

JUL 9 1956

COUNCIL CHAMBER, 7:30 P. M.

Monday, July 9, 1956.

Council met in regular session. Present 9; Battin, Bratrud, Goering, Huriston, Jensen, Perdue, Stojack, Tollefson, Mayor Anderson. Absent 0.

It was moved by Mr. Stojack, seconded by Mr. Jensen, 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 9; Nays 0; Absent 0;

PETITIONS:

* Marianne Willsey, for license for second hand store (antique shop) at 3013 South M Street. The Building Inspector recommends the petition be denied as the premises are not properly zoned for this type of business. The City Manager concurs in the recommendation. Moved by Mr. Tollefson, seconded by Mr. Perdue to concur in the recommendation. Motion carried on roll call: Ayes 9; Nays 0; Absent 0.

2 Jack D. Simmons, for license for garage, Grade 4, at 3825 South M Street. The Building Inspector recommends the petition be denied as the premises are not properly zoned for this type of business. The City Manager concurs in the recommendation. Moved by Mr. Stojack, seconded by Mr. Perdue to concur in the recommendation. Motion carried on roll call: Ayes 9; Nays 0; Absent 0.

COMMUNICATIONS:

Harold E. Wagner, appealing from the decision of the City Planning Commission to deny his petition for rezoning of N. W. Corner of 6th Avenue and Huson Street to a C-2 District, but instead changing it from an R-2 to an R-3 District. Mr. Buehler of the Planning Staff advised Council that at the time of the Planning Commission hearing Mr. Wagner had been agreeable to having the district rezoned as an R-3, but since had changed his mind and decided to file an appeal. He pointed out that Ordinance 15653, to change the district to an R-3 as recommended by the City Planning Commission, is before the Council for final action tonight and said that he believed the passage of this ordinance should be held in abeyance pending the outcome of the appeal. City Attorney McCormick agreed that the Council should proceed on the appeal first, holding up the passage of the ordinance until such time as the appeal is settled in order to avoid the possibility of having to repeal the ordinance in the event the Council decided in Mr. Wagner's favor. The communication was referred to the City Planning Commission to compile the information so that a date of hearing might be fixed on the appeal.

374
447
479

RESOLUTIONS:

Resolution No. 14704. L. I. D 2249

X

BY JENSEN:

Fixing August 7, 1956 as date for hearing on placing of cement concrete sidewalks on South 65th from Pacific Avenue to "A" Street; on west side of Bell Street from South 64th Street to South 67th Street; on A Street from South 64th Street to South 68th Street; except where walks are in place; on Linden Street from A Street to East B Street; also grade and oil mat on South 65th Street from Bell Street to "A" Street; creating L I D 2249.

481

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

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Resolution No. 14705. L. I. D. 4600. *

By JENSEN:

Fixing August 7, 1956 as date for hearing on placing a gravel base and asphaltic concrete surface on alley between Grant and Ainsworth Avenue from South 17th Street to South 19th Street; creating L I D 4600.

Adopted on roll call July 9, 1956.

Ayes 9; Nays 0; Absent 0.

Resolution No. 14706.

By BATTIN:

Authorizing the proper officers of the City of Tacoma to purchase one adding machine, and one Victomatic calculator, for use in the Public Works Department, at a cost not in excess of \$767.87, sufficient funds to be appropriated from Cumulative Reserve Fund, Capital Outlay, for payment therefor.

Adopted on roll call July 9, 1956.

Ayes 9; Nays 0; Absent 0.

Resolution No. 14707. L. I. D. 2253. *

By JENSEN:

Fixing August 7, 1956 as date for hearing on grading, oil mat and necessary storm drainage on South 76th Street from J Street to Thompson Avenue; on Thompson Avenue from South 77th Street to South 78th Street; and on "I" Street from South 76th Street to South 78th Street; creating L I D 2253.

Adopted on roll call July 9, 1956.

Ayes 9; Nays 0; Absent 0.

Resolution No. 14708. L. I. D. 4604. *

By JENSEN:

Fixing August 7, 1956 as date for hearing on grading to required elevation and placing a concrete surface in alley between Pacific Avenue and Bell Street from South 40th Street to South 43rd Street; creating L I D 4604.

Adopted on roll call July 9, 1956.

Ayes 9; Nays 0; Absent 0.

Resolution No. 14709.

By GOERING:

Authorizing private sale of property located on the east side of South L Street between South 72nd Street and South 70th Street (Lot 7, Block 24, Midway Addition) for sum of \$10,00 to Ray O'Flyng and Anna M. O'Flyng, in order to clear title.

Adopted on roll call July 9, 1956.

Ayes 9; Nays 0; Absent 0.

It was moved by Mr. Perdue, seconded by Mr. Jensen, to suspend Rule 7, relative to filing new matter for Council's consideration, in order to take action on three resolutions, which are not on the Agenda. Motion carried unanimously.

Resolution No. 14710.

By HUMISTON:

Authorizing and directing Director of Finance to take all steps necessary for the sale and issuance of Series B General Obligation Street and Bridge Improvement

Bonds of 1955 in amount of \$460,000; and Series "B" and Series "C" of General Obligation Street Lighting Bonds 1955, in the amount of \$500,000 each series; and that the Director of Finance of the City of Tacoma, in the negotiation and sale of all of these series, offer for sale and sell all three series of said bonds as one offering only, which must be hid upon as one complete unit.

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

Resolution No. 14711.

By PERDUE:

Paying for transportation costs and incidental expenses in connection therewith for the moving of the Manager and his family from Eau Claire, Wisconsin to Tacoma, Washington. Mr. Perdue stated that through an oversight Resolution No. 14670 provided for paying only the cost of moving Mr. Rowlands' household effects to Tacoma but did not provide for payment of transportation costs and incidental expenses in connection with the moving of Mr. Rowlands and his family. Resolution No. 14711 is for the purpose of paying these costs, as was done for Mr. Backstrom. Y09

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

Resolution No. 14712.

BY THE COUNCIL:

Authorizing the proper officers of the City of Tacoma to execute and deliver the agreement attached hereto for the acquisition and purchase of a gravel pit from Dave Morris and Charles West, consisting of 26 acres west of Sprague Avenue and north of 84th Street for \$37,500.00. The City Manager read a brief summary concerning several possible gravel pit sites that the City is considering for purchase, which had been compiled by L. P. Staman, Director of Public Works. In view of the research that has been done and the fact that the property owned by Morris and West has been rezoned by Pierce County to permit operation of a gravel pit, it is to the City's advantage to consummate the deal and an agreement for this purpose has been prepared, he added. Since the passage of Ordinance No. 15641 on June 25, 1956, the purchase price has been reduced by \$2,500 to \$37,500 by the sellers, it was pointed out. Mr. Staman and City Engineer Calkins answered numerous questions about the amount of gravel in the pit and the test holes which had been drilled by the owners. These test holes had been put down 15 feet at 12 or 14 well interspersed intervals and showed good gravel and very little water until the 15 foot level had been reached, Mr. Calkins said. 432
6-15-56

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

FIRST READING OF ORDINANCES:

Ordinance No. 15657. L. I. D. 1936.

Approving and confirming the assessment and assessment roll for cost of improvement in L I D 1936- sanitary sewers in area between Winnifred and Pearl from North 7th Street to Bantz Boulevard. Read by title and placed in order of final reading.

Ordinance No. 15658. L. I. D. 5176.

Approving and confirming assessment and assessment roll for cost of

improvement in L I D 5176, watermains in area bounded by Union Avenue, South Tacoma, Way, South 38th Street and South 48th Street. Read by title and placed in order of final reading of ordinances.

Ordinance No. 15659. L. I. D 4582.

Providing for paving, construction of curb and gutter, with necessary storm drainage on South Fife Street from South 19th Street to South 17th Street; creating L I D No. 4582. Read by title and placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 15653.

Amending Ordinance No. 14793- ZONING ORDINANCE- by adding a new section to be known as Section 5D (Changing from "R-2 One Family Dwelling District to "R-3" Two Family Dwelling District- N. W. Corner of 6th Avenue and Huson) Read by title. As this is the ordinance involved in the appeal of Harold Wagner, the length of time this ordinance should be laid over was discussed. Mr. Buehler said he felt two months would be sufficient time for the appeal to be completed. It was moved by Mr. Stojack, seconded by Mr. Bratrud that the ordinance be postponed for approximately two months (September 10th, 1956). Motion carried unanimously on roll call.

Ordinance No. 15654.

Amending Ordinance No. 10883, passed December 7, 1932, as last amended by Ordinance No. 15390, passed July 18, 1955, entitled: "An ordinance defining who are disorderly persons, etc." by adding thereto a new section to be known as Section 1B. (Possession of stolen property). Read by title and passed.

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

Ordinance No. 15655.

Amending Section 1 of Ordinance No. 900, passed September 8, 1893, entitled: "An ordinance providing for imprisonment for non payment of fines and costs imposed for the violation of any ordinance of the City of Tacoma." (Raising the amount from \$2.00 to \$4.00 for every day imprisoned in jail in paying for fine and costs). Read by title and passed.

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

Ordinance No. 15656.

Amending Section 183E of Ordinance No. 15258--TRAFFIC CODE--(Section 183E- No Parking at any time- adds Milwaukee Way, Lincoln Avenue to U. S. 99 (P.S.H. No.1) Read by title and passed.

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

Ordinance No. 15647. (Laid over to this date on July 2nd).

Amending Section 30a, 30b, 30c, 30d, 30e, 30f and 30g of Ordinance No. 14892. GENERAL LICENSE ORDINANCE- (pertaining to licenses for engineers and fireman of steam boilers). Read by title. Mr. James Hopkins of Tacoma, School District No. 10 advised the Council that they are well satisfied with the provisions of paragraph "a" and the preceding paragraph, which will relieve them of the necessity of having a man on duty at all times. The ordinance was then passed.

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

This being the date fixed by Resolution No. 14683, adopted by the Council on June 11, 1956, for hearing on petition of Carl Schreiner, et al, requesting the City of Tacoma, to vacate a parcel of land at the southwest corner of East 84th and D Streets, the Clerk reported the posting of the notices required by law and the filing of an affidavit of such posting. Also reported that a letter had been received from Rev. L. W. Blackwell, representing the Tacoma Church of the Brethren, asking that vacation hearing be continued or postponed, as the date on which the Church will receive money from its head office in Elgin, Ill. for the building of their church has been postponed for six months. In view of this request it was moved by Dr. Humiston, seconded by Mr. Stojack that the hearing be continued for six months to January 7, 1957. Motion carried unanimously on roll call: Ayes 9; Nays 0; Absent 0. 420 48:11

This being the date fixed by Resolution No. 14684, adopted by the Council on June 11, 1956, for hearing on petition of Norman E. Magnusson, et al, requesting the City of Tacoma to vacate Hegra Road between Aurora Avenue and Fernside Drive and that portion of Aurora Avenue lying north of the north line of Hegra Road produced westerly, the Clerk reported the posting of the notices required by law and the filing of an affidavit of such posting. Also reported that a fee of \$50.00 had been paid by the petitioners and that no remonstrances had been filed against the proposed vacation. The Clerk also reported that Department of Utilities, Water Division has no objections to the vacation; that the Light Division, although it has no distribution at this time on the property, feels that in order that it may be protected an easement should be retained for an anchor guy twenty feet north of the north line of Hegra Road and twelve feet east of and parallel to the west line of Aurora Avenue extended north into the vacated portion of Hegra Road; and there is no objection to the proposed vacation by the Utility Department provided that reservations are made for the anchor guy easement. She also reported that the Public Works Department has no objections if a sewer easement is reserved for the existing 10 inch storm sewer located in this proposed vacation; and if the petitioners deed back to the City a strip of land 10 feet in width, lying 5 feet on each side of center line of the existing sewer, and in this way a walkway right of way will be provided by deed. The Clerk also reported that the Planning Commission recommended approval of the vacation subject to the conditions requested by the Departments of Public Works and Public Utilities. Mr. Stojack, who is a member of the Planning Commission, advised that this street has a drop of 40 feet between Aurora and Fernside and is now used for a bicycle path, and is of no practical value for a street. No remonstrators appearing, it was moved by Dr. Humiston, seconded by Mr. Tollefson that the petition be granted and the City Attorney directed to prepare the necessary ordinance to vacate the street subject to the easements requested by the Utility and Public Works Departments. Motion carried on roll call: Ayes 9; Nays 0; Absent 0. 420 456

Mr. Perdue reported that since the date of hearing on June 19, 1956, the percentage of remonstrance on L I D 4605, for asphalt pavement, concrete curbs and gutters and storm drainage on South L Street from So. 35th Street to South 39th Street, has reached 60.3%, which means that the Council has no alternative but to abandon the district. As Ordinance No. 15649 had been passed by Council on July 2nd, 1956, it will be necessary to repeal this ordinance. The City Attorney was requested to prepare an ordinance to repeal Ordinance No. 15649. 438 456

Dr. Humiston called attention to the Report on the proposed Incorporation of the Town of Fife, which had been compiled by the Utility Department and General Government. This comprehensive report had been furnished each Council member earlier in the day. Dr. Humiston said that at this time it was up to the Council to decide who is to appear before the County Commissioners to represent the City on the evening of July 17th, which is the time set for the hearing on the incorporation petition. Mr. Stojack said he would like to see something from the Port of Tacoma on their views relative to this matter, as they are the ones who are vitally concerned. At the preliminary hearing before the County Commissioners, Mr. Blair of the Port Commission was in attendance, Dr. Humis- 428 452

ton stated, and he said the Port Commission would be greatly interested in the City's report, as it would assist them in making a decision. The portion of the minutes of June 11th, pertaining to Council's action on the Fife Incorporation petition, were read by Dr. Humiston for the information of Mr. Stojack who was absent at that meeting. Mr. Stojack expressed himself as not being in favor of having the City represented at this hearing, but if the City is represented, he felt the City Planning Commission should appear on the City's behalf. It was moved by Dr. Humiston, seconded by Mr. Bratrud that the Mayor appoint three members of the Council to represent the City at the hearing before the County Commissioners to present the City's report and also the City's stand on this matter. Mr. Jensen said he too felt that the Port Commission should take a stand on this question before the City Council does. Mr. Stojack said he is not willing to take a stand before he has read the report, which he received only a short time before tonight's meeting. Mr. Tollefson stated that the Port Commission represents all Pierce County and possibly that is the reason they have taken no action in the controversy. He thinks the action the City has taken so far is all right and believes the City should be represented at the hearing by the three members who acted in this capacity at the previous meeting, Mr. Tollefson added. In reply to a question concerning the County Commissioners' authority in fixing the size of the area to be included in the incorporated town, Mr. McCormick advised that they can decrease the boundary, but cannot increase it, and that there must be at least 300 inhabitants to form a 4th Class town. It was moved by Mr. Jensen, seconded by Dr. Humiston to amend the motion before the Council by adding that two members of the Planning Staff also represent the City", and carried on roll call: Ayes 8; Nays 1; Stojack (not voting) Absent 0. Roll was then called on the original motion, as amended, which carried: Ayes 8; Nays 1; Stojack (not voting); Absent 0. Mayor Anderson appointed Dr. Humiston, Mr. Perdue and Mr. Jensen, who had volunteered on June 11th, as the Committee to represent the Council at the hearing on July 17th.

Mr. Bratrud, Chairman of the County-City Building Committee, informed the Council that bids will be opened at 10 A. M. tomorrow, July 10th, on the County City Building.

Mr. Tollefson suggested that in the future, in order to get the lowest prices possible in buying land for City purposes, bids be advertised in ample time. Also it might be well if the Department requiring the land get the information to the Manager as quickly as possible. He also suggested that a good reliable Real Estate firm be contacted and instructed to look for the land and the transaction be kept confidential. Mr. Jensen suggested that the City embark on a long range program similar to that used by the School District, and acquire property in advance of the actual need at a reasonable price.

* Dr. Battin said he had two questions upon which he wished to have a legal opinion:

- (1) Under Section 6:6 of the Charter is it legal for a City Official to do sub-contracting work for the City;
- (2) Under the Taft-Hartley Act is it legal for the City to give free office space to the representative of a Union- D. H. Ketler, the representative of the Municipal Civil Service League.

City Attorney McCormick asked Dr. Battin to submit the questions in writing so that he would have an opportunity to study them before rendering an opinion, and Dr. Battin agreed to do this.

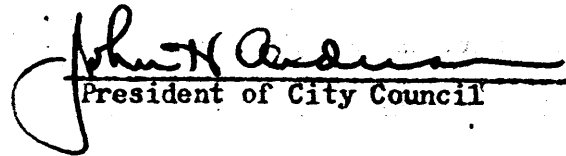
• Mayor Anderson stated that if it is agreeable with the Council, he plans to re-appoint Dr. Maurice M. Dodge to a full term on the City Planning Commission. He will bring in a resolution covering this appointment at the next meeting of the Council, he added.

• The City Manager read a letter from Frank S. Evans, Director Tacoma Civil Defense, advising that they will participate in a Nation-wide Civil Defense test for one day only on July 20th and asking permission of the City, if it is necessary, to stop all traffic for a period of three minutes only at 9:15 A. M., July 20th.

JUL 9 1958

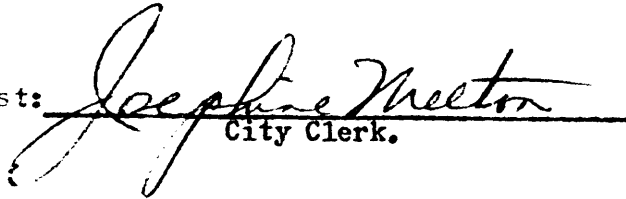
* The City Manager advised Council that Clarence M. Boyle, former City Attorney, has been appointed to fill a vacancy on the City Attorney's staff and will serve the City in an advisory capacity. A number of the Council members commented that this is a good appointment.

Upon motion, duly seconded and carried, Council adjourned at 9:15 P. M.



President of City Council

Attest:



City Clerk.