

CITY COUNCIL MINUTES

**City Council Chambers, 7:00 P. M.
Tuesday, September 12, 1961**

Council met in regular session. Present on roll call 6. Bott, Cvitanich, Murtland, Olson, Price and Mayor Hanson. Absent 3, Easterday, Porter and Steele. Mr. Easterday and Mr. Steele coming in at 7:06 P. M.

Mrs. Price moved that the minutes of August 29 and 30th be approved as submitted. Seconded by Mr. Cvitanich. Voice vote was taken. Motion carried.

Mayor Hanson said before proceeding with the regular order of the agenda, he would request that a motion be made to suspend the rules to consider Resolution No. 16735 which accepts the bid from John Nuveen & Co. & Associates on the Sewer Revenue Bonds.

Mrs. Price moved that the rules be suspended in order to take up Resolution No. 16735. Seconded by Mr. Bott. Voice vote taken. Motion carried.

Mr. Easterday and Mr. Steele coming in at this time.

Resolution No. 16735:

Authorizing the sale of \$4,000,000 Sewer Revenue Bonds of the City of Tacoma to John Nuveen & Co. and Associates at the interest rate of 3.7446.

54:211

It was moved by Mrs. Price that the Resolution be adopted. Seconded by Mr. Bott.

Mr. Rowlands explained that the Council would be interested in knowing that this is a better interest rate than was received for the first issue of \$3,000,000. He said he thought this spoke very well of the Staff for the manner in which the sewer utility has been operating. When bids are submitted, the experience record of the utility is checked very carefully by the bonding company, irrespective of whether it is sewer, water or garbage. It is definitely felt that this interest rate reflects the type of operation. Mr. Rowlands further stated, that Mr. Gaisford, Finance Director and Mr. Val Fawcett, representing the MacLean Bonding Company checked out the savings that would be realized over the life of the 30-year bonds and arrived at a figure of approximately \$150,000.

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Mr. Fawcett remarked that two years ago they marketed some revenue bonds for the City and the effective rate at that time was 3.932007. Today the same type of bond was marketed with the same security and the City was able to achieve an interest rate of 3.7446. There were 9 bidders which shows a great interest in the bond market in Tacoma and also speaks well of the report prepared for the Bankers of America who eventually will buy these bonds.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Presentation of Safe Driving Awards to Albert P. Larsen & Clifford Tyler of the Public Works Dept. and Clayton S. Buchholz of the Police Department.

Mr. Rowlands said he was very pleased to present three safe driving awards to 3 city employees. There have been 135 employees driving various types of equipment who have compiled an outstanding safety record for the year 1961. Appropriate awards will be presented to the various departments but it was impossible to have all the employees present tonight, he added. However, Mr. Buchholz, Mr. Larsen and Mr. Tyler will receive their Safe Driving Awards for their fine records this evening.

A Safe Driving Award was presented to Police Officer Buchholz who has been assigned to motorcycle duty for 15 years and has driven a total of 200,000 miles without a preventable accident.

An award was presented to Clifford Tyler of the Public Works Dept. who has driven a refuse truck since 1940 and has also had no preventable accidents during that time.

A similar award was presented to Albert P. Larsen who has driven a truck since 1919 without having a single traffic accident. Mr. Rowlands said that Mr. Larsen has an outstanding record, as he has driven 1,000,000 miles over a period of 40 years in City service.

Mayor Hanson and Mr. Rowlands congratulated the men for their very fine safety records.

HEARINGS & APPEALS.

a. The City Planning Commission recommending the denial of the petition of Arthur Munson for the rezoning of property located on the west side of Yakima Ave. between So. 46th and So. 48th at the Yakima Ave. cut-off from an "R-2" to a "C-1" District.

Appeal has been filed by Mr. Munson. The Planning Dept. suggested that ^{53:104} October 10, 1961 be set as the date for hearing on the appeal. ^{54:125}

Mr. Easterday moved that October 10, 1961 be set as the date for hearing ^{54:143} on the appeal. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

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b. This is the date set for hearing on the appeal filed by Thomas A. Swayze, Jr., Attorney for Mr. and Mrs. Allen Ward from the decision of the Planning Commission in denying their petition for the rezoning of the N. E. corner of 6th Ave. and Orchard Street from an "R-3" to a "C-1" District. 53:118
53:152
54:202
219

Mr. Thomas A. Swayze, Jr., Attorney representing Mr. and Mrs. Ward, explained that this property owned by Mr. and Mrs. Ward involves a petition to zone from "R-3" to "C-1" at the N. E. corner of 6th Ave. and Orchard Street which the Planning Commission has recommended be denied. This property is undeveloped and contains only 2 large billboards, the use considered so low that it is specifically excluded from permitted uses in a "C-1" zone. The petitioners desire a higher and better use for their property, so that it may take its rightful place in the rapid growth of the neighborhood. The property is immediately adjacent to a rapidly developing "C-2" zone as well as a recently constructed major arterial intersection. Both of these features make it undesirable for single family dwellings or duplexes.

Mr. Swayze further added that this petition has been called spot zoning which is a term often used for an undesirable type or zone, but he could not see that it was spot zoning being directly contiguous to the large "C-2" zoning which extends from Orchard Street to the end of Sixth Avenue that is developing very rapidly. This property in question is now surrounded by development and it will remain an undeveloped billboard zone under its present zoning, which is in effect, spot zoning. To his way of thinking a spot commercial zone with some type of building is much more desirable than a spot billboard zone.

Mr. Swayze continued, that he does not agree that the granting of this petition would create a "strip" commercial zone. It will merely extend a present commercial zone four lots eastward. A quick glance at the zoning map of Sixth Avenue discloses that the few remaining residential blocks of that street have become the "strip" zones, squeezed between the commercial development in areas that the City has seen fit to rezone for such.

Mr. Swayze remarked that this property is of no value to anyone in its present condition and is not contributing anything to the tax rolls. To deny the petitioners an opportunity to use these 4 lots for commercial development seems somewhat discriminatory over the past actions that have been taken for the zoning of almost the entire length of Sixth Avenue.

The present "R-3" classification would only result in continued non-use and undevelopment of the 4 lots. Orchard Street has become a wide-major arterial and no one has the desire to build a residence or duplex at a major intersection such as this. It was pointed out before the Planning Commission and Staff that it was fairly well conceded by everyone concerned that this corner is not suitable for a residence or duplex and that probably no one would ever build such an establishment on that particular corner. It seemed to be the opinion and the desire of the Staff and Planning Commission that a study be made to include this property into an "R-3-T" zone. It is true

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that the petitioners prefer a "C-1" classification since it will both exclude any obnoxious use of the property, yet, include certain uses for which others have expressed an interest in the property. They are interested in whatever can create an opportunity for a higher property use, to the benefit of the community and the beautification of the neighborhood. However, no business enterprise allowed within a "R-3-T" district has come to their attention as a potential user. In conclusion he said, he felt it would be very harmful if the right were denied the property owners to remove the bight from their own property and to make it advantageous to the community.

Mr. Swedberg, Planning Commission Chairman, said the Planning Commission recommended denial of this petition for several reasons because the developed portion of the block is residential in nature at the present time. Orchard Street will be the main north-south arterial in the vicinity and as such would form a logical boundary for the "C-2" District lying to the west and the "R-3" Duplex district would serve as a buffer between the Commercial District to the west and the already developed one-family area to the east. The fact stated by Mr. Swayze that the reclassification of this property would allow a use which is termed higher than that presently found on the tract is, in itself, not sufficient to warrant a change in the classification of the district. The use permitted under the present zoning category would be an even higher use of the land now found on the property, and one that would be more compatible with the existing land use immediately adjacent to the east and across Sixth Avenue to the South. Also across the street to the west on Orchard is found a Church which is normally associated with residential districts.

Mr. Swedberg said although Mr. Swayze has stated the site would not be desirable for a duplex or one-family dwelling development, there are many examples in Tacoma as well as in Seattle where investors have felt to the contrary, and there has been a noticeable trend toward garden-court type apartment developments in these types of locations.

He said that the Planning Commission recognizes that there are problems in areas such as this where commercial zones and residential zones meet at a point on a major arterial. Therefore, they requested by motion that the Staff undertake a study of the entire immediate area as to the feasibility and possible extent of a "transitional" type zone.

Mrs. Price asked if it would be possible some time for the Council to have a larger map showing the zoning along Sixth Avenue from Downtown to the Narrows Bridge so that it could be pointed out to a better advantage just how much of Sixth Avenue is now residential.

After further discussion, Mrs. Olson said in an attempt to cut down on further expansion of strip zoning on one of the City's main arterials which leads to the Narrows Bridge, she would move that the recommendation of the Planning Commission to deny the rezoning be upheld by the Council. Seconded by Mr. Murtland.

Mr. Bott asked Mr. Swedberg if he would consider recommending the transitional zoning in the area.

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Mr. Swedberg said he thought it would be an excellent zoning for this property.

Mr. Bott asked Mr. Swayze if the petitioners would be responsive to the "transitional" zoning.

Mr. Swayze said they would, as they feel it would be an improvement.

Mr. Bott moved that the motion be amended to allow a "transitional" zone. Seconded by Mr. Cvitanich.

Mr. Steele said he thought it would have to be sent back to the Planning Commission for further study before this could be so rezoned.

Mayor Hanson said he thought it would be proper to concur in the recommendation of the Planning Commission to deny the "C-1" zoning and then refer it back for further study by the Commission.

Mr. Bott then moved that the motion be amended to recommend to the Planning Commission to reconsider the petition for further recommendation for a "transitional" zone. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

c. This is the date set for hearing on the merger of the Northern Pacific, Great Northern, Burlington and S. P. & S. Railways.

53:172
57:20

Mayor Hanson said it was the intention of having a presentation of both sides on this controversial matter at this time, however, the Council is in receipt of a letter from Northern Pacific Railway Company which states inasmuch as their representatives appeared at an earlier presentation and pointed out the advantages of the merger to the Tacoma area, both from the standpoint of service and employment, they felt that another appearance before the City Council would only result in a repetition of the information already furnished and would serve no useful purpose.

Mayor Hanson remarked, that in spite of the fact that there will not be any representatives from the Railroad present, those persons who wish to present additional information on this question will be allowed to speak.

Mayor Hanson added that the Interstate Commerce hearings on the merger are scheduled to begin in St. Paul, October 10th, and are expected to continue several months before moving to other cities, including Seattle and Portland.

Mr. Paul Byers, International vice President of the Brotherhood of Railway Trainmen of St. Paul, spoke at this time. He said he was not certain when he left St. Paul what the format was to be at this particular hearing. In view of the fact that some opponents to the merger expressed their views at the special meeting on August 15th and proponents made their presentation on August 22nd, it would appear that it would be difficult for either side to make a rebuttal not being fully informed.

Mr. Byers added that railroad representatives at their meeting on August 22nd asserted that there would be a net gain of employment in Tacoma of 174 employees. The City Council was also advised that there would be a reduction of train crews and a change in their location, but the overall net gain would come about by a substantial increase in employment in South Tacoma.

He said they would not quarrel at this point with that statement. They have some doubts about its accuracy but it is difficult to make a definite statement that the estimates aren't true, but would like to analyze it somewhat. He pointed out that Mr. MacFarlane, President of the Northern Pacific Railroad in a speech to the Chamber of Commerce in Portland, Oregon on March 27, 1961 advised that the merger would result in an eventual job loss of 613 in the Portland-Vancouver area. Mr. MacFarland said in the same speech that natural attrition would open up more job opportunities than will be lost through the merger. Mr. Byers said it is interesting to him, and also to other people, to know what kind of arithmetic it would take to reconcile the apparent discrepancy that was made in this speech about job opportunities. In the same speech, Mr. MacFarlane, stated that the jobs of all employees now in service are protected under Federal law and by agreement. Mr. Byers said this statement is erroneous. Absolutely no job is so protected. It may have been a mistake in the way this was presented because Mr. Byers was sure Mr. MacFarlane had more knowledge of the requirements of the law and other agreements than was expressed at that particular moment. The United States Supreme Court recently cited, involving a merger of two railroads in the East, the Erie Lacawanna case, that the Interstate Commerce Act does not require that employees of merged railroads must be continued in active service. In a speech on April 5th at Vancouver, Mr. Dean Eastman, Vice President of the Western Council of the Northern Pacific, told the Chamber of Commerce that there would be 155 less S P & S employees at that location.

Mr. Byers said, it is reasonable to expect some increase in present employment at South Tacoma if the S P & S repair work is brought here, and also with the complete abandonment of shops and yards in Auburn. The carriers would try to convince the public that this would be in the public's interest, but what segment of the public are they referring to. Certainly, they are not talking about that part of the public that would be left in this community and in Auburn and in other various locations. After these 613 job opportunities disappear, who will be left to cope with the economic impact felt in those communities when it is found that approximately \$313,800.00 paid by the workers in taxes will be lost as income to support the community and the nation. \$957,600.00 which is spent for food and beverages would be lost to local grocers and restaurants. \$55,800.00 less would be spent for tobacco. \$298,800 less spent for rent and other housing costs, and 300 home mortgages would have to be foreclosed. \$118,800 in business would be lost for producers of electric power and sellers of fuel and refrigeration. \$78,000 less would be spent for things necessary to operate a household. \$299,600 of business would be lost by furniture and household equipment dealers, \$365,400 less would be spent for clothes and clothing services such as cleaning and laundrying. \$526,620 less would be spent for transportation including automobiles, servicing, gasoline and oil. \$267,600 less would go to doctors, nurses and others providing medical care. \$204,000 less for beauty parlors and cosmetics, etc. \$204,000 less would be spent on recreation and education. \$34,800 less would be spent with miscellaneous business. \$115,800 less would be given to churches, etc. \$145,800 in premiums for personal insurance would be lost to insurance salesmen. A total of 1044

fewer workers would be employed. There would be 652 fewer households and 306 fewer school children. There would be \$1,620,000 less in bank deposits. Twenty-four retail establishments would go out of business. There would be 642 less passenger car registrations and there would be 228 fewer bus and truck registrations. It is obvious the damage done to the area cited in the foregoing economic log would far exceed by many, many times the alleged savings. It does not seem reasonable that anyone considering this problem from an objective viewpoint will agree that the public interest is best served by uprooting and dislocating families from one community, and possibly creating a distressed area, and moving them to another county where other employees and families have been moved out and the improvements of the new area would be problematical. Can anyone believe that it is for the public interest to move those families out and bring others in, or vice versa.

Mr. Byers continued that the carriers have no doubt stated that there will be no monopoly in transportation. However, there is evidence that some of that is prevalent in this area now. There are some areas of regional monopoly in railroad transportation. The Milwaukee Road recently spent long months and several years of litigation, two public hearings before the Interstate Commerce Commission, through the Courts and the Supreme Court of the United States in the now famous so called "Spokane Gateway Case" whereby they were attempting to shake up some of this. That case is only a small beginning of what would happen if this merger is permitted.

Mr. Byers said in connection with the intervention of the Milwaukee Railroad on this merger, he pointed out that the Milwaukee Road is only opposed to this merger if the conditions outlined in their petition to intervene are not met. If the Railroads proposing the merger would suddenly agree to the Milwaukee conditions, they would withdraw their intervention action. The organizations which he represents cannot agree to accept these conditions, for the simple reason that if the Milwaukee conditions are agreed upon and the northern lines permitted to merge, it would cause further chaos to the employees on the merged line because of divergent traffic and loss of employment in addition to loss incurred by the merger itself which will only increase the distressful results of the merger. In a news article in the Tacoma News Tribune on August 17th, it is reported that the Chamber of Commerce moved to intervene, also supporting the Milwaukee Railroad's position. He said these Railroads are taking a big gamble at public expense. They are playing "whole hog or none." That the applicants in this case will accept an order of the Interstate Commerce Commission is highly speculative in view of their refusal to submit to the full jurisdiction of the Commission. This is borne out by referring to their application wherein they state, "That the agreement may be terminated and abandoned (a) by mutual consent of the Board of Directors of the Northern Pacific, Great Northern at any time or (b) by the Board of Directors of either of the Great Northern or the Northern Pacific if the Commission shall impose any term or condition to its approval of the northern lines merger which shall be unacceptable to either of the aforesaid if they have not been received prior to Jan. 26, 1964 all approvals of public authority necessary to consummation of the northern lines merger and all approval of public authority etc." Consequently, after the Interstate Commerce

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Commission has conducted a lengthy hearing at government expense as well as that of other regulatory bodies and other parties of interest, the Railroads may, if displeased with any part of the order issued by the Interstate Commerce Commission, refuse to accept that order.

Mr. Byers stated further those controlling the railroad do not seriously contend that this merger is in public interest. Quoting from a Great Northern paper submitted to the annual meeting of stockholders held on May 11, 1961, "The Board of Directors, trustees of all companies involved, believe that the proposed unification is in the interest of stockholders of their respective companies and are recommending approval thereof by their respective stockholders." There is not one work here of public interest. In other words, they mean what's good for the stockholders of a railroad must be good for the public. Therefore, for these reasons and many others that have been presented, it is the opinion of the Brotherhood of Railway Trainmen that the City of Tacoma should join hands with the State of Washington and all other States of the midwest and northwest and oppose this merger in the interest not only of those directly affected but that great part of the public not represented at these hearings except through their elected representatives. For that reason they feel that the Tacoma City Council should go on record in opposition to this proposed merger.

Mayor Hanson thanked Mr. Byers for returning to Tacoma to assist the City Council in reaching a conclusion in this matter.

Mr. Don R. Wilson, an engineer on the N. P. Railroad, said in accordance with the I. C. C. petition it was his understanding that the Great Northern and Northern Pacific would lease the S P & S Railroad, with all contracts, mortgages, lines, agreements to still remain in effect. Under those terms, he questioned how the work can be transferred from the S P & S Railroad to the South Tacoma Shops. At the last meeting the railroad brought up the question that there would be 174 men employed at the South Tacoma Shops. He wondered if this would be some of the 200 men that are now furloughed or whether this would be 174 more men that would be brought in. Also, it was mentioned that the South Tacoma Shops would repair the Baldwin locomotives. At the present time from the I C C report the railroad only owns 34 Baldwin locomotives, and they are unable to get parts to overhaul them; therefore, they are being converted into General Motor's diesels which would then be serviced in Livingston, Montana. The railroad made the statement that freight service would be speeded up out of Tacoma. Out of the figures he obtained from the railroad, there is only a 17 mile shorter merged route between Tacoma and the twin cities and at the present rate of 60 miles an hour, it would be a matter of 10 minutes time savings by the merger.

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Mr. Wilson continued that the railroad representatives stated that the superintendent's office, the dispatcher's office, the accounting office and the division point would be moved from Tacoma to Seattle. The hiring of men is handled very often through these divisional offices which are now located in Tacoma. Men are hired for work in Seattle, Olympia, Centralia etc. If the offices are transferred to Seattle, the applications would, no doubt, be handled the same way and Seattle would have preference of the job opportunities. Also since 1909 all the publicity, timetables and maps have been headed "Tacoma Division." This is known as the Tacoma Division clear up to Sumas, Yakima and Portland, Oregon.

Tacoma will also lose the Northern Pacific Hospital as this will no longer be the division point. The N. P. Hospital at their Board of Director's meeting recently sent out circulars to the Great Northern employees asking if this merger were approved would they be interested in becoming a part of the Northern Pacific Benevolent Association. Five replies were received and all said "no". Upon questioning the Great Northern Railroad employees, they stated they had a plan of their own and the Board of Directors said it was very apparent it would be the end of the Hospital Association which means Tacoma will lose the N. P. Hospital. It was also pointed out that if the division point is moved there would be some 35 crews transferred to Seattle.

Mr. Eksterday said inasmuch as he originally opened this "pandora box" by asking for a Resolution recommending the merger, he would move that the Resolution which has been deferred from time to time, be laid on the table. Seconded by Mr. Cvitanich.

Mayor Hanson said inasmuch as the motion to lay on the table is always in order, it can be voted on; however, this is a hearing which cannot be terminated by a motion and the hearing will be continued until everyone has had an opportunity to speak. He said he would rule the motion out of order until the conclusion of the hearing.

Mrs. Olson said she noted in the letter received from the Northern Pacific Railway Co. that they are preparing answers to some of the questions asked at their presentation before the City Council. She presumed that some of the answers that are being prepared are some that she asked because she has not received an answer to them as yet. She would like to suggest that, perhaps, Mr. Wilson's questions could be forwarded to the Northern Pacific R. R. Co.

Mr. Alva Long, Auburn Attorney, said he was representing the cities of Auburn and Sumner and the Auburn Chamber of Commerce, who are opposing this merger for the simple reason that they are going to lose according to Mr. MacFarlane's statement approximately \$3,000,000 in wages a year. If Mr. MacFarlane's statement is correct that by some magical section of the Commerce Act and the applicable federal statute that these employees will not be fired or terminated, they will at least be transferred further north and east and further away from Tacoma. Many of the railroad workers he represents spend as much time in Tacoma as they do in Seattle. He said he was interested to note that the petition of the Chamber of Commerce of

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Tacoma to intervene allegedly opposes his position. They are in favor of the merger and then they state, "Support of said consolidation is, however, contingent upon the Commission's imposition as a condition of any order granting such consolidation of adequate safeguard to protect the competitive opportunities of other railroads serving Tacoma." He said he wondered whether they were opposed or in favor. He stated he went down to the Milwaukee passenger station and saw 100 old logging cars. Upon investigation he has found that the Milwaukee Railroad is now engaged in the transportation of freight rather than passenger service out of Tacoma. The Tacoma Chamber of Commerce apparently disagrees with this use of assets here in Tacoma.

Mr. Long said it seems to him to be overwhelmingly logical that the Committee hearings that have been continued from September 19th to October 10th by Commission order will involve only the presentation of the Railroad case. Hearings for cross examinations and for the presentation of any evidence by others are to be held at later dates. As far as he knows there will be one in Seattle and there will be one in Portland. The City of Auburn has petitioned that one be held in either Tacoma or Auburn. However, he thought that would probably be denied. The Chamber of Commerce of Auburn has directed that counsel be employed for the specific purpose of cross examining that presentation at a later date. When they present this information, he wants to be there to find out specifically what they are going to do in regard to Auburn, Tacoma, Sumner and Puyallup. The Tacoma Chamber of Commerce, he added, is in a rather troublesome position, they wish not to oppose the merger but to obtain conditions. Unless Tacoma opposes the merger he did not think this evidence could be brought out. He said he would recommend to the Council that they go on record opposing the merger for the particular reason of being able to ask questions, whereas, if they didn't, when they present their case they will be cut off from a source of information that will be necessary before they can evaluate the effect this merger is going to have on the economy of Tacoma. He strongly recommends for practical purposes that the Council stand opposed, so that this information can be made available on October 10th and at subsequent meetings subject to cross examination.

Mr. E. P. Devereaux, representing the order of Railway Conductors, said one point he would like to bring out is that there are a number of railroads operating over the Northern Pacific Tracks between Seattle and Portland and at the inauguration of these services where they petitioned the Interstate Commerce Commission to grant them the right to rent this trackage to various railroads, they pointed out that the more competition they had the better off the shipper was. The Milwaukee Railroad, this month, is petitioning the Interstate Commerce Commission for a trackage right grant from the Longview junction to Portland over the Northern Pacific track because as they say, they want to preserve the competition that is going to benefit the shipper. The Northern Pacific will go along with the Milwaukee on this trackage right grant if the Milwaukee withdraws their objections to the GN-NP merger, so he wondered how they reconciled the fact that on one hand they say, if we merge, we are going to be the same railroad and this will benefit the shipper; on the other hand, they say, we

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have to preserve the competition in order to benefit the shipper. This is the question he wishes to ask the railroad representatives.

Mayor Hanson said it appeared to be a good question as it did seem to be inconsistent. They would relay that question to them also.

Mrs. Olson asked Mr. Long if it were true if the City does not file a petition to intervene, they could not be represented at any of the hearings.

Mr. Long said it was true to the extent that the City would not, as a matter of right, be entitled to the testimony. The testimony of the railroad is going to be presented in print and the City would not have that before them. Further, the City would not have the right to cross examine as to particular points in the testimony.

Mayor Hanson remarked then by intervening the City would be joining with others who require them to prove their allegation that this is in the public interest, and if they prove to Tacoma's satisfaction that it is, the City could change position. But in order to establish the proper prospective of one carrying the burden of proof and the other requiring them to carry the burden of proof, the City would have to intervene in opposition.

Mr. Devereaux said the City has only the word of the officials appearing at the previous hearing that they will employ a certain number of employees at South Tacoma, but they do not say for how long. They have made no guarantee. The only reason for the railroads to merge is to save money by curtailing employment.

Mrs. Olson asked if the City of Tacoma files intent to intervene, would Tacoma have to be represented at the hearing in St. Paul.

Mr. Long said they would not. It would not be wise to do so as cross examination would be set for a later date.

Mrs. Olson said by intervening, then, it means the testimony would be made available. She asked Mr. McCormick, City Attorney, if the State of Washington has gone on record on this matter.

Mr. McCormick said they have filed a petition of intervention.

Mr. Long said they have intervened in opposition and have assigned one Deputy Attorney General to the matter and he is attending all the meetings. He said the City of Auburn are having him as their legal representative. The expenses are minimal to Auburn as the Deputy Attorney General has done a tremendous amount of work on this matter which is available to Auburn.

Mrs. Olson asked if this would hold true for Tacoma.

Mr. Long said it would hold true for Mr. McCormick. He said he would like to add that the attorneys for the combined railroad employees association in Washington D. C. have been extremely cooperative and have sent notices, letters, etc.

Mayor Hanson asked him if he was aware of any deadlines in terms of when the Commission will consider petitions to intervene.

Mr. Long remarked that there is no legal deadline. However, he would suggest that the petition for intervention be filed immediately and notice given to the Commission to make certain that this testimony will be available.

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Mayor Hanson advised until the testimony is in, it would be impossible to evaluate the full effect of this merger and thought it is important for the City to preserve the right to ask questions and require them to carry the burden of proof and establish what they contend to be in the public interest.

Mayor Hanson said it was his understanding that there was no immediate impending deadline and he wondered if it would be in order to ask Mr. McCormick to draw up the necessary papers for the Council's consideration at the next meeting in terms of preserving the City's right.

Mr. McCormick said at the request of Mrs. Olson he prepared a Resolution authorizing the City through the City Attorney to file an intervention petition to protect the City's right.

Mrs. Olson asked if it would be in order to substitute that Resolution for the Resolution to which Mr. Easterday referred earlier, for action either in the regular agenda this evening or next week.

Mr. Rowlands asked Mr. McCormick as a matter of clarification, whether the Council goes on record as favoring or opposing the merger, will they still have the right to intervene whenever the City Attorney felt it was desirable.

Mr. McCormick said it is his understanding that the City is not entitled to copies of the pleadings and notices, etc. until becoming a member of the party of records, and you do not become a party of records until the petition is filed.

Mr. Rowlands asked if the City could file a petition to intervene without necessarily favoring it.

Mr. McCormick said the City would have to either oppose the merger or favor it according to the rules of intervention.

Mrs. Price asked if the City takes a position now and at a later date wishes to change its position, is that permissible.

Mr. McCormick said he presumed that would be possible.

Mayor Hanson said action can now be taken on Mr. Easterday's motion to table Resolution No. 16676.

Mr. Easterday then moved to table Resolution No. 16676. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

Mr. Easterday said he would like to state at this time that he has seen a great migration of N P employees from Tacoma. Within a period of one year several hundred families were transferred from Tacoma to Seattle. The Northern Pacific Railroad Co. took over the L. C. Smith Bldg. there for office space.

Mrs. Olson moved the rules be suspended in order to consider Resolution No. 16736. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

Resolution No. 16736:

BY REQUEST OF OLSON:

Authorizing the City Attorney of Tacoma to intervene in proceedings before the Interstate Commerce Commission in opposition to the merger of the Northern Pacific, Great Northern, Burlington and S. P. & S. Railways.
Read in full.

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Mrs. Olson moved that the Resolution be adopted. Seconded by Mr. Cvitanich.

Mr. Murtland explained that he was not given an opportunity to speak against the motion to set aside the rules and would like to say that he voted against the motion primarily because he did not think there was any necessity that the matter be brought up at this time. He has been consistent in opposing this when the Council sets aside the usual rules of procedure in order to facilitate something that is not of an emergency nature; particularly now when it is known that the hearing date is set for October 10th. Secondly, speaking against the Resolution, he feels that as far as the Resolution itself is concerned, the preamble, particularly the second, whereas, relating to employment is not the important part and is not what the Council as the representatives of the City of Tacoma should really have any determination upon. He has talked to the gentlemen in the audience and hopes they understand his feelings, as there is nothing personal, but he feels that to oppose a merger strictly on the basis that it might result in fewer persons in the City of Tacoma, less taxes to our particular area, and of course, the City is always looking for taxes, and also that there will be a decrease in the income, is not a firm basis on which the Council should make such opposition. In the event it does create a monopoly, in the event it does lessen the service to the people of Tacoma, then he feels that is a stand he could take and say would be proper. Tonight the people who have spoken here time after time have based their arguments on the fact the City of Tacoma will have less taxes, there will be less income, there will be people who will have to move from the City of Tacoma, and he would not want to be one of them but on the basis of that he did not feel that the Council was in good standing to oppose it. For that reason he will have to vote against this Resolution.

Mr. Bott said he would like to see this held over for one week to give the Council an opportunity to study the additional information submitted this evening and also to give Mr. McCormick an opportunity to investigate any other legal aspects. He then moved that Resolution No. 16736 be postponed for one week, until September 19th, 1961. Seconded by Mrs. Price. Voice vote taken. Motion carried.

Mrs. Olson said she respected Mr. Murtland's opinion on the employment and payroll question involved, but the Council has taken action heretofore based on that, as in the case of the Mt. Rainier Ordnance Depot, and in other similar instances.

PETITIONS:

Petition submitted by the Southcenter Corporation requesting the rezoning of property in the area bounded generally by Pine, So. 43rd Ferry and So. 48th St. from a "CPC" to a CPR" District.

Referred to the Planning Commission.

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RESOLUTIONS:

Resolution No. 16731:

Fixing Monday, October 9, 1961 at 4:00 P. M. as the date for hearing on L I D 3531 for sanitary sewers in So. 96th from So. L to Sheridan Ave.

It was moved by Mr. Cvitanich that the Resolution be adopted. Seconded by Mr. Easterday.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16732:

Fixing Monday, October 9, 1961, at 4:00 P. M. as the date for hearing on L I D 6786 for intersection street lights in the vicinity of So. 15th and Adams Sts.

It was moved by Mrs. Price that the Resolution be adopted. Seconded by Mr. Cvitanich.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16733:

Authorizing the Director of Finance to replace all Local Improvement District Bonds held by the Employee's Retirement System as investments of the system, with installment notes.

It was moved by Mr. Steele that the Resolution be adopted. Seconded by Mrs. Price.

Mr. Rowlands said this simply means that the City is going to call up all these outstanding bond issues and replace them with notes which will save a tremendous amount of paper work.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

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Resolution No. 16734:

Awarding contract to Motor Products Corporation for the furnishing and installing of the manual double and single parking meters in the amount of \$18,155.80 plus sales tax.

Mr. Steele said in deference to Mr. Porter's absence this evening, he would move that this Resolution be postponed for 1 week. Seconded by Mr. Cvitanich.

Voice vote taken. Motion carried.

FIRST READING OF ORDINANCES:

Ordinance No. 16886:

Vacating the west 5 feet of Sheridan Ave. from north right-of-way ^{53:62-151} line of Center to a point 139 feet north of said right-of-way line. (petition of Lester Magoon) Read by title and placed in order of final reading.

Ordinance No. 16887:

Vacating a triangular section of right-of-way on the SW corner of ^{53:102-151} East 11th and Alexander Avenue (petition of Leif A. Pederson) Read ^{54:15} by title and placed in order of final reading.

Ordinance No. 16888:

Amending Sections 11.24.180, 11.28.210, 220 & 230 of the Official Code of the City in reference to Parking Meter Deposits. Read by title and placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 16883:

Amending the Official Code of the City relating to zoning by adding a ^{53:132-161} new section 13.06.065-11 to include property on the west side of Hall between So. 62th and 72th Sts., in a "R-4-L" Low-Density Multiple Family Dwelling District. (petition of Richard E. Stromberg & Max Shain) Read by title.

Mr. Mel Brewster, General Supt. of the Stromberg Building Enterprises, explained what they propose for the area, is for the benefit of everyone in the vicinity. He said they have built many apartments in Tacoma and in every single instance the improvement made in the area has increased the value of the property, and he knew of no reported case where it has created a public nuisance or a hardship in any manner. There has been some discussion as to the appearance of the building they propose to construct and he displayed an illustration of the structure. He pointed out that in the front, the first floor

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will be a design block, the second floor will be of cedar panel siding, and along the sides, wood siding will be used with accent panels.

Mr. Brewster said a letter was sent to the Council members from the Stromberg Enterprises stating if the Council or the neighbors feel it would be preferable to have the entrance to the parking area off from Pacific Avenue, rather than on Bell Street, they were agreeable to that change.

Mr. Bott asked who had proposed to put in Bell Street.

Mr. Brewster said they had planned to improve Bell Street at their own expense up to the entrance of their parking lot.

Mr. Brewster added that they have contacted all of the 68 people they could in the area and obtained 17 signatures, all of which were within the 400 foot area, who were in favor of the apartment building. Some of the others contacted were neither for or against the construction.

Mr. Bott asked if they plan on constructing a swimming pool.

Mr. Brewster said they had planned on a pool at the center of the Court area. A recreation building at the rear is also planned which is strictly for the benefit of the tenants.

Mr. Howard Lee of the Lee Realty Company said he represented the buyer and seller in this matter and is also a property owner himself on 72nd and Pacific Avenue. He added, anything that will build up the community is good for his business and for the community itself. He explained that he investigated the Stromberg Enterprises plans and pictures and is in accord with the construction of the apartment building.

Mr. James Lee also favored any improvement of this unused property on the west side of Bell Street between 68th and 70th Street. Any development of this type is sure to increase property value, thereby benefiting not only the residents of the immediate area, but of the entire City of Tacoma.

Mr. Joe Taylor, 6809 So. Bell, said the illustration of the building looks very beautiful but he saw the actual construction and still feels that the apartment structure will be two barns side by side with a little brick work in between. He said his house will be overlooking the rear of the structure with no windows. In addition to this, the apartment is being built in the wrong location - it is being built in a nice residential area even though part of the block is zoned "R-4-L".

Mr. Taylor said he had a protest petition signed by everyone surrounding the proposed apartment with the exception of one woman and the only reason she is in favor of the improvement is because they promised they would have an entrance way on Pacific Avenue. He thought this type of building would depreciate the value of the surrounding property.

Mr. Groth, also a resident of the area, spoke in opposition to the rezoning.

After further discussion, Mayor Hanson said he thought it should be understood that should the Council pass this Ordinance, they are not doing so with the requirement that Stromberg Building Enterprises make Pacific Avenue

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the main approach and exit to the parking area because it may develop that traffic wise it would be impossible. He did not think this should be determinative of this project, and in fact, that condition could not be put upon the granting of the rezoning.

Mayor Hanson said he has sympathy for the concern of the residents in the area; however, in terms of development, this looks like a good thing and he was in agreement with the Planning Commission that this rezoning should be permitted. He said he certainly hoped that all of the disastrous things feared by the opponents will not become peculiar to this one project; it has not been so with others. For that reason he intended to vote for the rezoning.

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Porter.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16884:

Amending the Official Code of the City relating to zoning by adding ^{53; 118-171} a new section 13.06.113-2 to include a 60 foot strip of land adjacent to the east boundary of the present "C-F-V" district on the east side of Sprague between So. 84th and 86th extended, in a "C-F-V" Freeway Commercial Vehicular Services District (petition of Mike Nicholic) Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Porter.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16885:

Approving and confirming the assessment roll for L I D 3502 for sanitary sewers in So. 66th from Wapato to Sprague Street. Read by title.

Mr. Steele said he did not believe that Ordinance No. 16885 reflected the recommendation of the L I D Committee which was that the property assessments of Homer M. McDowell and George Davis be deleted from the assessment roll. To alleviate any question he said, he moved that the Council adopt the recommendation of the L I D Committee that the property assessments of Homer McDowell and George Davis be deleted from the assessment roll and that the Ordinance be so amended to reflect this recommendation. Seconded by Mrs. Price. Voice vote taken. Motion carried.

Roll call was then taken on the Ordinance as amended, resulting as follows:

Ayes 8; Nays 0; Absent 1, Porter.

The Ordinance was then declared passed by the Chairman.

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ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

Report from the Tacoma Municipal Court for the month of August 1961.

COMMENTS:

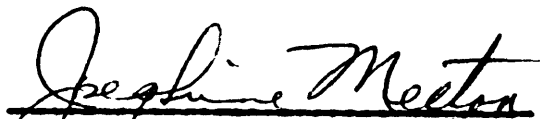
Mr. Rowlands said he would like to remind the Council as well as the general public that at 9:00 A. M., Thursday, September 14th, the official dedication of the Yakima Avenue Bridge ribbon cutting ceremony will be held.

Mr. Steele said he had received a suggestion today in regard to out of town violators of Tacoma's hillside parking. Instead of the auto being towed away, it was suggested that the three wheeler motorcycle officer carry suitable blocks with him and upon finding an out of town vehicle parked along the hillside without the wheels turned properly, place the blocks in back of the wheels.

There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 10:00 P. M.


Mayor of the City Council

Attest:


Josephine Melton