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COUNCIL CHAMBER, 7:35 P. M.

Monday, March 28, 1955.

Council met in regular session. Present 9; Battin, Bratrud, Goering, Hooker, Humiston, Jensen, Perdue, Stojack, Tollefson. Absent 0.

It was moved by Dr. Battin, seconded by Mr. Bratrud, that the minutes of the previous meeting, copies of which had been mailed by the Clerk to each Councilman, be approved and the reading thereof be dispensed with. Motion carried on roll call: Ayes 9; Nays 0; Absent 0.

COMMUNICATIONS:

Paul F. Salatino, demanding a hearing before the City Council on the denial of his application for taxicab license, which he has been advised by letter signed by Frank H. Backstrom, City Manager, dated March 14, 1955, copy of which is attached, has been denied. Mr. Backstrom reported that he has been informed that Mr. Salatino to-day paid the license fee for his taxicab, which was the basis for recommending that the license be denied. However he has not paid the license fee for the taxicab stand, and Mr. Backstrom suggested that the communication be laid over for one week. In accordance with this suggestion Council laid the matter over for one week to April 4th, 1955.

RESOLUTIONS:

Resolution No. 14215. L I D 5243.

By HUMISTON:

Stating intention of Council to order installation of a cast iron water main in South 9th Street from Mason Avenue to Verde Street; creating L I D 5243 and fixing April 19, 1955 as the date for hearing. It was moved by Mr. Bratrud, seconded by Mr. Perdue to suspend Rule 9 and carried unanimously on voice vote. The resolution was then adopted without having been read in full.

Adopted on roll call March 28, 1955.
Ayes 9; Nays 0; Absent 0.

Initial Resolution No. 14216- L I D 5244.

By HUMISTON:

Stating intention of Council to order installation of cast iron water main in Lexington Street from North 49th Street to North 51st Street; and in North 49th and North 51st Street from Frace Avenue to Lexington Street; creating L I D 5244 and fixing April 19, 1955 as the date for hearing. It was moved by Col. Hooker, seconded by Mr. Jensen to suspend rule 9 and carried unanimously on voice vote. The resolution was then adopted without having been read in full.

Adopted on roll call March 28, 1955.
Ayes 9; Nays 0; Absent 0.

Initial Resolution No. 14217. L I D 5245.

By HUMISTON:

Stating intention of Council to order installation of cast iron water main in State Street from South 15th Street to South 19th Street and in South 18th Street from State Street to Sprague Street; creating L I D 5245 and fixing April 19th, 1955 as the date for hearing. It was moved by Mr. Jensen, seconded by Col. Hooker to suspend Rule 9 and carried unanimously on voice vote. The resolution was then adopted without having been read in full.

Adopted on roll call March 28, 1955.
Ayes 9; Nays 0; Absent 0.

Resolution No. 14218.

BY GOERING:

Approving recommendations of the Director of Public Works and Board of Contracts and Awards and awarding contract for widening and paving of South 38th Street from South G Street to A Street, constituting Work Order No. 6059, to Woodworth & Co. Inc. on its low bid of \$39,715.67.

Adopted on roll call March 28, 1955.
Ayes 9; Nays 0; Absent 0.

Resolution No. 14219.

BY HUMISTON:

Authorizing and directing the City Manager in behalf of the general City ⁴⁶⁻⁴⁸⁷ Government, to execute and deliver an agreement with the Director of Public Utilities, providing for the settlement of all obligations in favor of the Department of Public Utilities, Light Division, incurred by them in making changes of facilities on East 11th Street over the Port Industrial Waterway, by reason of the construction of the Port Industrial Waterway Bridge, for the sum of \$90,000, said sum to be payable as follows: \$18,000 beginning with the year 1956, and \$18,000 annually thereafter up to and including the year 1960. It was moved by Dr. Humiston to suspend Rule 9, seconded by Mr. Perdue and carried unanimously on voice vote. The resolution was then adopted without having been read in full.

Adopted on roll call March 28, 1955.
Ayes 9; Nays 0; Absent 0.

Resolution No. 14220.

BY PERDUE:

Authorizing a private sale of all right, title and interest of the City of Tacoma acquired by local improvement district and condemnation assessments and proceedings for foreclosure to Preston B. Berto and Imogene A. Berto, for \$10.00 covering Lots 1, 2, 3 and 8, Block 8, Frace's First Addition (located at southeast corner of South 8th and Mildred Streets). It was moved by Mr. Jensen, seconded by Mr. Perdue to suspend Rule 9 and carried unanimously on voice vote. The resolution was then adopted without having been read in full.

Adopted on roll call March 28, 1955.
Ayes 9; Nays 0; Absent 0.

Resolution No. 14221.

BY BATTIN:

Authorizing and directing execution and delivery of a conditional sale contract for sale of Lots 11 to 16, Block 5, White and Ouimette's Addition to Harold Wick and Dagmar Wick and Arne Reyier and Edna Reyier for \$1700.00 (located at south west corner of East I Street and East 58th Street).

Adopted on roll call March 28, 1955.
Ayes 9; Nays 0; Absent 0.

Resolution No. 14222

BY TOLLEFSON:

Setting forth and adopting the 1955 Street Program of the Department of Public Works as outlined herein, which program consists of two parts as follows: (1) a street maintenance program providing for the distribution and use of street maintenance funds, and (2) a permanent street improvement program setting forth new policies for the permanent improvement of City Streets. It was moved by Dr. Battin, seconded by Dr. Humiston to suspend Rule 9 and carried unanimously on voice vote. It was moved by Dr. Humiston to amend Resolution No. 14222 by adding thereto on page 2 after the concluding paragraph, the following: "C. That approximately \$90,000.00 is contained in the 1955 Budget for City participation in L. I. D. Improvements, and that the City's participation provided for in the preceding paragraphs A and B above set forth will be limited for the year 1955 to the said budgeted sum of approximately \$90,000.00 plus any additional sums that may hereafter be made available for said purpose." Motion seconded by Col. Hooker, and carried on roll call: Ayes 9; Nays 0; Absent 0. The resolution as amended was then adopted without having been read in full.

Adopted on roll call March 28, 1955.
Ayes 9; Nays 0; Absent 0.

City Manager Backstrom reported that there are two additional resolutions, not listed on the Agenda, which it is desired that the Council adopt at tonight's meeting.

It was moved by Dr. Humiston, seconded by Dr. Battin to suspend Rule 7, relative to filing of new matter for Council's consideration, in order to adopt Resolutions Nos. 14223 and 14224. Motion carried on roll call: Ayes 9; Nays 0; Absent 0.

Resolution No. 14223.

By BATTIN:

Authorizing Director of Finance to purchase for his Department furniture and equipment listed herein; and fixing the cost of said equipment to be not to exceed \$1250.00, same to be paid from Cumulative Reserve Fund, Capital Outlay.

Adopted on roll call March 28, 1955.
Ayes 9; Nays 0; Absent 0.

Resolution No. 14224.

By HOOKER:

Authorizing the City Manager to make, execute and deliver an agreement with George Madsen, doing business as George Madsen Co., terminating that certain contract for channelization construction at 66th Street and 74th Street on South Tacoma Way, being known as Improvement No. 4545, providing for payment to said contractor of sum of \$2953.85, and conveying and releasing to City certain described material for the job locations.

Adopted on roll call March 28, 1955.
Ayes 9; Nays 0; Absent 0.

FIRST READING OF ORDINANCES:

*** Ordinance No. 15299- For first reading- See page 13. omitted here by mistake.
Ordinance No. 15300.

Authorizing the City Attorney of the City of Tacoma to acquire by purchase a portion of property located at the northwest corner of C Street and Wakefield Drive in the City of Tacoma, setting forth the terms and conditions of the Warranty Deed by which the said property is to be acquired and the access to the adjacent property of the grantors to be controlled; and appropriating \$8,000 from the Cumulative Reserve Fund, Streets and Bridges, to pay the cost thereof; and repealing Ordinance No. 15125. Read by title and placed in order of final reading.

Ordinance No. 15301.

Amending Ordinance No. 14793 entitled: "An ordinance to regulate the location and use of buildings and the use of land within the City of Tacoma; to limit the height of buildings; to prescribe building areas and lines, and the size of yards and other open spaces and for these purposes to divide the City into districts, etc." (ZONING ORDINANCE) (C-2- Commercial District- Lots 19 to 24 inc. Block 2705, Oakland Addition, located at the se corner of Center and Madison Streets). Read by title and placed in order of final reading.

Ordinance No. 15302.

Authorizing and directing the City Attorney of the City of Tacoma to purchase certain property for the protection of the water supply of the City of Tacoma in the Green River Watershed. Read by title and placed in order of final reading.

Ordinance No. 15303.

Amending Section 1 of Ordinance No. 15244, entitled: "An ordinance authorizing the proper officers of the City of Tacoma to enter into a Supplement to the lease between the City of Tacoma and Bessie McRae, and setting out the terms and provisions thereof." Read by title and placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 15285.

Authorizing the proper officers of the City of Tacoma to enter into a lease between the City of Tacoma and Frederic P. Dravis, doing business as the Dravis Engineering & Machine Works; and setting out the terms and provisions thereof. Read by title. It was moved by Dr. Humiston, seconded by Mr. Bratrud to suspend Rule 9, and carried unanimously on voice vote. The ordinance was then passed without being read in full.

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

Ordinance No. 15286. L I D 2206.

Approving and confirming assessment and assessment roll for cost of improvement in L I D 2206. Read by title. It was moved by Col. Hooker, seconded by Dr. Battin to suspend Rule 9 and carried unanimously on voice vote. The ordinance was then passed without having been read in full. 46-49

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

Ordinance No. 15287. L. I. D. 2185.

Approving and confirming assessment and assessment roll for cost of improvement in L I D 2185. Read by title. It was moved by Dr. Humiston, seconded by Col. Hooker to suspend Rule 9 and carried unanimously on voice vote. The ordinance was then passed without having been read in full. 46-49

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

Ordinance No. 15288. L. I. D. 2197.

Approving and confirming assessment and assessment roll for cost of improvement in L I D 2197. Read by title. It was moved by Col. Hooker, seconded by Dr. Battin to suspend Rule 9 and carried unanimously on voice vote. The ordinance was then passed without having been read in full. 46-49

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

Ordinance No. 15289. L. I. D. 2199.

Approving and confirming assessment and assessment roll for cost of the improvement in L I D 2199. Read by title. It was moved by Col. Hooker, seconded by Dr. Battin to suspend Rule 9 and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

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

Ordinance No. 15290. L. I. D. 4546.

Approving and confirming the assessment and assessment roll for the cost of the improvement in L I D 4546. Read by title. It was moved by Col. Hooker, seconded by Dr. Humiston to suspend Rule 9 and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

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

Ordinance No. 15291. L. I. D. 2201.

Approving and confirming the assessment and assessment roll for the cost of the improvement in L. I. D. 2201. Read by title. It was moved by Col. Hooker, seconded by Dr. Humiston to suspend Rule 9 and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

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

Ordinance No. 15292. L. I. D. 2215.

Approving and confirming the assessment and assessment roll for the cost of the improvement in L. I. D. 2215. Read by title. It was moved by Col. Hooker, seconded by Dr. Humiston to suspend Rule 9 and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

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

Ordinance No. 15293. L. I. D. 4536.

Approving and confirming the assessment and assessment roll for the cost of the improvement in L. I. D. 4536. Read by title. It was moved by Col. Hooker, seconded by Mr. Perdue to suspend Rule 9 and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

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

Ordinance No. 15294. L. I. D. 5238.

Approving and confirming the assessment and assessment roll for the cost of the improvement in L I D 5238. Read by title. It was moved by Col. Hooker, seconded by Dr. Battin to suspend Rule 9 and carried Unanimously on voice vote. The ordinance was then passed without having been read in full.

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

Ordinance No. 15295.

Amending Ordinance No. 14793, entitled: "An ordinance to regulate the location and use of buildings and the use of land within the City of Tacoma; to limit the height of buildings; to prescribe building areas and lines, and the size of yards and other open spaces and for these purposes to divide the City into districts; etc." ZONING ORDINANCE- by adding thereto a new section to be known as Section 9 E. (C-2-

Commercial District at S. E. corner of South 84th and C Streets). Read in full and passed.

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

Ordinance No. 15296. L I D 1941.

Providing for the construction of sewers on Alaska Street from South 72nd Street north for approximately 900 feet; creating L I D 1941. Read by title. It was moved by Col. Hopker, seconded by Mr. Perdue to suspend Rule 9 and carried unanimously on voice vote. The ordinance was then passed without having been read in full. 46-474

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

Ordinance No. 15297. L I D 5217.

Providing for the construction of a 6-inch cast iron water main in Mason Avenue from South 12th Street to South 19th Street and in Verde Street from South 12th Street to the South line of Pentecost and Lawler Addition; an 8-inch cast iron water main in Stevens Street from South 12th Street to South 19th Street; and a 12-inch cast iron water main in South 19th Street from Mason Avenue to Stevens Street; creating L I D 5217. Read by title. It was moved by Dr. Humiston, seconded by Mr. Perdue to suspend Rule 9 and carried unanimously on voice vote. The ordinance was then passed without having been read in full. 46-474

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

Ordinance No. 15298 L I D 5228.

Providing for the construction of a 6-inch cast iron water main in North 12th Street from Mullen Street to Stevens Street; creating L I D 5228. Read by title. It was moved by Dr. Humiston, seconded by Mr. Perdue to suspend Rule 9 and carried unanimously on voice vote. The ordinance was then passed without having been read in full. 46-474

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

Ordinance No. 15299. (Omitted by mistake under first reading of Ordinances on page 10)

Amending Section 3 of Ordinance No. 14411 entitled; "An ordinance providing for the improvement of Pacific Avenue from South 17th Street south to South 26th Street; South 24th Street from South C Street to A Street; Puyallup Avenue from A Street to Bay Street; South 25th Street from Pacific Avenue to A Street and that portion of East 25th Street between A Street and the west approach to the bridge between A Street and East B Street, by the installation of ornamental street lamps on standards; creating Local Improvement District No. 5743, etc." appropriating the sum of \$15,507.67, or so much thereof as may be necessary, from the City Street Fund to pay that portion of the cost of the improvement authorized in said ordinance originally directed therein to be paid from the General Fund; and declaring an emergency making necessary the passage of this ordinance and the appropriation herein contained. Read by title and placed in order of final reading.

UNFINISHED BUSINESS:

The L. I. D. Committee reports that hearing was held by the Committee on L I D 2190 on March 15, 1955 for grading and graveling of Columbia Avenue from Portland Avenue approximately 1000 feet east, and at said meeting it was reported that a remonstrance of 83% had been filed against the improvement. In view of this large remonstrance, the L I D Committee sustained the remonstrance and ordered 473

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that the district be abandoned and makes this recommendation to the Council. Moved by Mr. Stojack, seconded by Mr. Bratrud to concur in the recommendation of the L. I. D. Committee and carried on roll call: Ayes 9; Nays 0; Absent 0.

City Manager Backstrom read in part from an opinion from the City Attorney on the liability of the City for defective watermains resulting in disease. This opinion stated that without question the City would be liable for damages on account of a disease contracted by reason of the contamination of the City's water supply, however arising, provided that the City had notice, either actual or constructive, that its water system was in a condition which might reasonably be expected to result in the pollution of the water supply, causing such damage. Mr. Backstrom said that copies of this opinion would be forwarded to each member of the Council. The majority of the Council expressed concern over the watermain L I Ds which have recently been voted down by property owners. Mrs. Goering said she felt a serious study should be made of these cases and a recommendation submitted to Council. It was pointed out by the Manager that under the present State Law the City is bound by the 60% remonstrances and does not have the right to override this. The Mayor requested the City Manager to cause a study to be made of the areas where water mains have been turned down by remonstrance of property owners.

NEW BUSINESS:

Dr. Battin said he would like to publicly commend City Transit Bus Driver Eric Proctor for careful driving. Today Mr. Proctor, driver of the bus on which he was a passenger, showed an interest in safety beyond his actual responsibility by vigorously waving down a driver at North Tacoma Avenue near Stadium High School, thereby preventing an accident which might have been fatal. It was moved by Dr. Battin, seconded by Mr. Jensen, that a letter of commendation be sent by the City Clerk to Mr. Proctor.

While he had the floor, Dr. Battin said he would like to read a statement for the benefit of the Radio Friends of the "Committee of 100", as follows: "Under the manager-council form of government, the Council's only function is formulation of policy. The Council turns over the policy to the manager and his staff of experts to put into actual operation. The Committee's confusion arises from the assumption that the Council function is to manage, administer and direct the operations of the government. If this were actually the case then the present Council would be under paid and would not be giving sufficient time to the City's business. Much of the thunder of the "100" rests upon this failure to understand the function of the corporation form of business organization whereby the Board of Directors formulates policy and employs a manager and expert staff to carry out the policies. The analogy between a corporation and the City government is most apropos. The Citizens are the stockholders, the Council the Board of Directors, and the manager and his staff are the managers and staff as exist in a corporation. Thus we get a business like operation of a \$100,000,000 corporation,"

Mayor Tollefson read a letter from E. F. Eldridge, Director and Chief Engineer of State Pollution Control Commission, acknowledging the adoption by the Council of Resolution No. 14213, as the first step toward preparation of a comprehensive sewerage plan for the City of Tacoma, and stating they will be happy to work with the City's engineers in the preparation of a sewerage plan for Tacoma. Placed on file.

Mayor Tollefson advised the Council that he had turned the request of the Machinist Non-Partisan Political League for a representative to appear at a public debate on City issues in the May 10th election, over to the "Citizens' Charter Committee", as he thought they merely wanted someone to debate, but that he has since heard the organization was "insulted" when they learned he was not going to be the speaker. The Mayor said he is willing to debate, providing the issues are made clear, but he wanted the thinking of the City Council on the policy to be followed, as there will undoubtedly be many similar requests in the near future, not only to him but to other members

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the Council as well. The matter was discussed and it was the opinion of most of the members that it was not within the province of the City Council to take sides on the issue or to endorse any person for freeholder, but that there was no reason why any Council member could not accept any invitation to speak on the issue. Mrs. Spring, Dr. Battin and Dr. Humiston all said they were willing to talk before interested groups.

Upon motion, duly seconded and carried, Council then adjourned at 8:45 P. M.

JAM Jollyson
President of City Council.

Attest: Josephine Netton
City Clerk.