

Council Chamber, 7:30 P. M.

Wednesday, December 26, 1956

Council met in regular session. Present on roll call 8: Bratrud, Goering, Humiston, Jensen, Perdue, Stojack, Tollefson and Mayor Anderson. Dr. Battin taking his seat at 7:35 P. M. Absent 0.

It was moved by Mr. Stojack, 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 be dispensed with. Motion carried on roll call: Ayes 8; Nays 0; Absent 1, Battin.

#### COMMUNICATIONS:

Λ Tacoma Lodge No. 174, B. P. O. Elks: Serving notice of appeal from the City Planning Commission's denial of its petition for reclassification to a C-2 Commercial district property between Union Avenue and Cedar Street from South 19th Street south 1400 feet. It was moved by Mr. Stojack, seconded by Mr. Perdue that January 28th, 1957 be set as the date for hearing on this appeal. Ayes 8; Nays 0; Absent 1, Battin.

X Tacoma School District No. 10. Making suggestions for re-organization of the Joint Use Facilities Committee, and asking Council to take official action soon on these suggestions. Mr. Rowlands reported that a reorganizational meeting of the Joint Use Committee, consisting of thirteen members representing the Public Library, School District, Metropolitan Park Board and Tacoma Planning Commission had been held on December 11, 1956, and officers were elected. After the meeting on December 11, 1956, the letter from the School Board had been received, addressed to the Council, with suggestions for re-organization, he advised. If the suggestions contained in this letter are adopted it would increase the Committee to thirty-two instead of 13, which he feels would be too large. He suggested that the letter be referred to the existing Joint Use Committee. It was moved by Mr. Stojack, seconded by Dr. Battin that the Communication be referred to the existing Joint Use Committee, and carried on roll call: Ayes 9; Nays 0; Absent 0.

#### RESOLUTIONS:

Resolution No. 14845:L I D 4605:By STOJACK:

Fixing February 5, 1957 as date for hearing on L I D 4605 - asphaltic concrete surface, including concrete curbs, concrete gutters, storm water catch basins, on South 12th Street from Proctor Street to Orchard Street.

Adopted on roll call December 26, 1956  
Ayes 9; Nays 0; Absent 0.

**Resolution No. 14846:****By PERDUE:**

Authorizing and directing payment for 11 days vacation to Charles B. McFail, inspector of natural gas installation, Department of Public Works, which he was entitled to take during 1956.

Adopted on roll call December 26, 1956  
Ayes 9; Nays 0; Absent 0.

**Resolution No. 14847:****By PERDUE:**

Authorizing and directing execution of a written lease to provide that the City of Tacoma shall lease from Harriette Wallerich Raab, for a period of 24 months at a monthly rental of \$100.00 the south half of the parking lot on Commerce Street across from the City Hall.

Adopted on roll call December 26, 1956  
Ayes 9; Nays 0; Absent 0.

**Resolution No. 14848:****By STOJACK:**

Approving recommendation of the Director of Public Works and Board of Contracts and Awards and awarding contract for the construction of sanitary sewer on South K Street from South 65th to South 67th, and in South 67th Street from K Street to 180 feet west, L I D 1963, to Rogers Construction Company, on its bid of \$2,520.20.

Adopted on roll call December 26, 1956  
Ayes 9; Nays 0; Absent 0.

**Resolution No. 14849:****By ANDERSON:**

Expressing appreciation of City Council for the long and exceptional services rendered to the City of Tacoma by C. S. McCormick, Chief of the Building Division, and expressing thanks to him for his years of devotion to his position, and extending him congratulations upon his advancement to a higher position.

Adopted on roll call December 26, 1956  
Ayes 9; Nays 0; Absent 0.

Resolution No. 14850:

By STOJACK:

Directing and requesting the Mayor to appoint a committee to be composed of seven citizens and residents of Tacoma, whose duty shall be to investigate and consider all of the facts in connection with the regulation or elimination of pinball machines in the City of Tacoma and to file a written recommendation thereto with the City Council for their guidance on or before March 31, 1957.

Speaking on the resolution Dr. Humiston said he felt both sides of the controversy had been given an ample opportunity to be heard. He felt the Council was competent to make this search, and would be shirking the duty for which it was voted into office by appointing a Committee to make this decision, Dr. Humiston stated, and he intended to vote against it. He also asked Mayor Anderson if he would like the duty of naming such a Committee.

The Mayor pointed out that he is called upon many times to do things he does not want to do, and it would be up to Council's wishes in this case.

Mr. Perdue read a prepared statement setting forth his feelings on this Resolution. This statement stated he felt it would be useless to appoint such a Committee unless the Council expected to act in accordance with its recommendations, and that the selection of the Committee could in advance determine the probable findings and recommendations; that in acceding to the resolution the Council would be shirking its primary duty, which is setting policies for the City, by delegating that duty to others not elected to represent the people; and he felt that any Councilman who favored this resolution should resign from Council; that Council had studied this matter before taking action; that Council listened to the pleas of operators by postponing the effective date to January 1, 1957 to give them time to sell their equipment and so avoid financial loss, but the operators have not acted in good faith as most of the machines are still in town; that the Police Chief has testified that proper enforcement is impossible and asked to have the pinball machines banished, and concluded with the statement that he intends to vote against the resolution.

Mr. Bratrud stated he felt Mr. Perdues' statement that anyone voting for the resolution should resign is unfair, as this infers that anyone who does not agree with him should not be on the Council.

The useful purposes served by Committees of Citizens was discussed at length by the Mayor and Dr. Humiston.

Dr. Humiston expressed the opinion in this case that the issue involved is a lack of competency on the part of the Council to pass on the information before it, and before a committee is appointed the Councils' lack of competency should be demonstrated.

Mr. Stojack read a prepared statement setting forth his reasons for sponsoring this resolution. This statement set forth that the decision to ban pinballs was based on the recommendation of the Chief of Police, who said that his department was having difficulty in policing what was rumored to be pay-offs by some of the operators; that this assertion still remains in the rumor classification; that the information presented by the representative of the amusement people at the last meeting of the Council appeared to be of importance and he believes it merited much more consideration than the Council gave it at the time it was presented; that Council members were elected to represent all the people of the City and any information brought to their attention merits Councils' unbiased attention;

that it appears to him that in this case we have let our own personal feelings or that of certain individuals and pressure groups far more influence us than the real issue involved; that since our original action the press has continuously reported what appeared to be the feeling of the City Council, despite the fact that it had never been officially discussed at Council meetings; and because of this apparent confusion he thought Council should clarify this matter.

Mr. Jensen pointed out that this legislation does not say whether Council is for or against but merely asks for an investigation, and he believed Council is obligated to give it due consideration.

The Committee will make the report, but the Council does not have to accept its recommendation.

Mrs. Goering said she did not feel any important additional information had been presented, and if the Council does not stand by its action it will be a breach of faith, and she intended to vote against the Resolution.

Dr. Battin stated that last May the point that convinced him it was a desirable ordinance, was the Police Chiefs' statement of the Policing problem. He commended Chief Kerr's service in the department during his term of office with the City and said he felt if the Police Chief recommended banning the machines Council should follow his recommendation. He pointed out that the gentlemen promoting this resolution have had seven months to do something about it, and have waited until the last minute. He felt this is the job for the Council and it is up to the members to face it. Dr. Battin added that he intended to vote against the resolution.

Mr. Tollefson said that this matter has given him more concern than any single thing which has come before Council. He knew many small businesses who rely on the income from pinballs will be injured and Council gave this group until January 1st to adjust themselves to the fact that after this date that source of income will be gone. He has received many communications and calls from both sides and he was sure other Council members had also. Many of his clients in small businesses such as taverns and restaurants will be injured and it would be easy to say that his pecuniary benefit would be greater if he voted to allow them to operate. If this resolution had been drawn 4 months ago, he felt it would have great merit, but not at this late date, Mr. Tollefson said. He did not believe anyone who favored the appointment of the Committee should resign, nor did he feel the Mayor would stack the Committee. He felt the Council should abide by the Police Chiefs' recommendation and until he recommends the appointment of a committee, the Council would have to go along with the action taken last May. Mr. Tollefson asked the following questions:

(1) He asked Attorney McCormick if the Court decision referred to by Mr. Ursich, would affect the ordinance passed by the City last May banning the machines as nuisances.

Mr. McCormick advised that this case involved only the question of whether the machine was a gambling machine under the Federal Tax Laws

(2) He also asked Mr. McCormick whether other cities have passed similar legislation.

Mr. McCormick said many cities have similar ordinances, and the Courts have ruled they are valid.

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(3) He asked Mr. McCormick if there will be any discrimination between private Clubs and public places in the banning of pinballs.

Mr. McCormick advised the ordinance provides no exemptions for clubs but is applicable to all. He questioned if such an exemption would be legal if included in the Ordinance, Mr. McCormick added.

(4) Is it necessary to establish that a nuisance exists before the ordinance passed in May can be made effective?

Mr. McCormick advised that there have been many decisions from many states and cities and they have uniformly upheld the right of the state or community to declare the machines nuisances.

(5) Would any useful purpose be served by appointing a Committee?

Mr. McCormick replied this question did not involve a question of law and he was not in a position to answer it, as it was up to the Council to decide this.

(6) Mr. Tollefson asked Mr. Rowlands if he concurred in the recommendations of the Police Chief that the ordinance banning pinball machines should be in force. Mr. Rowlands replied that he had talked to Chief Kerr and Inspector Hager and they have not changed their opinions. He concurred in the recommendation of the Police Chief, Mr. Rowlands added.

In conclusion Mr. Tollefson said he wanted to commend Mr. Stojack for having the conviction to bring this before the Council and stated that he felt no member of the Council should criticize him for doing this.

At this time the Mayor declared a recess of 10 minutes.

At the end of this recess the Council reconvened with all members present.

It was moved by Mr. Bratrud, seconded by Dr. Humiston that Resolution No. 14850 be tabled. Motion carried on roll call: Ayes 9; Nays 0; Absent 0.

Resolution No. 14851:

By BATTIN:

Authorizing and directing proper officers of the City to execute an agreement with the United States of America, providing for the use of their stream gauging facilities and a contribution toward the cost of construction thereof on Leach Creek, by the City of Tacoma not to exceed \$2450.

Mr. Bratrud asked whether or not the land for the catch basin, for which money was appropriated had been acquired.

Mr. Rowlands replied that they have met several times and hope to have a definite report giving two alternate areas by the last of January so the Council can decide which to accept.

Adopted on roll call December 26, 1956  
Ayes 9; Nays 0; Absent 0.

Resolution No. 14852:

By THE COUNCIL:

Fixing the monthly compensation of the City Manager, Classification 0084,

for the year 1957 in the sum of \$ \_\_\_\_\_.

Dr. Battin inquired what the present salary of the Director of Utilities was, and he was informed that Mr. Barlines' salary is \$18,000 a year, or \$1,500 a month. It was moved by Dr. Battin seconded by Mr. Perdue that the salary of the City Manager be fixed at \$1,500 a month (\$18,000.00 a year). Mr. Stojack asked for a reason for the raise in salary from \$16,800 at this time.

Dr. Battin explained that he had made this motion to equalize the salaries of the Director of Utilities and City Manager, saying that he thought it was improper to have the City Manager paid less than one of his technical advisors. Moreover Tacoma is not paying a salary comparable to other cities of this size, which starts at \$18,000. Mr. Stojack said he felt if the wage scale had been fixed at \$18,000 the City would have had more applicants. He pointed out that Mr. Rowlands has only been here a few months, while the Director of Utilities has been with the City a much longer time. He did not believe it mandatory to pay both these salaries at the same level.

Mr. Tollefson made a substitute motion that the City Manager's salary be fixed at \$17,400 or \$1,450 per month. No second. Mr. Tollefson said he felt a reasonable time should elapse before the City Manager's salary is increased and in his estimation this time has not elapsed. Mrs. Goering said she felt the two salaries should not be tied together. In talking to the various applicants, the Committee felt Tacoma was not paying our manager enough for the amount of work he is called upon to perform in comparison with other cities, she added.

Mr. Bratrud said he also felt the salary of the City Manager and Director of Utilities should not be tied together.

Dr. Humiston expressed the opinion that Council should come to an agreement as to how often the City Managers salary should be reviewed. He favored reviewing it at annual intervals possibly at the anniversary date of employment.

This suggestion was discussed but no decision as to time of review was made.

Dr. Humiston made a substitute motion that the City Manager's salary be fixed at \$1,400 a month \$16,800 a year. Motion seconded by Mr. Stojack. In discussing this motion, Mayor Anderson said he had worked in close contact with the City Manager and feels he is doing a great job. He would rather pay Mr. Rowlands a little extra and keep him, than to lose him to some other city because he is offered a higher salary.

Roll was called on Dr. Humiston's motion which lost on roll call: Ayes 4; Bratrud, Humiston, Stojack, Tollefson; Nays 5; Battin, Goering, Jensen, Perdue, Anderson, Absent 0.

Another substitute motion was made by Mr. Tollefson, seconded by Mr. Stojack that the Managers' salary be fixed at \$1,450 per month or \$17,400 a year. This motion also lost on roll call. Ayes 3; Humiston, Stojack, Tollefson. Nays 6. Battin, Bratrud, Goering, Jensen, Perdue, Anderson. Absent 0.

Mr. Rowlands stated that he would like to have it made a part of the record that no matter what action Council takes on this matter he has been very well satisfied with the pleasant relationship he has enjoyed with the Council and friendly team work.

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Roll was then called on Dr. Battin's original motion that the City Manager's salary be fixed at \$1,500 a month or \$18,000 a year. Carried on roll call Ayes 6; Battin, Goering, Humiston, Jensen, Perdue, Anderson. Nays 3; Bratrud, Stojack, Tollefson. Absent 0.

Roll was called on the Resolution as amended, resulting as follows:  
Adopted on Roll call: Ayes 8; Battin, Goering, Humiston, Perdue, Jensen and Mayor Anderson, Nays 3; Bratrud, Stojack, Tollefson.

Resolution No. 14843:

By HUMISTON:

Authorizing the proper officers of the City to enter into an agreement with the Alpine Evergreen Company for the cultivating and harvesting of Christmas Trees. Mr. Rowlands advised that the Director of Utilities has asked to have the ordinance postponed this week. Motion of Stojack, seconded by Battin that Resolution be laid over one week to January 2, 1957. Motion carried. Ayes 9; Nays 0; Absent 0.

#### FIRST READING OF ORDINANCES:

Ordinance No. 15763:

Providing for the improvement of North 39th Street from Monroe Street to Tyler Street, North Shirley Street from North 28th to the north line of Nelson's 2nd Addition, and Cedar Street from North 29th Street to North 30th Street, by grading, asphaltic concrete surfacing, curbs and gutters, and storm water catch basins, also driveways, concrete sidewalks and sanitary sewer connections, creating L I D 4603. Read by title and placed in order of final reading.

Ordinance No. 15764:

Providing for the improvement of North 8th from Junett to Pine, North 8th from Union to Warner, North 10th from Fife to Steele, North 11th from Oakes to Steele and from Stevens to Madison, and No. 14th from Fife to Steele by grading, paving and constructing curbs and gutters and storm water catch basins; also paving with curbs and gutters and storm water catch basins on Monroe Street from North 11th to North 13th; also local storm sewers on No. 10th from Prospect to Fife, and on North 8th from Union Avenue to Puget Sound Avenue; creating L I D 4608. Read by title and placed in order of final reading.

Ordinance No. 15765:

Providing for the improvement of Cedar Street from North 7th Street to No. 8th Street, North 8th Street from Cedar to Junett, North 7th from Warner to Lawrence, North Adams from North 9th to North 12th, by grading, asphaltic concrete surfacing, including curbs and gutters and storm water catch basins, also driveways, concrete sidewalks and sanitary sewer connections, creating L I D 4614. Read by title and placed in order of final reading.

Ordinance No. 15766:

Repealing Ordinance No. 15600, entitled: "An ordinance declaring certain slot machines, pinball machines, vending machines and devices to be a nuisance, etc." Read by title and placed in order of final reading.

**Ordinance No. 15767:**

Declaring certain slot or vending machines or devices to be a nuisance; prohibiting the keeping or maintaining for use thereof or permitting the use thereof; and providing penalties for the violation hereof. Read by title and placed in order of final reading.

**Ordinance No. 15768:**

Amending Sections 17, 17a, 17b, 17c, 17g and 17i of Ordinance No. 14892 - General License Ordinance - as amended by Sections 1, 2, 3, 4, 5, and 6 of Ordinance No. 15601, and repealing Ordinance No. 15601. (relative to pinball machines) Read by title and placed in order of final reading.

**Ordinance No. 15769:**

Amending Section 1 of Ordinance No. 15754 entitled: "An ordinance vacating the alleys in Ac me Addition located between Hosmer Street and Alaska Street from South 48th Street to Thurston Street." Read by title and placed in order of final reading.

**FINAL READING OF ORDINANCES:****Ordinance No. 15760:**

Authorizing and directing the proper officers of the City to cause a new survey to be made of the plat of Port of Tacoma Industrial District First Addition, including replats and to cause a corrected plat of said addition to be made and recorded in the Office of the County Auditor. Read by title and passed.

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

**Ordinance No. 15761:**

Vacating the west 4 feet of Chandler Street between South Tacoma Way and the Northern Pacific Railroad Right of Way. Read by title and passed. 78

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

**Ordinance No. 15762:**

Vacating all streets, alleys and other public ways (except Milwaukee Way,) situate in that portion of Reuter's First Tideland Addition, lying southeasterly of Lincoln Avenue. Read by title and passed. 40

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

**Ordinance No. 15748:**

Vacating all of North Starr Street lying between Blocks 74 and 75 of Tacoma Tide Lands and extending from the Northerly line of Ruston Way to the Inner Harbor Line. Read by title. Mr. Rowlands advised that the deed received 82  
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by the City of Tacoma from United Power Control Corporation (formerly Pacific Oerlikon Co.) is a quit claim deed and not a warranty deed. This means the property deeded by the Corporation to the City would be subject to any and all mortgages and encumbrances, Mr. McCormick advised, and he suggested that the Ordinance be postponed to allow time for the Corporation to give the City clear title to the property. It was moved by Dr. Humiston, seconded by Dr. Battin that the ordinance be postponed for two weeks to January 7, 1957. Ayes 9; Nays 0; Absent 0.

UNFINISHED BUSINESS:

377 128-  
The Director of Utilities presents the assessment and assessment roll for L I D 5267 for cast iron water mains in the area bounded by North Park Avenue, Pearl Street, North 48th Street and Lexington Street, and on Visscher Street from North 42nd Street to North 48th Street. It was moved by Dr. Humiston, seconded by Mr. Stojack that January 21, 1957 at 7:30 P. M. be fixed as the date for hearing on the above assessment and assessment roll. Ayes 9; Nays 0; Absent 0.

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

Easement acquisition on L I D 1955.

Copy of Communication written by L. P. Staman, Director of Public Works on November 20, 1956, to E. F. Eldridge, Director of State Pollution Control Commission, advising he wished to make a matter of record that it is inadvisable for Tacoma to make application for Federal Aid Funds for sewage treatment facilities at this time because of the present status of the engineering study now being conducted by the firm of Brown and Caldwell.

117 Dr. Humiston advised that he planned to request the City Attorney to prepare a Resolution which would in essence state that the City Council looks with favor on the annexing of adjoining territory as a part of the City of Tacoma.

Dr. Battin said he agreed with Dr. Humiston on this matter and would like to go along with the idea.

Mr. Stojack suggested that if any member of the Council has any area in mind to be annexed to the City, they refer it to the City Planning Commission first.

Upon motion, duly seconded and carried, Council then adjourned at 9:45 P. M.

*John Anderson*  
\_\_\_\_\_  
President of City Council

Attest: *Josephine Melton*  
\_\_\_\_\_  
City Clerk