

Council Chamber, 7:40 P. M.

Monday, February 14, 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 Dr. Humiston, 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: Ayes 9; Nays 0; Absent 0.

PETITIONS:

Harold Backen, et al, for rezoning from "R-2" District to "C-2" District, lots 1 to 4, Block 2, Hollidge Pacific Avenue Addition to Fern Hill (S. E. Corner of South 84th and "C" Streets.) Referred to City Planning Commission.

Evelyn B. Warren, et al, requesting that North 48th Street lying between North Vassault and North Lexington, shown by red lines on the attached map, remain open and continue to be repaired and maintained by the City of Tacoma as one of its City Streets. Attorney Lawrence R. Bonneville Jr., representing the petitioners, said that there is a legal problem involved and the City Attorney has advised that because it is not a dedicated street the City would have no interest in the matter. He pointed out that this street has been kept open, graded and graveled by the City since 1939, which would indicate the City considered it a part of the City Street system. City Attorney Boyle said that the opinion referred to must have been an oral opinion given by one of his assistants, as to his knowledge his office has not been asked for nor has rendered any such opinion. Mr. Mason C. Halligan, who in partnership with James C. Grenier, said they had purchased property at this location, which the road referred to crosses, with the intention of building on it, but had been delayed because of the possibility one of the proposed parkways might go through their property. However, they have now been assured their property will not be used for a parkway and he read from a letter from the Public Works Department, dated August 27th, informing them the City does not intend to keep the road open where it crosses their property. He pointed out that none of the residents would be blocked from their property by the closing of this road. The Mayor directed that the petition be referred to the City Manager to take up with the City Attorney relative to legal aspects of the case before any action is taken by Council. Mr. Leonard F. Hogan asked to be allowed to make a comment, and the Mayor said he felt it would serve no purpose at this time. Mr. Jensen said he would like to hear from Mr. Hogan and moved that the Council hear what he has to say. Motion seconded by Mr. Bratrud and carried unanimously. Mr. Hogan said that the closing of this road would make it necessary for them to drive up 46th to Lexington and then over to 48th and down to his property, making a circle, which is a considerably longer route to his home.

RESOLUTIONS:

Resolution No. 14165.

By HUMISTON:

Authorizing the proper officers of the City of Tacoma to make, execute and deliver to the Northern Pacific Railroad Company a permit for the construction, maintenance and operation of an electric current line, consisting of three poles over and upon the south three feet of the Light Division property on Union Avenue.

Adopted on roll call February 14, 1955.
Ayes 9; Nays 0; Absent 0.

By HUMISTON:

Authorizing the sale of all right, title, and interest of City of Tacoma to certain described property consisting of approximately 3/5 of an acre of ground and house, condemned for Alder Lake area and no longer necessary for continued effective utility service, to Agnes Walker, the original owners, for \$125.00 and authorizing execution and delivery of a Quit Claim Deed to said party. (located near Elbe, Pierce County, Washington.) It was moved by Dr. Battin to suspend Rule 9, seconded by Col. Hooker, and carried unanimously on voice vote. The resolution was then adopted without having been read in full.

Adopted on roll call February 14, 1955.
Ayes 9; Nays 0; Absent 0.

Resolution No. 14167. L. I. D. 5228.

By HUMISTON:

Stating intention of Council to order installation of water main in North 8th Street from Mullen Street to Stevens Street; creating L. I. D. 5228 and fixing March 15th, 1955 as the date for hearing thereon. It was moved by Dr. Humiston to suspend Rule 9, motion seconded by Dr. Battin and carried unanimously on voice vote. The resolution was then adopted without having been read in full. #7-13

Adopted on roll call February 14, 1955.
Ayes 9; Nays 0; Absent 0.

Resolution No. 14168. L. I. D. 5217.

By HUMISTON:

Stating intention of Council to order cast iron water mains in Mason Avenue from South 12th Street to South 19th Street; in Verde Street from South 12th to the south line of Pentecost and Lawler Addition; in Stevens Street from South 12th to South 19th; in South 19th from Mason to Stevens, creating L. I. D. 5217 and fixing March 15th, 1955 as the date for hearing thereon. It was moved by Col. Hooker 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. #7-13

Adopted on roll call February 14, 1955.
Ayes 9; Nays 0; Absent 0.

Resolution No. 14169.

By HOOKE:

Authorizing private sale of all right, title and interest of City for sum of \$20.00 in cash and authorizing proper officers of City to execute and deliver to George Effelberg and Minnie May Effelberg, a local improvement assessment deed to Lots 14 to 16, Block 8, and Lots 1 to 8, Block 17, London and Liverpool Addition. (Located at East 57th and Portland, and at East 58th between East N and Portland Avenue). 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 February 14, 1955.
Ayes 9; Nays 0; Absent 0.

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Resolution No. 14170.

By GOERING:

Authorizing proper officers of City to execute a supplement to Permit Agreement No. 72360 between the City of Tacoma and the Northern Pacific Railway Company, executed pursuant to Resolution No. 12781, to cover the extension of a sewer pipe line from South 70th Street southerly along the Northern Pacific Railway right of way a distance of 400 feet.

Adopted on roll call February 14, 1955.
Ayes 9; Nays 0; Absent 0.

Resolution No. 14171.By HOOKER:

Determining and declaring the maximum speed which the East 34th Street Bridge, located on East 34th Street at a point approximately 100 feet east of R Street, can stand or accommodate is a speed of 10 miles per hour and that the maximum gross weight which such bridge can withstand is a gross weight of ten tons; and determining and declaring that the maximum speed which the East Fairbanks Street Bridge, located on East Fairbanks Street at a point approximately 100 feet east of R Street, can stand or accommodate is a speed of ten miles per hour and that the maximum gross weight which such bridge can withstand is a gross weight of ten tons; and that the Traffic Engineer shall cause to be erected and maintained on the right hand side of the streets hereinabove designated, at a distance of not less than 100 feet from each end of such bridge, suitable signs stating such maximum speed and maximum gross weight. Moved by Col. Hooker, seconded by Dr. Battin, 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 February 14, 1955.
Ayes 9; Nays 0; Absent 0.

At this time Mr. Backstrom stated that the bids for the gasoline needs for the City had been awarded, but the resolution had not been prepared in time for tonight's agenda. It would be desirable to adopt this resolution tonight if possible, he added. It was moved by Dr. Battin, seconded by Dr. Humiston to suspend Rule 7, relative to filing of new matter for Council's consideration, in order to adopt Resolution No. 14172.

Resolution No. 14172.By BATTIN:

Approving recommendations of the Purchasing Agent, Board of Contracts and Awards and the Public Utility Board and awarding the contract for furnishing all the gasoline needs of the City of Tacoma, Tacoma School District No. 10 and Metropolitan Park District for general and supply dock purposes, the Town of Rusion and the Town of Fircrest, for the remainder of the calendar year 1955, to Tidewater Associated Oil Company on its low bid, in the estimated amount of \$95,000.00.

Adopted on roll call February 14, 1955.
Ayes 9; Nays 0; Absent 0.

FIRST READING OF ORDINANCES:Ordinance No. 15252.

Authorizing and directing the City Attorney of the City of Tacoma to purchase and/or institute and prosecute an action in the Superior Court of the State of Washington for Lewis County or the United States District Court, Western District of Washing-

ton, Southern Division, under right of eminent domain, for the purpose of providing a site for the location for the Mayfield transmission line, Mayfield and Mossyrock reservoir. Read by title and placed in order of final reading.

Ordinance No. 15253.

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." by adding thereto a new section to be known as Section 13 A. ("M-2" Heavy Industrial District- area located in the South Tacoma Swamp area east of Tyler Way from South 40th to South 58th). Read by title and placed in order of final reading.

Ordinance No. 15254.

Vacating the portion, hereinafter described, of the alley between South D and Pacific Avenue, extending from South 37th Street to South 38th Street, to-wit, a portion thereof 0.25 feet in width abutting the west 65.009 feet of the east 176.009 feet of the south 100 feet of Block 80, Amended Map of First School Land Addition to the City of Tacoma. Read by title and placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 15245.

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." By adding thereto a new section to be known as Section 8 H. (C-1 Commercial District both sides of South J Street from 120' north of South 11th Street to 150' north of South 9th Street). Read in full and passed.

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

Ordinance No. 15246. L. I. D. 2070.

Approving and confirming the assessment and assessment roll for the cost of the improvement in Local Improvement District No. 2070. Read by title. It was moved by Dr. Battin, seconded by Mr. Jensen to suspend Rule 9, and carried unanimously on voice vote. The ordinance was then passed without having been read in full. 418

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

Ordinance No. 15247. L. I. D. 4531.

Approving and confirming the assessment and assessment roll for the cost of the improvement in Local Improvement District No. 4531. Read by title. It was moved by Dr. Battin, 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. 414

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

Ordinance No. 15248. L. I. D. 2195.

Approving and confirming the assessment and assessment roll for the cost of the improvement in Local Improvement District No. 2195. Read by title. It was moved by Dr. Humiston, seconded by Dr. Battin to suspend Rule 9, and carried 412

unanimously on voice vote. Col. Hooker reported that the hearing there was a protest that assessments were higher than the original estimate, and it was explained by the Public Works Engineer that this increase was due to higher engineering costs. It was the feeling of the L. I. D. Committee that these costs should be reviewed with the thought in mind of reducing them so as to bring the assessments down to the original estimates, and it was recommended that the City Manager check this to reduce the engineering costs. Neither Mr. Staman, Mr. Boyle or the City Manager were in a position to say definitely that this had been done, so Col. Hooker suggested that the ordinance be laid over one week. Moved by Dr. Battin, seconded by Mr. Perdue to lay the ordinance over for one week to February 21st. Carried unanimously.

Ordinance No. 15249. L. I. D. 5230.

Providing for the construction of a six-inch cast iron water main in Broadview Avenue, Frances Avenue and Beverly Avenue, from Scenic Drive to the south line of Beverly Heights; in Scenic Drive from Broadview Avenue to Beverly Avenue; creating Local Improvement District No. 5230. Read by title. It was moved by Dr. Humiston to suspend Rule 9, seconded by Dr. Battin 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. 15251.

Authorizing the City of Tacoma to grant to the Metropolitan Park District of Tacoma the sum of \$20,000, or so much thereof as may be necessary, to pay the cost of clearing and grading a proposed recreational facility upon property owned or to be owned by the Park District, commonly known as the Snake Lake property; appropriating the sum of \$20,000, or so much thereof as may be necessary, for said purpose from the General Fund and declaring the emergency making necessary the appropriation herein contained, the passage of this ordinance and the taking effect hereof immediately after publication. It was moved by Dr. Humiston, seconded by Mr. Perdue to suspend Rule 9 and carried unanimously on voice vote. It was moved by Mr. Bratrud, seconded by Mr. Jensen, that the Council recess for 15 minutes for the purpose of discussing in private Ordinances Nos. 15251 and 15250. Lost on roll call: Ayes 4; Bratrud, Humiston, Jensen, Tollefson. Nays 5; Battin, Goering, Hooker, Perdue, Stojack. The proposition was discussed at length and Mr. Bratrud said that the Park Board had expressed the wish that action on the ordinance tonight be postponed if there is any possibility that it will not pass unanimously. Col. Hooker said he was still opposed to the ordinance and would vote against it. Mrs. Goering said she was not satisfied with the information the Council had received and would like a report from the Park Board, particularly as to what had transpired at the Board's meeting this afternoon. It was moved by Dr. Battin, seconded by Mr. Perdue that the ordinance be tabled until the Council receives a report from the Park Board on this matter. Speaking on the motion, Mr. Bratrud said that the Park Board would proceed on some other basis if the Council does not act favorably, and they definitely were not going to lose the donation. Mr. Stojack said he felt Park Board Member Brown had explained the proposition satisfactorily last week and if anything had come up in the meantime, they would undoubtedly have advised the Council and he could see no reason for stalling. Mr. Jensen expressed the opinion that the misunderstanding is on the naming of the field. He had called Mr. Brown about this matter and he informed him the naming of the field will be entirely in the hands of the Park Board and suggested that it possibly would be name "Tacoma Recreational Field" or something similar. Mr. Jensen suggested that the Council could have an expression from the Park Board next week, and said that the Council would be lax in its duty if it passed up this opportunity to benefit Tacoma's citizens. Col. Hooker felt that the Park Board should refer any controversial issue in naming the field to the Council, which is appropriating the funds. In his estimation the name of an individual would not be controversial while the name of a product or company would be, he said. Mr. Bratrud protested the Council injecting itself into the affairs of the various boards such as the Civil Service Board and Park Board and questioned the need for boards if the Council was going to have the final say

and run the whole show. Mr. Perdue said there were many things unanswered, and felt that more information as to the future cost of maintaining the field should be submitted by the Park Board. He thought it would be a good idea to hold a public hearing on the matter to allow the people to express their views as to whether or not they wish to have their money spent on this project. Mr. Jensen took issue with the public hearing idea, saying that this procedure indicates weakness on the part of the Council, which is supposed to make a study of the problems and make decisions as to what is best for the City as a whole. After further discussion roll was called on the motion of Dr. Battin "that the ordinance be tabled until the Council get a report from the Park Board on this matter" which carried: Ayes 8; Nays 1; Stojack, Absent 0.

Ordinance No. 15250.

Appropriating the sum of \$39,000 from the City Street Fund for paying the cost of acquisition of property necessary for the construction of a vehicular traffic interchange at the west approach to the Puyallup River Bridge; and declaring an emergency necessitating the appropriation herein contained and the passage of this ordinance to take effect immediately after publication. Read by title. It was moved by Dr. Battin to suspend Rule 9, seconded by Mr. Perdue and carried unanimously on voice vote. Mr. Bratrud expressed the opinion that this was a high price for this property. Mr. Backstrom read a list of factors justifying the sum of \$39,00 for the acquisition of the Cavanaugh property. The original appraisement figure given the City by Harry Blangy in May of 1953 was \$26,697 and Geo. Poe appraised the property at \$54,000 for the owners. However it was later determined that certain factors had not been considered by Mr. Blangy and he has since increased the valuation figure to between \$35,000 and \$40,000. The figure specified in the ordinance is a compromise, Mr. Backstrom said. The matter has been delayed pending outcome of a case in the Supreme Court on the question of whether the City has a right to acquire property for this use and the case has been recently decided in the City's favor, and the condemnation case has been set for trial on the 1st and 2nd of March. However, Mr. Backstrom added, there is a State contribution of \$48,000 involved and this grant expires April 1st, if the project has not been started by that date, and for this reason it is deemed advantageous to purchase the property outright rather than proceed with the condemnation case. Mr. Bratrud said he would like to look into the matter further and also suggested that a third party be asked to make an appraisal, and requested that the ordinance be laid over for one week. It was moved by Mr. Bratrud, seconded by Col. Hooker that the ordinance be postponed for one week to February 21st. Mayor Tollefson said that a delay might jeopardize the position of the City with regard to the State contribution and suggested that the Council give unanimous support to the ordinance. If a week's delay makes so much difference, Mr. Bratrud asked why the matter had not been brought to Council's attention before last week, and was informed that the case giving the City the right to condemn had been settled three or four weeks ago. and the City has been negotiating for the purchase of the property since the remitter came down. Mr. Bratrud said he felt the Council was being rushed to meet a deadline. Roll was called on the motion of Mr. Bratrud to postpone the ordinance for one week, which was lost on roll call: Ayes 3; Bratrud, Hooker, Humiston. Nays 6; Battin, Goering, Jensen, Perdue, Stojack, Tollefson. Roll was then called on the passage of the ordinance, without same having been read in full, resulting as follows:

Ayes 9; Nays 0; Absent 0.

UNFINISHED BUSINESS:

⁴⁷⁻¹² The Director of Public Works submitted the assessments and ⁴⁷⁻¹¹ assessment rolls ⁴⁷⁻¹² for cost of the improvements in Local Improvement Districts Nos. ⁴⁷⁻¹¹ 2185, ⁴⁷⁻¹² 2197, ⁴⁷⁻¹² 2199, 2201, 2206, 2215, 4536, 4546. It was moved by Dr. Humiston, seconded by Dr. Battin that March 15th, 1955 be fixed as the date for hearing on said assessment rolls. Motion carried on roll call: Ayes 9; Nays 0; Absent 0.

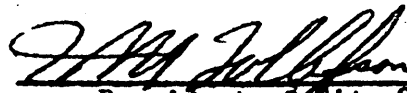
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The Director of Public Utilities submitted the assessment and assessment roll for cost of the improvement in Local Improvement District No. 5238. It was moved by Dr. Humiston, seconded by Mr. Perdue that March 15, 1955 be fixed as the date for hearing on said assessment roll. Carried on roll call: Ayes 9; Nays 0; Absent 0.

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Mr. Backstrom said that at the close of the meeting he would like to show the Council the suggested floor plans of the third floor of the new County-City Building, where it is proposed to locate the Council Chambers, City Manager's Office, etc. Mr. Bratrud emphatically declared that he, for one, was wasting none of his time looking over plans until the County Commissioners give the City the terms of occupancy. He predicted that this too would end up in a "Deadline deal" and the Council will be rushed into signing. Dr. Humiston agreed with Mr. Bratrud and said he thought that it was high time the City took action to compel the County to tell what the terms of occupancy will be. Mr. Bratrud further stated that the proper place for these plans to be considered was the County City Building Committee meeting, and Mayor Tollefson thereupon directed the City Manager to take these plans up with this committee.

Mayor Tollefson gave a very informative talk about legislative matters now taking place in the State Legislature, and told about the manner in which the Puget Sound Mayor's Conference and the Association of Washington Cities is functioning to keep informed about legislation being introduced which is vital to cities, and steps these organizations are taking to protect the interests of the various communities. He urged each member of the Council to seek information about these bills and to notify the legislators concerning their views on these matters.

Upon motion, duly seconded and carried, Council then adjourned at 10:00 P. M.



President of City Council.

Attest



City Clerk.