid?

Mr. Rowlands said it was sold at public auction on March 3rd.

Mrs. Olson said although she realized the information was not available this evening, she would like to know how many local improvement foreclosure proceedings the City is forced to undertake in a given period. She said she thought this is important because most of the improvements made in the City are made under a local improvement district. It seemed to her that it would be a terrible thing if we were imposing upon the people of the City of Tacoma to the extent that very many foreclosures were brought about because of assessments. Therefore, she requested this information at the very earliest possible moment.

Mr. Murtland said he thought that most of these involve unimproved property. He has not seen any come through involving improved property.

Mayor Hanson said perhaps it could be indicated in the report and also if there are any unusual circumstances.

Voice vote was then taken on the Resolution resulting as follows:

Ayes 8; Nays 0; Absent 1, Porter.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16486:

Appropriating the sum of \$430 from the Cumulative Reserve Fund for Capital Outlay and Maintenance and Operation for the purpose of purchasing photographic equipment for the Public Works Department.

Mr. Steele moved that the Resolution be adopted. Seconded by Mrs. Price.

Mr. Rowlands explained that Mr. Trueblood does the photographic work for all of the departments, although he is assigned principally to the Public

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Works Department. At the present time it is necessary for him to borrow equipment from various departments for his work. The purchase of this photographic material at a cost of \$430 will provide a more effective scheduling of his time and will result in a more efficient photographic service to all departments of the general government.

Mr. Bott asked if it would be possible to have a pool for such equipment, as it doesn't seem that the City would be using projectors, etc. often enough that each department should be equipped with one.

Mr. Rowlands said that an attempt is being made along this line. However, the Health Department and the Police Department both use their projectors quite often and conflicts arise in the use of this equipment.

Mr. Bott said in essence then it is more or less a pool arrangement.

Voice vote was then taken on the Resolution resulting as follows:

Ayes 8; Nays 0; Absent 1, Porter.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16487:

Accepting certain offers to sell Real property situated within the Center Street Urban Renewal Project designated Project No. Wash. R-1.

Mrs. Price moved that the Resolution be adopted. Seconded by Mr. Steele. Voice vote was taken on the Resolution resulting as follows:

Ayes 8; Nays 0; Absent 1, Porter.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16488:

Accepting offers to sell improvement situated within the Center Street Urban Renewal Project designated Project No. Wash. R-1.

Mr. Steele moved that the Resolution be adopted. Seconded by Mrs. Price.

Mr. Rowlands explained that this particular Resolution provides for the purchase of the house only, which is on the railroad right of way.

Voice vote was then taken on the Resolution, resulting as follows:

Ayes 8; Nays 0; Absent 1, Porter.

The Resolution was then declared adopted by the Chairman.

FIRST READING OF ORDINANCES:

Ordinance No. 16757:

Amending the Pay and Compensation Plan to include the Public Information & Advisory Officer classification. Read by title.

Mayor Hanson said he would suggest that the word "advisory" in the title should be deleted. He asked Mr. McCormick, City Attorney, if there was any reason why this could not be done.

Mr. McCormick said he could see no reason why it couldn't be deleted. However, he added, if the Council deletes this word, the classification 0906 listed above should also be changed.

Mr. Murtland said we do have a Public Information Officer at present, so if the word "advisory" is deleted, there will be a duplication as far as title is concerned. He added, perhaps to differentiate the titles, the words "City" should be added on one classification and "Utility" for the other.

Mr. Murtland then moved that the word "Advisory" be deleted from the title and that the classification be amended to "City" Public Information Officer; also that classification 0906 be amended to read "Utility" Public Information Officer. Seconded by Mr. Cvitanich. Voice vote: Ayes 8; Nays 0; Absent 1, Porter. Motion carried.

Mr. Cvitanich asked if this Ordinance is creating just the one position?

Mr. Rowlands replied that this was the only position created at this time.

Mr. Bott asked if Mr. Bixel had established any outline of the duties of this new position?

Mr. Rowlands explained that this will be sent to the Council this week. The Ordinance was then placed in order of final reading.

Ordinance No. 16758:

Vacating property in the area between So. Grant & Ainsworth on the north side of So. 8th Street for the Bryant Elementary Grade School playground. (petition of Bryant School.)

Read by title and placed in order of final reading.

Ordinance No. 16759:

Amending Chapter 13.06 of the Official Code of the City by adding a new section 13.06.130 (11) to include the north side of 6th Ave. between Lexington Street extended and Mildred Street in a "C-2" Commercial District. (petition of Harold Jewell.)

Read by title and placed in order of final reading.

Ordinance No. 16760:

Amending Chapter 13.06 of the Official Code of the City by adding a new section 13.06.130 (10) to include the east side of State Street between So. 39th and So. 40th Streets in a "C-2" Commercial District. (petition of Tacoma Gospel Assembly)

Read by title and placed in order of final reading.

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FINAL READING OF ORDINANCES:

Ordinance No. 16753:

Amending the Official Code of the City by adding a new section 12.08.105 - Charges and rates for sewage disposal outside City limits. Read by title and passed.

Roll call was then taken on the Ordinance resulting as follows:

Ayes 8; Nays 1, Cvitanich (Passing); Absent 1, Porter.
The Ordinance was then declared passed by the Chairman.

Ordinance No. 16754:

Vacating Windom Street from So. 35th to Center Street and Bean from Center to Lawrence Street. (petition of Nalley's, Inc.) Read by title.

Mr. Rowlands explained that changes have been made in the easement description and a redraft of the Ordinance has been submitted to each Council member. He added that Mr. McCormick, City Attorney, has gone over this with the Planning and Public Works Departments. 129

Mr. Buehler, Planning Director, said he had mentioned at the Council meeting last week, that there were questions relative to this vacation. During the week these have all been reviewed and this redraft prepared as agreed upon with the Public Works and the City.

Mr. Bott then moved that the redraft Ordinance be substituted for the original Ordinance. Seconded by Mr. Murtland. Voice vote: Ayes 8; Nays 0; Absent 1, Porter. Motion carried.

Roll call was then taken on the substituted Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Porter.
The Ordinance was then declared passed by the Chairman.

Ordinance No. 16755:

Vacating property located in East I between East 25th and Puyallup Avenue. (petition of Lexington Co.) Read by title and passed. 129

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Porter.
The Ordinance was declared passed by the Chairman.

Mr. Porter coming in at this time.

Ordinance No. 16756:

Vacating the property at So. 67th Street between Bell and "A" Streets. (petition of Walter Parkinson, et al) Read by title. 130
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Mrs. Olson asked if the Council postponed discussing the possibility of a foot path in the area of 67th Street between Bell and A Street, for the reason a petition was submitted?

Mr. Rowlands said this petition was circulated and it indicates that the abutting property owners are favoring the complete vacation.

Mr. Buehler explained that this was the method used to attempt to determine if the people needed or desired the suggested walkway through the area.

Mrs. Olson asked if there was any petition favoring a walkway?

Mr. Buehler said there has been none.

Mr. Bott said, inasmuch as he asked that the possibility of a walkway be considered, he would like to say that he is satisfied with the reaction of the adjoining property owners and would like to recommend that the Council grant the request.

Roll call was then taken on the Ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

UNFINISHED BUSINESS:

The Director of Public Works presents the assessment roll for the cost of the improvement in L I D 4653 for paving and storm drains on East D from East 3rd to East 11th; East E from East 11th to East 7th; East 7th from East D to East F Streets.

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Mr. Easterday moved that Monday, April 24, 1961 at 4:00 P. M. be fixed as the date for hearing on the assessment roll for the cost of the improvement in L I D 4653. Seconded by Mr. Cvitanich. Voice vote: Ayes 9; Nays 0; Absent 0. Motion carried.

ITEMS FOR FILING IN THE OFFICE OF THE CITY CLERK:

- a. Employees' Retirement System report for month of February, 1961.
- b. Tacoma Municipal Court report for month of February, 1961.
- c. Report from Water & Belt Line Division for month of February, 1961.
- d. Report from the Harbormaster for the year 1960.

Mayor Hanson referred back to Resolution No. 16440 which was postponed to the end of the regular business:

Resolution No. 16440:

Awarding contract to Tucci & Sons, Inc. for the construction of the Leach Creek holding basin in the amount of \$81,001.10 which was determined to be the lowest and best bid.

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Mr. Rowlands distributed to the Council members a letter previously received from Mr. Moore, Director of the Fisheries Department dated June, 1960.

Mr. Cvitanich asked that this letter be made part of the record, which was placed on file in the Clerk's office.

Mr. Rowlands read the letter which stated, in part, "The valve control should be so adjusted to restrict drainage from the reservoir to a flow not greater than a maximum of 60 cubic feet per second. If it is found that the reservoir capacity available permits a greater restriction of maximum reservoir outflow without any resultant damage upstream from the dam and causing less downstream damage, such a restriction will be requested by this department and the City will comply."

Mr. Rowlands explained that it still leaves the maximum 60 cfs but they indicate if other adjustments can be made that in the interest of control downstream, the City will comply.

The letter further stated, "The requirements for fish protection may require additional regulations for stream flow management, which may be requested within the limits of the reservoir capacity of 75 acre feet and the dam controls."

He said he wanted to call to the Council's attention that the Fisheries Engineers reviewed the specifications on the bids that were let, on which Tucci & Sons were the low bidder. But instead of 75 acre feet, 52 acre feet seems to be the figure which is mutually agreeable, so it would be his recommendation to the Council that this would be changed before final action is taken on the Resolution.

Also, in the event there is any misunderstanding or ambiguity about the second paragraph in the letter, he added, where the 60 cfs is mentioned, we are speaking about 60 cfs at the reservoir and not down below in the lower reaches of the creek. He said he wanted to make this very clear to the Council, that we have had another letter recently from Mr. Moore with reference to the fact that the Fisheries Department would like to see the City proceed. In part, this letter states, "This Department has also experienced considerable damage and fish loss to the spawn in the creek bed of Leach Creek during the past recent heavy runoff. These problems have been primarily in moving the bed material of the stream, releasing eggs from the gravel, etc."

He added, the rest of the letter is more or less a recap of what has been said previously. The fact is they are talking about damage to the spawning beds, etc. downstream and most of that has been done when we have had a 39 cfs and not a 60 cfs. Over the period of the last 2 years only in one instance has there been a little flash spill over of water which has exceeded 60 cfs. It is the considered opinion of the engineers of the City that the construction of the dam with the result in maximum flow of 60 cfs will not necessarily answer all the questions downstream as far as the property owners are concerned, and perhaps as far as the Fisheries Department is concerned, although in the discussion with the Fisheries Department they have been willing to use the 60 cfs figure, feeling that it is reasonable from the standpoint of the City. In brief, the flow could vary considerably downstream because, as the Council well knows, there are other areas contributing to the stream outside of the City limits - a large area out in the County and Fircrest is contributing - so it should be pointed out that this will not be a panacea to all the ills that may develop downstream which are not attributable to any action taken by the City.

Mr. Rowlands continued that the next paragraph in the letter of June, 1960 states, "The purpose of the dam is to regulate the control of the stream within a maximum capacity without causing unreasonable fish damage on Leach Creek. The reservoir dam is to be designed to provide a silt catch basin," (All of these items have been considered in the specifications, he said) "a main drain with a valve control placed level with, or not more than 12 inches above, the stream bed at the outfall and a crest or maximum capacity protective spillway. If the continuous maximum runoff does not fill the reservoir, the control valve shall limit the maximum downstream releases. If the maximum runoff causes overflow at the protective spillway, an emergency will be deemed to exist which is beyond the control of the City." He said, in other words, you can have an "act of God" occur over which the City has no control - flash floods, tornadoes, etc.

Mr. Rowlands further stated that the City has taken step number one by acquiring the holding basin which cost some \$31,000. Step two, as far as the dam is concerned, it is the sincere opinion of the City Engineers that this dam would probably serve the purpose of the City for 8 to 10 years as far as development is concerned. As far as the ultimate development, in the area north of the City limits, assuming that there is complete development, the City might at some future time have to deepen that natural holding basin to the extent of another \$150,000 to \$200,000; although that is not in the immediate future, but might be necessary in 8 or 10 years. Another alternative would be to decide what action would be necessary in 3 to 5 years from now if the area outside the City develops, creating an entire drainage district which would include Fircrest, the County, and the City. If the 60 cfs is still acceptable and 52 acre feet substituted for 75, it is the opinion of the engineers that this would suffice and protect the City's position for the next 10 years.

Mr. Bott asked what is the maximum flow?

Mr. Rowlands said on one day only, the maximum flow reached 66 cfs.

Mr. Cvitanich said, inasmuch as this matter has been discussed quite thoroughly with Fircrest and the County Commissioners, he moved the previous question at this time. Seconded by Mr. Easterday.

Mayor Hanson said the Council has before it the previous question which requires a 2/3 vote in order to eliminate further discussion. An affirmative vote would tend to cut off any further discussion; a negative vote would be voting in effect to continue discussion. Roll call was then taken on the motion for the previous question, resulting as follows: Ayes 4; Nays 5; Bott, Murtland, Price, Steele, and Hanson; Absent 0. Motion fails.

Mr. Porter called attention to a sentence in the June, 1960 letter, on the second page, whereby it states, "If it is found that the reservoir capacity available permits a greater restriction of maximum reservoir outflow without any resultant damage upstream from the dam and causing less downstream damage, such a restriction will be requested by this department and the City will comply." Since the 60 cfs is the figure now, it might turn out that they would require a lower figure, he added.

Mr. Cvitanich asked, "Why do we keep delaying on this situation?" First it was the cost - we passed an Ordinance 8-0 that we proceed - then there was a delay because of the cost skyrocketing to \$317,000. Then the letting of

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of the bids for \$81,000. Then the meetings with Fircrest and the County Commissioners. Tonight we are right back where we started, approximately 9 months later, without accomplishing a thing.

Mr. Murtland said one question which he still is trying to make a decision on is that if the City has increased the flow since they have put in our own storm drains. On the basis of what we have been informed by Mr. Carlson, Mr. Piper, and Mr. Mladinov, has this been an exceptional year? What was the flow prior to the time the City has been brought into this? We do not have much documentary evidence as to what has been the increase.

Mr. Rowlands said the only evidence that has been obtained is that which is recorded by the measuring station. In the past couple of years, on only one occasion was the flow in excess of 60 cfs, which seems to be acceptable. We did not measure prior to that. From the standpoint of general observation we do not feel that there has been any tremendous increase to be attributable to the City alone, he added.

Mr. Murtland said in the letter of June 20, 1960 from Mr. Moore, the 60 cfs is mentioned. He said he assumed that Mr. Moore took into consideration that 60 cfs at that particular point would, no doubt, mean that there would be a greater maximum below that point whenever it did come up to 60 cfs, or did he want the maximum flow for the whole creek to be 60 cfs?

Mr. Rowlands said that is why he called the two paragraphs to the Council's attention and it would be his recommendation that this point be very definitely clarified by Mr. Moore in a letter to the City Council because it is somewhat contradictory and ambiguous. We are talking about 60 cfs at the point of the reservoir, the control point, whereas in this second paragraph it is a little nebulous - it is talking about the lower regions of Leach Creek, etc.

Mayor Hanson said he assumed the matter would be very easily clarified since it would appear that there is specific reference here as to 60 cfs at the reservoir. The other matter - they specify 75 acre feet. At their examination of the plans and specifications, which they have approved, they were aware of the fact that the reservoir plans contemplate 52 acre feet.

Mr. Rowlands said that is correct according to the information received from the engineers. He thought that, should also be corrected in another letter from Mr. Moore so that no misunderstanding can develop. What Mr. Porter mentioned previously is very true, and if it would be possible to make some adjustment internally that could be done, but in any event, we would still have the ultimate of 60 cfs.

Mayor Hanson said, in other words, if the capacity of the holding basin is such that less than 60 cfs can be let, they may provide a regulation on that. However, that would not resolve our ultimate responsibility of 60 cfs. As he sees it, there are just two things to be clarified. We have one week for action before the expiration of the contract offer, and it would seem that an explanation could very quickly be acquired from the Fisheries Department resolving these two ambiguities, one being within the letter, and one being the result of the letter and their subsequent approval of plans for a capacity of 52 acre feet.

Mayor Hanson said he has given his reasons for requesting clarification on this letter. The Council will still have an opportunity to take action one way or the other after clarification of the requirements.

Mr. Bott said he was in favor of the original plans of the basin which were then based on an amount of \$31,000 or \$39,000. Now we have come up with

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the figure of \$112,000 - \$81,000 on this proposal, plus the \$31,000 for the cost of the property. He said he was not entirely satisfied in the decision of the City Engineering Department, upon whom he has to rely, that it is at all necessary. It has been mentioned several times that the flow they propose to control has not been reached now except on one occasion which has been termed a flash flood and could be termed as an "act of God." He said he wanted to know if the Fisheries Department is giving the City a directive to build the dam, and are we obligated to go along with what they say, or do we have a right to use our own good judgment and discretion. At the time the Council determined that the City request bids on this holding basin, he brought up the fact that the Council had not said they were going to build a dam; that is, this was only an exploratory step to obtain estimates because of the discrepancies in figures, then when the results of this bid were received the Council would be in a better position to evaluate whether to proceed or not. Now the Council has the bids and it seems that it is mandatory that the Council act upon this. He said he was not convinced that the City should build under the present conditions.

Mayor Hanson said he feels much the same as Mr. Bott, particularly in light of the fact that he would like to determine whether or not this is the extent of the requirement of the Fisheries Department upon the responsibility of the City of Tacoma. He said they have made no reference to division of responsibility in relation to the percentage of cause of the flow. However, if they would clarify these two points, we would at least have a concrete requirement on the part of the Fisheries Department. Even at that point, we would still have within our prerogative the matter of the ultimate decision. As it stands now, were we to proceed we would not know whether they are accepting the 52 acre feet as a step toward our responsibility, or if they mean by the approval of the specifications that they are accepting that as an amendment to the 75 acre foot recommendation in their initial letter.

Mr. Steele asked if it is the Mayor's proposal that this be continued for one week to give the Fisheries Department an opportunity to explain a discrepancy raised in a letter of March 2nd and also the matter of 52 acre feet. He said it seemed to him that this delay would also give the Council a chance to have a reading for the past period with reference to the flow at the So. 19th, 40th Street, and Bridgeport Way, so that we would have something concrete insofar as these cfs are concerned. Therefore, he would agree with Mayor Hanson that it would be entirely in order to continue the matter for one week.

Mr. Easterday said he, too, like Mr. Bott, depended absolutely upon the City's engineers who appeared before the Council and explained why the City should spend \$31,000 to buy this site for this impounding basin. The money was spent upon the recommendation of the management and the engineering department to buy that site, knowing full well that the cost would exceed Brown & Caldwell's estimate of \$41,000, or whatever it was. He said he voted to spend this money as well as did Mr. Porter, Mrs. Price, and Mayor Hanson. Since then this has been delayed continually. I am going to vote to build it, and I think it is an obligation on the part of the City of Tacoma, he said. Fircrest is as guilty as the City of Tacoma as they have contributed to the water also.

Mr. Cvitanich also remarked that there are members on this Council who voted to buy the property. Engineers in the Department of Public Works have publicly stated in this Council Chamber over numerous times that, in their considered professional opinion, this is the only place to construct the holding basin. Secondly, we have \$137,000 left over from the 1958 Bond Issue which is for that area.

Mayor Hanson said he has not decided definitely. He is inclined to vote against it. However, he would be much more inclined to vote in favor of it if these two matters were clarified.

Mr. Murland said he would like some clarification on this \$137,000 figure mentioned. He said Mr. Cvitanich mentions that it is not available for anything but the West End storm system. He said he would like clarification as to just what this sum could be used for besides the West End storm drains.

Mr. Rowlands said the money could be spent for storm drain purposes any place in the City as it is Storm Drainage General Fund money. In the brochure nothing was ever mentioned specifically about a dam at this site. In answer to Mr. Easterday's remarks, Mr. Rowlands said he thought they were in agreement to the point that the City has purchased the property for the holding basin which we now have which is performing a real function. It might continue performing such a function for a few more years without any serious deficiencies developing. Now the question is, "Do you want the next step taken on the dam?" The holding basin is still a sound investment in the opinion of the engineers, he added.

Mrs. Olson said a meeting was held about a week ago with the Fircrest officials and the County Commissioners. At that time discussion was not only on the Leach Creek holding basin but also some alternatives. She said she was satisfied when she directed a question at Mr. Calkins, City Engineer, and Mr. Schuster, Public Works Director, that ultimately we would have to face up to our responsibility to the people in this area because it is very obvious by looking at the map that we are contributing to the amount of water through storm drainage which is going down Leach Creek. Mr. Schuster and Mr. Calkins explained that the possible alternatives would perhaps be tile drainage to Chambers Creek at a cost of in excess of \$1,000,000; and then the ultimate resultant damage to Chambers Creek would not be something we could foresee or determine. Therefore, the possible ultimate solution would be tile drainage all the way to Puget Sound at a cost of approximately \$2,000,000. She said she thought this gave the Council cause for very serious concern tonight. She questioned Mr. Calkins and Mr. Schuster at that time whether or not they felt that the Leach Creek holding basin, while it might not be the ultimate solution to the problem, would not perhaps at least be a step in the right direction. They indicated it would be.

She said she personally favors this Resolution and will vote in favor of it. However, if there is one more week of grace permitted before the bids expire, she requested the next time bids are let for an extended period of time that there be included on the Resolution the date on which they were let and the date on which they expire. She said she will urge the passage of this Resolution but will also vote in favor of postponement for one week if the Council feels that a sufficient number of votes can be obtained at that time.

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Mrs. Price moved that the Resolution be postponed for one week.
Seconded by Mr. Steele.

Mayor Hanson said with reference to the motion to continue, he would assume that instructions to Mr. Rowlands, City Manager, would be that he immediately call the Fisheries Department and indicate the areas of question followed by an immediate letter so that they are informed of the questions raised here tonight, if the motion passes.

Roll call on the motion resulted as follows: Ayes 7; Nays 2, Cvitanich and Porter. Absent 0. Motion carried.

Mr. Murtland asked that Mr. Rowlands include in his request to the Fisheries Department some documentary evidence as to what figures they have on runoff and cfs since the City has been dumping water into Leach Creek.

Mr. Rowlands said they would also have the other information Mr. Steele requested as to what data was collected at the City's measuring stations.

At this point Mr. Mladinov, Attorney for Mr. Piper and Mr. Carlson, property owners along Leach Creek, spoke and gave a brief history of the Leach Creek problem and the Council's deliberations with regard to the dam. He also commented on the objections posed by the City of Fircrest and the suggestion that Fircrest needs the land in question in which to expand. He said he thought it very significant that in the Planning Commission plans for the City of Fircrest, which were coordinated with the Pierce County Planning Commission, the figures indicate that Fircrest is primarily a residential area; that 46.5% of its land is used for residences; 10.8% is public; 22.8% is streets; and 18.9% is vacant. This means that almost 1 out of 5 acres in Fircrest is vacant for expansion. He also cited other figures, etc. on this matter.

Mr. Mladinov said the dam had been shown on a brochure used to publicize the 1958 Bond Issue election, which resulted in funds for the storm drain program.

Mr. Murtland said it appeared to him the dam in the pamphlet is shown on Flett Creek and not Leach Creek. Further discussion on this point resulted in Mr. Murtland asking Mr. Mladinov to inspect the chart in the booklet before the next Council meeting, and if he is in error in the statement he made tonight and has made at previous meetings concerning this holding basin, and if he would at the beginning of the next Council meeting admit that he is in error.

Mr. Mladinov said he is always perfectly willing to concede when he is in error.

Mr. Mladinov concluded his presentation by saying that the water in Leach Creek is owned by the State of Washington. This creek is in no portion within the City limits of Tacoma. The Brown & Caldwell report suggests and recommends that there be a holding basin.

COMMENTS:

Mayor Hanson said last evening at a special meeting of the Council, the matter was discussed with reference to establishing or clarifying the policy of the City as to House Bill No. 455, sections applicable to the Tidehaven annexation. He asked if there were any further questions or discussion on this matter.

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Mrs. Olson explained that she was interested in the reporting of the proceedings last night so she, Mr. Cvitanich, and a couple of other people came down this morning and taped the recordings made of the meeting. On listening to them again, she added, there were two or three things which became more apparent to her as a listener, than were apparent as a participant. In connection to that, she had a question to ask of Mr. Steele. On three or four occasions, she said, he referred to the fact that this particular item as amended went through the Legislature as though it were greased, and she wondered what he meant by that particular statement, and asked him to explain.

Mr. Steele said he meant it went through quickly.

Mrs. Olson said she thought this was an important point because if her interpretation of what Mr. Steele was inferring is correct, he is placing a connotation on this with which I would take exception if I were a Legislator who had voted for this bill, and for that reason I am asking Mr. Steele what he meant.

Mayor Hanson advised that the question had been answered that he meant it went quickly.

Mrs. Olson said she has a memorandum from the desk of Ward Bowden, secretary of the State Senate, relative to a law which was passed by the Legislature in 1951, which says, "HB 38, 1951 Session, listed above is identical to HB 455, 1961 Session. Senator Albert Rosellini voted "aye". Vote on HB 455 as follows: passed House 81-5; passed Senate with amendments 43-0; House concurred and passed as amended by Senate 85-1 which indicates since it passed the House before it was amended by a vote of 81-5, and passed the House after it was amended by a vote of 85-1, that there were individuals in the House of Representatives who found the bill inadequate in its original form and found it to be acceptable in its amended form." This memorandum was sent to the Governor as of March 6, 1961 from the desk of Ward Bowden, secretary of the Senate, and she thought that perhaps in connection with HB 38 which was passed in 1961, it passed the House 92-2 and the Senate 37-5. She thought this should be entered into the record and certain statements made last night should be equated on this basis.

Mr. Steele said he would reiterate his position as of last night that HB 38 in 1951 was identical to HB 455 prior to the Senate Amendments. He said we are not particularly quarreling with HB 455 as it left the House. Our particular quarrel is the result of the Senate amendments upon HB 455 which "slithered through like a greased pig."

Mrs. Olson said HB 38 was identical to HB 455 as amended in the Senate.

Mayor Hanson said he did not know whether that is true or not. Perhaps Mrs. Olson could have supplied us with copies of the bill she refers to or asked to have Mr. Bowden here in person.

Mr. Cvitanich remarked that he did not think that the Mayor should impugn Mrs. Olson's integrity.

Mayor Hanson said he was merely returning a "touche" to something that was referred to last evening and that what Mrs. Olson states may well be true. It would take an analysis of the bill. However, whether or not it was identical, it does not relieve us of the responsibility of analyzing its effect on our community and taking a position.

Mr. Cvitanich said, "At least the school I came from I always heard that men treated women like gentlemen."

Mayor Hanson said Mr. Blair, Chairman of the Port Commission, informed him that Stan Erdahl wired the Governor last Saturday stating that the Port of Tacoma would go on record as favoring the veto of Sections 1, 2, and 3 of House Bill No. 455, both on grounds of bad legislation statewide and very harmful to industrial development of Port of Tacoma. That with Mr. Blair's position certainly establishes the position of the Port Commission. He also reported that this morning by File No. 358, Resolution No. 8344, the Board of Pierce County Commissioners recommended the veto of HB 455 as amended by the 1961 Legislative enactment, and asked that the Clerk read the resolution in full.

Mayor Hanson said there were two other items brought up at the meeting last night. One with reference to an opportunity to consider the matter, and a need for further time. That was apparently not the case when 5 members sitting on this Council, including Mr. Easterday and Mr. Porter, voted in favor of an Ordinance providing for the annexation of the property designed to stop the incorporation proceedings of this 1000 acre tract of industrial property into Tidehaven.

The next question that was raised, he said, was the matter of a point of view which advanced the theory that a small community is attractive to industry. That apparently was not the position of the U. S. Oil & Refinery Co. on July 17, 1956 when there was a hearing of the incorporation of the town of Fife which included this identical property. Opposition to the inclusion of the Port industrial land was made by the following concerns and entities: The City of Tacoma, Tacoma Chamber of Commerce, and the Port of Tacoma, still retain their position; the U. S. Oil & Refinery Co. has apparently changed its position.

He also pointed out with reference to this allegation that small communities are attractive to industry, that a check with the communities of Longview and Anacortes showed that those cities' major industries are virtually all located outside the town boundaries in unincorporated areas.

Mayor Hanson continued that the area in question is presently in the County. The Port of Tacoma is a County-wide taxing body, and he felt that it should remain so rather than being under the governmental supervision and restrictions of approximately 300 people.

Mr. Porter said last night the statement was made that in this area there were only approximately 300 people residing. He said he inquired of one person living in that area and was told that there were some 700 or 800 residents.

Mrs. Olson said she did not desire to belabor the point but areas of 4th class cities are restricted to a one square mile limitation. It would obviously leave very little area for industry to locate within their incorporated limits. She also wanted to correct a statement made by Mr. Binns last evening regarding the fact that there were no houses within a designated area, and at the time the incorporation proceedings were originally filed there were 120 houses within that requested area and the Port proceeded to condemn those properties and remove those people after petitions were filed for incorporation. There are again two sides to any given question, she added.

Mayor Hanson said with reference to the effect of vetoing the first 3 sections, any problems presently felt by 4th class cities, who have expanded beyond the one mile limit, would be rectified. It is true that by vetoing section

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3, the removal of the absolute limitation of one square mile on 4th class cities would not be accomplished; it would have to be taken up at the next Legislature. However, immediate problems would certainly be resolved, but by vetoing it, it would certainly protect us from subjecting such a large portion of our hope of the future to the control of a relatively small number.

* * * * *

Mrs. Olson said the Council was provided with a copy last December of the Washington State Research Council report in reference to the financial condition of the City of Tacoma for the present, the past, and projected into the future for 10 years. She added, a short time was spent on discussing this lengthy report, and at that time, due to being so close to the Christmas holidays, some of the Council members felt that discussion should be delayed until a later date. She said she requested at that time that a meeting be set for the month of January. Since no meeting has been scheduled she made reservations for the auditorium in the Public Utilities Building for either the 23rd or the 30th of March under the premise that the Council could see fit tonight to set a date for a public hearing on one of those two nights, or any other night that would be acceptable to the majority of the Council. 51:577
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She said she would like at this time to request a public analysis, for the benefit of all the taxpayers, of the Washington State Research Council report. Mr. Cvitanich said he would sustain Mrs. Olson in her request.

After a brief discussion, Mrs. Olson moved that the date of March 30, 1961 be set tentatively and that Mr. Rowlands be asked to call Mr. Current of the Washington Research Council to ascertain if that night is agreeable with him. Seconded by Mr. Cvitanich. Voice vote: Ayes 9; Nays 0; Absent 0. Motion carried.

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Mrs. Price said yesterday during the L I D hearing there was some question raised regarding the assessment roll on properties between 16th and 19th on South Orchard Street. The hearing was postponed for two weeks in order that the Council could view the property, and asked if this could be arranged.

Mr. Steele explained that at the L I D hearing the property owner on the east side of Orchard at approximately So. 16th to So. 19th protested this assessment on the grounds that there was no benefit to his property resulting from the improvement made. The matter was continued for two weeks for our observation and surveillance of the property with the guidance and assistance of some staff personnel and also the presence of the disputants and their counsel, so the tour should be coordinated so that Mr. Bashey or Mr. Moen can apprise the disputants and their attorneys of the time.

Mr. Rowlands said the Council has also desired to inspect some sidewalks in connection with the Sidewalk Construction Fund Improvement No. 61, and perhaps this could be arranged at the same time.

The Council tentatively decided upon Monday, March 20th, as the date for the tour.

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Mr. Easterday said for the last nine months he has been willing to substitute for any member of the L I D Committee and has done so on many occasions. He added, he has been appointed to serve on this Committee for the months of March, April, and May, but has recently become gainfully employed and asked if other members of the Council would substitute for him on the Committee during this employment period.

Mayor Hanson said he would ask that a substitute be obtained for Mr. Easterday during any L I D Committee meetings unless otherwise notified by Mr. Easterday.

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Mr. Porter said some time ago he recalled that the Mayor asked the City Manager to have a survey made of the cost of altering the Council podium and asked, since the Legislature is over, if a report could be had on the matter.

Mr. Rowlands said the report could be given now. He would like to meet with the Council after the regular meeting to take this up, plus two other matters relating to land acquisition. A survey has been made by the Public Works people and in order to properly change the arrangement of the Council table to a "U" shape, it will cost somewhere around \$3500 to \$4000.

Mrs. Olson moved that a call for bids be let on the matter. Seconded by Mr. Cvitanich.

Mr. Porter asked that before bids are called, plans should be submitted for the Council members' perusal. He said he has not been in the construction business for years but thought he could draw plans so that the job could be done for less than \$1000.

Mayor Hanson asked that this request be granted so that the Council would have the opportunity to examine the plans before the bids are let.

Voice vote was then taken on the motion resulting as follows: Ayes 9; Nays 0; Absent 0. Motion carried.

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Mr. Cvitanich said he would at this time like to thank publicly Mr. McCormick and Mr. Sankovich for the excellent job they have done during the legislative season under rather adverse conditions.

Mayor Hanson said there are many that should be so commended, but particularly Mr. Sankovich, Mr. McCormick, and Mr. Hamilton for their very fine work.

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Mr. Bott said he would like to make a little statement at this time, although he hoped that the remark in question will not be published, as this will be unnecessary. That is in the case that the Mayor is reported by innuendo as "treating any lady member of the Council in an ungentlemanly manner." I would like to be quoted as "commending you for your considerate handling of your Chairmanship and your controlled effort to be overly considerate of both your fellow Council members and members of the audience. I hope this won't

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be published nor will it be necessary for my statement to be published as I think this was said in a moment of anger."

Mayor Hanson thanked Mr. Bott for his statement.

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At this time Mr. Steele reported briefly on the Legislature happenings. He said Senate Bills No. 31, 38, 123, and 125 were all drafted, and the Bills submitted by Mr. McCormick and his staff. All of those passed through the House, and thought they had been signed into law. The latest AWC bulletin notes these bills as excellent achievements on behalf of the AWC, but he thought that Mr. McCormick should be honored singly for the perspicacity with which he drew these bills.

Mr. Rowlands said, notwithstanding some of the things mentioned by Mr. Steele, the Legislature has by action, imposed an additional burden of approximately \$273,000 per year on this City Council. He thought the Council's position should be brought to the Legislators' attention by way of a Resolution. Briefly, SB 94, the Police Pension Amendment, will cost \$21,000 with a possible \$77,000 more; Police Pension Widows provision will cost \$5400 more a year. From the standpoint of the Firemen's Pension amendment it will cost the City \$78,600 a year; and also the charge of \$43,000 more a year for an additional judge; which totals approximately \$273,000 a year, not even considering the fact that the supplemental budget of some \$860,000 is really out in the cold. In brief, he said, he can assure the City Council that drastic action will have to be taken to curtail a very tight budget. He certainly hoped that the Legislature will see fit to give consideration to the pleas of the City. So far there has been no consideration given to financial assistance, and he certainly hoped that something will be done in the next week or 10 days. / 93

Mr. Porter said he would like to point out one thing he believed to be true - that the policemen were willing to settle for less on at least one of their two bills that were agreeable with the AWC, but the Cities did not see fit to settle for the small amount and the policemen got a larger amount. Perhaps the course that the City of Tacoma followed two years ago in arriving at a compromise with the policemen was even wiser than we realized at the time. Perhaps we could have saved money by doing so at this time.

Mayor Hanson agreed. Perhaps this was just retribution. In a way, several of us discussed with the Association that we felt a compromise could be reached, but there was no acceptance. Now there is the problem of getting the funds to pay for it. Most illustrative of the problem we have with the Legislature is in the case of the Police Pension Bill where an amendment was attached making an appropriation of a million and one-half dollars, or so much thereof as may be necessary to pay the additional costs. It lost by a resounding vote indicating that they felt the Policemen should have this - it was too expensive for the State to pay for, but it was not too expensive for Cities to assume.

Mr. Rowlands asked if the Council would consider passing a Resolution asking the Legislators to provide funds with which the City can meet and pay these increasing costs.

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Mr. Rowlands asked if the Council would consider passing a Resolution asking the Legislators to provide funds with which the City can meet and pay these increasing costs.

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Mr. Easterday moved that such a request be made to the Legislature by Resolution. Seconded by Mr. Steele. Voice vote: Ayes 9; Nays 0; Absent 0. Motion carried.

Resolution No. 16490:

Urging the State Legislature of the State of Washington to provide sufficient funds to meet the additional financial burdens imposed upon the City of Tacoma.

Mr. Easterday moved that the Resolution be adopted. Seconded by Mr. Steele.

Voice vote taken on the Resolution resulted as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was declared adopted by the Chairman.

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Mayor Hanson said at this time he would like to recognize Mr. Calvin Corey as being our most outstanding citizen in his efforts to retain employment at the highest possible rate at the South Tacoma Shops. There is no one who has worked harder, more diligently, and in a more understanding manner. He has been a great deal of assistance to all who have had anything to do with any progress or forestalling of the relaxing of employment. He thanked Mr. Corey publicly for his endeavors.

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Mr. Cvitanich asked if it would be possible for a letter to be sent to Mr. Stellmac of the Technical Engineers, who has been in Olympia working for the interest of Tacoma.

Mayor Hanson said that he thought it would be well to recognize Mr. Stellmac for his efforts.

There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 10:05 P. M.

Ben Hanson
Mayor of the City Council

Attest:

Josephine Nelson
City Clerk