

COUNCIL CHAMBER, 7:39 P. M.

Monday, June 24, 1957

Council met in regular session. Present on roll call 6: Goering, Humiston, Jensen, Perdue, Tollefson, and Mayor Anderson; Mr. Bratrud taking his seat at 7:40 P. M. and Mr. Stojack taking his seat at 7:41 P.M. Absent 1: Battin.

It was moved by Dr. Humiston, seconded by Mr. Perdue, that the minutes of the previous meeting, copies of which had been mailed by the Clerk to each Council member, be approved and the reading thereof dispensed with. Motion carried. Ayes 7; Absent 2; Stojack, Battin.

SPECIAL COMMUNICATIONS:

\* Mayor John H. Anderson, advising he has designated C.A. Gaisford, Director of Finance, to act as his proxy in affixing his signature on any bonds of the Department of Public Utilities, and particularly those authorized by Ordinance No. 15850, and filed with the City Clerk 2:00 P. M., Tuesday, June 18, 1957. Placed on file.

\* Mayor John H. Anderson, advising he has designated R. T. Garen, to act as his proxy in affixing his signature on any bonds of the Department of Public Utilities, and particularly those authorized by Ordinance No. 15850, and filed with the City Clerk 2:00 P. M., Tuesday, June 18, 1957. Placed on file.

COMMUNICATIONS:

\* R. W. Robbins (Robbins Grocery), asking for establishment of a ten-minute parking zone in front of grocery store at 423 South J Street. Referred to the Traffic Engineer. 332

\* Zellerbach Paper Company, appealing to the City Council in reference to a deficiency in the Business License tax in the amount of \$4,309.30, which assessment they feel is contrary to the provisions of the Business License Ordinance. The City Clerk has set June 24, 1957 as the date for hearing on the appeal, as provided by the Business Tax Ordinance. 337

A communication was received June 20, 1957 from Richard K. Quinn, Attorney representing Zellerbach Paper Co., requesting the hearing be continued indefinitely.

Mr. Rowlands stated he feels the assessment is legal and that an indefinite postponement should not be granted, but to continue the hearing for approximately six weeks to allow time for Zellerbach Paper Company and our City Attorney to prepare their cases.

Mr. Robert Hamilton, Assistant City Attorney, was asked if a continuance of the hearing would have any effect on the case, and he replied the Ordinance provides that when a debit note is received, it bears interest from the date it is received and will continue to draw interest as long as it is unpaid.

In view of this fact, it was moved by Dr. Humiston, seconded by Mr. Perdue, to postpone the hearing until August 5, 1957. Motion carried unanimously.

RESOLUTIONS:

Resolution No. 15037 x      L I D 2256:

By BRATRUD:

Fixing July 16, 1957 at 10:00 A. M. as the date for hearing on L I D 2256 - for paving North 48th Street and Lexington Avenue, and storm and sanitary sewers and

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oil mat on North 22nd Street from Madison to Monroe Streets, North 41st Street from Cheyenne to Gove Streets, Whitman Street and Frace Avenue from North 49th Street to North 50th Street and North 49th Street from Whitman Street to Frace Ave.

Adopted on roll call June 24, 1957  
Ayes 8; Nays 0; Absent 1; Battin.

Resolution No. 15038:

By ANDERSON:

Awarding contract to George Madsen Co. for L I D 2260- cement concrete sidewalks- on its bid of \$6,061.70.

Adopted on roll call June 24, 1957  
Ayes 8; Nays 0; Absent 1; Battin.

Resolution No. 15039:

By STOJACK:

Awarding contract to Woodworth & Co., Inc., for L I D 4607 - paving, concrete curb and gutter on South I Street from South 21st Street to South 25th Street; storm sewers on South 23rd Street and South 25th Streets from Yakima Avenue to I Street, on its bid of \$20,988.96.

Adopted on roll call June 24, 1957  
Ayes 8; Nays 0; Absent 1; Battin.

Resolution No. 15040:

By BATTIN:

Awarding contract to Woodworth & Co., Inc., for L I D 4612 - concrete pavement and storm sewers and cement concrete sidewalks, on its bid of \$28,940.37.

Adopted on roll call June 24, 1957  
Ayes 8; Nays 0; Absent 1; Battin.

Resolution No. 15041:

By TOLLEFSON:

Awarding contract to Paine-Gallucci, Inc., for L I D 4618 - paving So. 21st Street from Cushman Avenue to Ainsworth Avenue, on its bid of \$5,505.21.

Adopted on roll call June 24, 1957  
Ayes 8; Nays 0; Absent 1; Battin.

Resolution No. 15042:

By PERDUE:

Awarding contract to Griffin Fuel Co. for fuel oil requirements for the period of July 1, 1957 through June 30, 1958.

Adopted on roll call June 24, 1957  
Ayes 8; Nays 0; Absent 1; Battin.

Resolution No. 15043:

By BRATRUD:

Awarding contract to Cummings Boat Company for Fire Boat repairs on its  
cost of \$2,800.00 plus sales tax.

Adopted on roll call June 24, 1957  
Ayes 8; Nays 0; Absent 1; Battin.

Resolution No. 15044:

By STOJACK:

Authorizing the proper officers of the City to sell surplus Transits and  
Levels to the persons named therein at the prices therein set forth.

Mr. Rowlands reported that the Transits and Levels being sold were all  
from 30 to 40 years old and were not registering accurately.

Adopted on roll call June 24, 1957  
Ayes 8; Nays 0; Absent 1; Battin.

Resolution No. 15045:

By ANDERSON:

Appropriating \$1,310.00 from Cumulative Reserve Fund for Capital Outlay,  
Maintenance and Operation, for the purchase of a new motorcycle to replace one damaged  
in accident.

Adopted on roll call June 24, 1957  
Ayes 8; Nays 0; Absent 1, Battin.

Resolution No. 15046:

By TOLLEFSON:

Appropriating \$2,723.00 from Cumulative Reserve Fund for Capital Outlay,  
Maintenance and Operation, for the purchase of alternators and adapter kits, to be in-  
stalled on the new police cars.

Adopted on roll call June 24, 1957  
Ayes 8; Nays 0; Absent 1, Battin.

Resolution No. 15047:

By JENSEN:

Authorizing the City Manager to enter into an agreement for the retention  
of the services of Gerald Patten for a period of one year as Workmen's Compensation Claim  
Agent in the Public Works Department.

Mr. Bratrud asked what fee is being paid to Mr. Patten and what his duties are.

Mr. Rowlands explained that Mr. Patten is being paid \$125.00 per month for  
his services and he acts as an intermediary between the State Department of Industrial  
Insurance and the employee and reviews all claims. Mr. Rowlands further explained that  
Mr. Patten's contract was originally written in October of 1955 and expired in 1956, and,  
although with the automatic monthly extensions in this contract, they felt it would be  
better to draw a new contract at this time.

Adopted on roll call June 24, 1957.  
Ayes 8; Nays 0; Absent 1; Battin.

Resolution No. 15048:

By BRATRUD:

Appropriating \$14,877.00 from Cumulative Reserve Fund for Capital Outlay and Maintenance and Operation for the purpose of purchasing radio equipment through the Federal Civil Defense Administration.

Mr. Rowlands explained that at this time the City is in the process of converting the present radio sets to comply with F. C. C. regulations and that the sets presently owned have all been in use for ten or more years. He advised that 50% of the cost will be paid by the Federal Government; 25% will be reimbursed by the State of Washington and the final cost to the City will be approximately \$7,450.00.

Mr. McDonough of the Radio Division advised that by 1960 or 1961 all of the present radios would have to be replaced, and that F. C. C. #1190 Docket claims that all of our present radio equipment will be illegal to use after 1962.

Adopted on roll call June 24, 1957  
Ayes 8; Nays 0; Absent 1; Battin.

Resolution No. 15034: (laid over to this date on June 17th)

By BRATRUD:

Authorizing execution and delivery of a contract for the operation and control of the City Pound by the Tacoma Humane Society, substantially upon the terms and conditions of the agreement attached hereto.

Mr. Rowlands, City Manager, presented MC-147 on the cost of processing Dog Licenses, as requested by Council at last week's meeting. He stated that the actual "out of pocket" expense would be approximately \$1600.00 per year, and that the money received by the City from the 5% fee for the sale of the licenses should amount to approximately \$1800.00 per year.

Mr. Tollefson stated that if this amount covers the operation by the City, the Resolution should be adopted.

Adopted on roll call June 24, 1957  
Ayes 8; Nays 0; Absent 1; Battin.

FINAL READING OF ORDINANCES:

Ordinance No. 15903:

Repealing Ordinance No. 15088 - an ordinance authorizing the execution and delivery of a contract between the City of Tacoma and the Tacoma Humane Society. Read by t

Mr. Bratrud stated that Mr. Sorenson of the Humane Society was in the audience and asked to have him explain further as to the amount of the gifts the Humane Society will receive. Mr. Sorenson advised that the Society will receive approximately \$14,000 in gifts instead of the \$30,000 as previously reported at the last Council meeting.

Roll Call: Ayes 8; Nays 0; Absent 1; Bratrud.

Ordinance No. 15904:

Adopting the codification of the Charter and the ordinances of the City of Tacoma of a general, public or permanent nature, or imposing a fine, penalty or forfeiture, as the official Code of the City, as provided for and pursuant to Section 2.16 of the City Charter and Chapter 97 of the Laws of 1957.

Mr. Rowlands stated that inasmuch as the hearing on the Codification of Ordinances is to be held July 1st it would be advisable to postpone passage of this ordinance for one week. It was then moved by Dr. Humiston, seconded by Mr. Perdue, to postpone action on the ordinance for one week to July 1st. Motion carried unanimously.

Ordinance No. 15905: L I D 1961: 256

Approving and confirming the assessment and assessment roll for the improvement in L I D 1961 for sanitary sewer on James Street from North 17th Street northeast to Bridgeview Drive and in Bridgeview Drive from James Street to 350 feet south. Read by title and passed.

Roll Call: Ayes 8; Nays 0; Absent 1; Battin.

Ordinance No. 15906: L I D 2241: 256

Approving and confirming the assessment and assessment roll for L I D 2241-grading, ballasting, surfacing and storm sewer on Mason Avenue from the north line of the Puget Sound First Addition to the south line of same; also cement sidewalks on both sides of Stevens Street and west side of Mason Avenue in the same area. Read by title and passed.

Roll Call: Ayes 8; Nays 0; Absent 1; Battin.

Ordinance No. 15907: L I D 1968: 257

Providing for the construction of sanitary sewers on Bell Street from South 44th Street to approximately So. 68th Street; creating L I D 1968. Read by title and passed.

Roll Call: Ayes 8; Nays 0; Absent 1; Battin.

Ordinance No. 15908: L I D 4610: 265

Providing for the improvement of North 17th Street, James Street, Bridgeview Drive, North 13th Street and alley between James Street and Narrows Drive from North 17th Street to Bridgeview Drive, by paving, etc.; creating L I D 4610. Read by title. 310

Mr. Rowlands advised that sufficient funds were not available at this time for this Local Improvement District, and suggested that the ordinance be laid over for one week to allow the Director of Public Works additional time to ascertain if funds can be made available for the improvement. It was moved by Dr. Humiston, seconded by Mr. Perdue, to postpone action on the ordinance for one week to July 1st. Motion carried on roll call: Ayes 8; Nays 0; Absent 1; Battin.

Ordinance No. 15909: L I D 6752: 258

Providing for the improvement of South Rochester Street from 6th Avenue to South 12th Street by the installation of street lights; creating L I D 6752. Read by title and passed.

Roll Call: Ayes 8; Nays 0; Absent 1; Battin.

NEW BUSINESS:

† City Manager Rowlands presented an opinion from Robert Hamilton, Chief Asst. City Attorney, regarding Maintenance of Alleys located on private property and pertaining to the right of the City to grade an alley in the South 56th Street area which has

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never been dedicated for a public use but which has been used for some thirty years by garbage trucks and the public at large, and asked Council's opinion as to the policy to be followed by the City.

Mr. Hamilton stated in his letter that we are unable to ascertain from the information furnished whether or not the City of Tacoma has actually acquired the alley by adverse possession. Inasmuch as they are unable to make this determination, the City crews should not undertake to maintain the alley in question at this time. The problem of acquiring the property is exceedingly complex and the Courts are reluctant to decree that a use or right to the property has been acquired by adverse possession. The requirements for obtaining property through adverse possession are that the person claiming the adverse possession must occupy or use the property for ten years; must do so adversely and it must be done openly and notoriously with full knowledge by the owner.

As a practical matter, if the City is genuinely interested in acquiring and improving the alley in question, Mr. Hamilton suggests that it would be advisable to negotiate a transfer of the property by deed from the owner. Until such time as the City has title to the land it would be unadvisable to attempt to maintain the property.

Mrs. Goering asked if any attempt had been made by the City to negotiate with the owners of the property, and Mr. Rowlands said that no action had been taken.

Mr. Stojack inquired as to the City's liability as to accidents in an alley that has not been dedicated. Mr. Hamilton replied that the liability rests with the owner of the property and would be the same as if the person had an accident on a private sidewalk.

Mr. Tollefson stated that the City should require the property owners to improve the alley and feels the City should not have to make any major repairs.

Mr. Stojack suggested that we refer the matter to the Planning Commission for determination.

Mr. Tollefson remarked that he feels the Planning Commission has no jurisdiction in this matter.

#### UNFINISHED BUSINESS:

The Director of Public Works presents the assessment rolls for the cost of the improvement in the following Local Improvement Districts:

12<sup>th</sup>

4  
3 L I D 5276 - /cast iron watermain in North 18th Street from Huson Street to Orchard Street; an 8<sup>th</sup> cast iron watermain in No. 14th Street from Huson Street to Orchard Street and a 6<sup>th</sup> cast iron watermain in Orchard Street from No. 11th Street to No. 18th Street;

17  
344 L I D 5278 - 6<sup>th</sup> cast iron watermain in South Madison Street from So. 69th Street to So. 74th Street.

It was moved by Dr. Humiston, seconded by Mr. Bratrud, that August 6, 1957 be fixed as the date for hearing on the above assessment rolls. Motion carried unanimously on roll call.

This being the date to which Council continued the hearing on the petition of William Cecil (4-23-57) to vacate the alley between East 40th Street and East 43rd Street from the east line of East G Street to the west line of the alley between McKi Avenue and East G Street, Mr. Rowlands pointed out that he had received a telegram from Mr. Cecil, who is still in Alaska, requesting more information regarding the easements required for the vacation.

In view of the fact that more information is required before the vacation can be approved, it was moved by Mr. Tollefson, seconded by Mr. Bratrud, to continue the hearing to July 22, 1957. Motion carried unanimously on roll call.

In the matter of further report by the City Manager on the employment status of Edwin E. Hubbell, Mr. Rowlands requested that this report be continued to July 1st so that more information can be obtained.

Mr. Rowlands requested a postponement of one week on the report relative to the use of City owned cars, requested by Council on June 3rd, in order that additional information can be compiled.

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

Harbor Commerce- Waterborne Foreign and Domestic Statistical Report for April, 1957.

Mayor Anderson reported he had received a letter of resignation from Mr. Merritt VanderEnde of the Public Utility Board shortly before noon today, which was read in full at this time. Mr. Vander Ende stated that his resignation is in no way a reflection on the City Charter nor the members of the Council, but is a difference of opinion, and he feels that his usefulness as a member of the Utility Board has ended. He also referred to the Hydrant Rental Problem and stated that the information furnished the Council by the City Manager was inaccurate and incomplete. Mayor Anderson read his reply to Mr. Vander Ende's letter of resignation wherein he stated his resignation was received with regret and thanked him for the time and diligent effort he had devoted to the Utility Board.

X

At this time Mr. Bratrud moved to accept the resignation of Mr. Vander Ende, which motion was seconded by Mr. Stojack.

Mr. Tollefson questioned if the request should be accepted at this time, and suggested that he be asked to continue his services until such time as another member can be appointed. In view of Mr. Tollefson's request, Dr. Humiston moved to postpone action on the request for one week. Motion seconded by Mr. Tollefson.

Mr. Stojack asked Mayor Anderson if he would be able to submit any names for the Health Board by July 15th.

Mayor Anderson replied that he will have some names to present to Council by that time. He also advised that Mr. Tom Anderson's term as a Board member will expire June 30th and that he had received a letter of resignation from Mr. Ralph Johnstone but hesitated to bring it in before next week.

Mr. Stojack then asked that a roll be taken on the motion to postpone action on the resignation for one week, resulting as follows:  
Ayes 7; Nays 1; Stojack, Absent 1; Battin.

Mr. Tollefson stated that no information regarding hydrant rental could be completely accurate unless they consider all of the cities of the United States and added that he would stand behind the report of the City Manager and substantiate the information he presented.

Mayor Anderson stated that the Manager had compiled the information at the request of the Council.

Dr. Humiston and Mrs. Goering also defended the City Manager on the report he submitted to the Council regarding hydrant rental fees.

Mrs. Goering questioned Mr. Vander Ende's charge that the Council had violated the "Spirit of the Charter" by fixing the hydrant rental fee paid by the General Fund to the Water Division at a lower figure than that asked by the Utility Board.

Dr. Humiston remarked that he referred to the section which states the City must pay the Utilities Division the same amount charged private customers for similar services, and denied there was any Charter violation.

Mr. Jensen stated that he hoped the report on the City-owned cars would be presented at tonight's meeting rather than at next week as he will not be present at that time. He remarked that the cost of operation of the cars is very low and wondered where the cut-off point is on the use of City-owned cars. He added that many of the employees who were using City cars were frequently working overtime in order to complete their jobs, and with the operation of the car pools they now work only their 40 hour week. With the restriction of the car pools Mr. Jensen claims it is bad for the employees' morale.

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Mr. Rowlands explained that prior to the operation of the car pools he had many complaints from the taxpayers about City-owned cars being parked at the grocery

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stores, in front of private homes and other places as well.

X Mr. Tollefson stated that the Washington Good Roads Society has advocated the construction of a shorter route from Snoqualmie Pass to the Valley Cities of Auburn, Kent, Puyallup and Tacoma. He explained that the route planned would have to pass through the City of Seattle Watershed. If this road were built through the watershed proper precaution would have to be taken for its protection, he added.

Mr. Tollefson requested that Mayor Anderson write a letter to the Mayor of Seattle, urging their cooperation for the construction of this highway, and explaining that Tacoma recently cooperated with the City of Seattle during the time they were constructing their Eagle Gorge Dam.

COMMENTS BY THE CITY MANAGER:

Mr. Rowlands submitted copies of letters from several firms regarding the interest rates on L I D Bonds for the City of Tacoma, and stated that he believed the report was self-explanatory.

Mr. Gaisford advised that the Retirement Board had met earlier today and they are preparing a letter to send to the Council regarding the interest rates on the bonds.

Mr. Rowlands advised that the Council has the right to determine the interest rates on the bonds. He said that throughout the years the yield on the Retirement System has been above average, and the 4% interest rate has been good.

Dr. Humiston stated that possibly the rate should be "shaved a little". He said that if the Board is properly advised and elect not to purchase L I D bonds, they should not buy them.

Mr. Rowlands advised that after the letter is received from the Retirement Board the matter will be discussed further.

At this time - 9:30 P. M. - Mayor Anderson asked to be excused and requested that Dr. Humiston assume the Chairmanship.

Mr. R. Resch of 3822 So. 19th Street (6-17-57) again appeared before the Council complaining of the manner in which the Contractor had completed the work on So. 19th Street. He stated that at last week's meeting he was informed that the Public Works Department would investigate his complaint about the steep grade on his bank and also the excessive speed of motorists. He stated further that these representatives were to have taken care of the complaint but had not contacted him as yet.

Dr. Humiston, temporary Chairman, advised Mr. Resch that a report would be forthcoming and for him to wait for the Public Works' representative to contact him. He added that the Public Works Department was requested to submit their report to Council at next week's meeting.

Upon motion, duly seconded and carried, Council adjourned at 9:37 P. M.

Attest:

Joseph Milton  
City Clerk.

John H. Anderson  
President of City Council.