Docket 48

COUNCIL CHAMBER, 7:30 P. M.,

Monday, September 17, 1956.

Council met in regular session. Present 7; Bratrud, Goering, Humiston, Jensen, Perdue, Tollefson, Anderson. Absent 2; Battin, taking his seat at 7:35 P.H., and Stojack, taking his seat at 7:45 P. H.

It was moved by Dr. Humiston, seconded by Mr. Tollefson, 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. Kotion carried on roll call: Ayes 7; Nay s 0; Absent 2; Battin, Stojack.

Dr. Humiston advised that it was his understanding that a large number of persons were present tonight with regards to a matter listed under Unfinished Business and he suggested that the regular order be suspended and this be considered first. Moved by Dr. Humiston, seconded by Mr. Jensen to suspend Rule 5 (Order of Business) and take up Item 2 of Unfinished Business, the appeal of Douglas F. Albert, attorney for Gordon D. Alcorn, et al. Motion carried on roll call: Ayes 7; Nays 0; Absent 2; Battin, Stojack.

UNFINISHED BUSINESS:

47:494

This being the date fixed by the City Council for hearing on the appeal of Douglas F. Albert, attorney for Gordon D. Alcorn, et al (7-30-56) from denial by the Planning Commission of their petition for rezoning from "C-2" District to "R-2" District the property between North Proctor and North Adams from North 24th to North 25th, the matter was taken up at this time.

Mr. Harshall Perrow, Chairman of the Planning Commission, presented the City's case by giving the answers to the 10 allegations of error made by the petioners, as set forth in the report of the Planning Commission to the Council, dated August 23rd, copies of which had been previously furnished the Council members. Mr. Perrow stated that at the hearing before the Commission off July 20th ample time had been given both sides, that the hearing had been fairly conducted, and everyone wishing to speak had been given an opportunity before the meeting adjourned. In conclusion, the report stated the Commission feels that its recommendation on this matter to deny the rezoning petition should be affirmed by Council, Mr. Perrow quoted, as they have shown the allegations of the petitioners lack validity when the general public welfare is considered.

Henry Arnold Peterson spoke on behalf of the petitioners, saying that if the Council allows the super market in this location, it will be taking all the business from the three grocery stores now in business at 26th and Proctor, namely logan's, Albert's and Washburn's. He discounted the advantages to the other businesses in the district which will be derived from the parking lot of the super market, as few people would park their car and walk two or three blocks to shop in other stores. Also the parking areas are usually for the exclusive use of patrons of a super market, Mr. Peterson stated. He urged the Council to listen to the voice of the residents and to establish this as a residential district.

Douglas Albert, attorney for the petitioners, stated that the residents did not realize this was a commercial area until they learned that a super market was contemplating building in the area. There had been no official notification in 1953 when the status was changed by the adoption of the new zoning ordinance, he claimed. If the Fire Station, library and property which is being sold to the super market, were not considered, the petitioners have a substantial percentage in favor of rezoning to a residential district, Mr. Albert stated. He felt that off-street parking could be developed by the business men in the area, if that is one of the reasons for the need of a super market. Numerous disadvantages such as

traffic increase, noise, bright lights, lack of privacy for adjacent home owners, traffic izard for school children at the nearby Washington School, were mentioned by Hr. Albert being reasons why the super market should not be allowed at North 25th and Proctor, this is primarily a residential area.

Mr. W. K. Fanning of Fanning-Starkey Co., who is handling the negotiations to sell the property to the super market operators, spoke in favor of retaining the property as a commercial area. He claimed the hearing before the Planning Commission all been unbiased and pointed out it was not the function of the City Council to protect usiness men from competition.

B. E. Halverson, who runs a business at North 26th and Adams, said he favored leaving the district as it was. Harry Bradley of 3808 North 25th, also spoke a favor of the present commercial zoning.

Gordon D. Alcorn, 3806 North 24th, circulator of the petition, said he culin't see how a super market would give the area more parking space. M. H. Gamble, 15 North 25th Street, who said he had lived at this address for 30 years, claimed the ole thing would be a burden to surrounding property owners and he did not favor the area market.

It was moved by Mr. Jensen seconded by Dr. Humiston that the Council stain the action of the Planning Commission in denying the petition for rezoning.

Mr. Stojack was called upon and he said the petitioners had been given very opportunity to be heard at the Planning Commission hearing. He urged Council in onformity with good sound planning principles to stand back of the Planning Commission.

Mr. Tollefson said he recognized the serious problems faced by those mose property will be adjacent to the new business, but the Council nevertheless would be to do what is best for the inire City. Mayor Anderson said this was a difficult moblem for the Council. It was hard for him to vote against the wishes of his neighers, but he felt it was up to the Council to sustain the recommendations of the men the Planning Department, who have studied the problem. Mr. Jensen said the Council ould only consider whether it is good planning or not and could not consider persons a businesses in making a decision, and he felt it was good planning to leave this rea commercial.

Roll was called on the Motion of Mr.Jensen that the Council sustain the ction of the Planning Commission in denying the petition for rezoning, resulting at ollows: Ayes 9; Nays 0; Absent 0.

Mr. Bratrud said some persons in the audience were interested in the ther two appeals on the Agenda, and he moved that the Council hold the hearings on the allar and Wagner appeals at this time. Motion seconded by Dr. Humiston and carried roll call: Ayes 9; Nays 0; Absent 0.

Mr. Wm. C. Johnston, a realtor, who: is listing Mr. Pullar's property

for sale, said it was impossible to move this property at the price of Pullar paid for it under the present zoning status. He argued that this street was mostly business and his client's property likewise should be zoned commercial. Mr. Pullar said when he bought the property it was his understanding as well as that of the person from whom he purchased it, that same was classed as a C-1 District. After further liscussion, it was moved by Dr. Humiston, seconded by Dr. Battin to concur in the recommendation of the Planning Commission to deny the petition. Motion carried on roll call: Ayes 9; Nays 0; Absent 0.

Next the appeal of Harold E. Wagner (7-9-56) from denial of his petition For rezoning N. W. Corner of 6th Avenue and Huson Street to a C-2 District, but changing it from an R-2 to an R-3 District instead, was considered. Mr. Perrow outlined the points upon which the Commission based its denial of the petition by reading From their report to the Council dated August 23rd. There is considerable vacant property on 6th Avenue already zoned commercial Mr. Perrow said, while the area surrounding Mr. Wagner's corner is predominately residential as far as use is concerned. An anamination of a sketch prepared by the Planning Commission showed that the entire street between Huson & Orchard is commercially zoned with the exception of Mr. Wagner's property. In discussing this point, Mr. Buehler said it was the feeling of the Commission that the C-2 district should be pushed back as far as Orchard. Mr. Tollefson 57 said if the Planning Commission is going to attempt to rezone the property from Huson to Orchard as residential, he would be in favor of sustaining the Commission's action in denying the petition, but if not, he feels Mr. Wagner's property should be zoned C-2. Mr. Perrow said the future action of the Commission with regard to this would depend on Council action tonight. If Council sustains their denial of Mr. hagner's petition, the Commission will take some action to change 6th Avenue between Muson and Orchard to a residential district within the next sixty days, Mr. Perrow added. Mr. Wagner said he questioned the advisibility of rezoning this area to a listrict for duplex buildings in view of the heavy traffic on 6th Avenue. He contended that before too long all C-2 property on this street will be used for the purpose intended and he felt his property should also be made C-2. It was moved by Dr. Humiston, seconded by Dr. Battin to concur in the Planning Commission's action in lenying the petition. Motion carried on roll call: Ayes 9; Nays 0; Absent 0.

Order of business reverted to

PETITIONS:

Robert Creso, for license for motel at 1521-6th Avenue. The Fire Chief 13 recommends that the license be denied for the reason that the owner refuses to make any renovation or addition required to safeguard against a fire in the basement area, which have been requested since 1951. The City Manager concurs in the recommendation. lioved by Dr. Humiston, seconded by Mr. Stojack to concur in the recommendation. Mr. Creso, who was present, said he was getting a little tired of the Fire Department's requests, as every year since he was granted his first license in 1951, they have been asking for something new. Lt. R. K. Heymel of the Fire Prevention Bureau said they have been trying for some time to get Mr. Creso to store his paint cans in a small. storeroom, which was prepared for this purpose, and to put a screen with a firelink over the louvers in the furnace room door, but he has not complied. Mr. Creso claimed that he had very little paint on hand and it was of a rubber base type from which there is little danger of fire. Mayor Anderson asked Mr. Creso if he could make these corrections in a week. Mr. Creso replied that he could but if he did he wanted assurance that this would end the yearly demands of the Fire Department for changes. Mr. Bratrud suggested that the action be held over for a week, so Mr. Creso could have an opportunity to comply. Dr. Humiston, with the consent of his second, withdrew his motion to concur in the denial. It was then moved by Mr. Stojack, seconded $_{
m by}$ Dr. Humiston to postpone action for one week to September 24th to see if the difficulties can be resolved. Motion carried on roll call: Ayes 9; Nays 0; Absent 0.

O. B. Fornili, Community Garage, for renewal of license for garage, Grades 1, 2, 3, 4 and 6 at 5440 South M Street. The Fire Chief recommends that the license be denied for the reason that the operator has not complied with requests of the Fire Department to provide approved and/or operative fire extinguishers. The City Manager

concurs in the recommendation. Hoved by Dr. Humiston, seconded by Dr. Battin to concur in the recommendation and carried on roll call: Ayes 9; Nays 0; Absent 0.

* Slavenian American Benevolent Society, for license for public dance hall at 2306½ North 30th Street. The Fire Chief recommends the license be denied for the reason that the operators have not complied with requests made by the Fire Prevention Bureau to provide fire extinguishers for the area or to either remove combustible paper at the windows or to use flame-proofed material over same. The City Manager concurs in the recommendation. It was moved by Dr. Humiston, seconded by Mr. Perdue to concur in the recommendation. Motion carried on roll call: Ayes 9; Nays 0; Absent 0.

RESOLUTIONS:

Resolution No. 14771.

By JENSEN:

Approving recommendation of Director of Public Works and Board of Contracts and Awards and awarding to George Madsen Co. the contract for L I D 2252- cement concrete sidewalks on South 19th Street from Ainsworth Avenue to Lawrence Street on its bid of \$7801.76.

Adopted on roll call September 17, 1956. Ayes 9; Nays 0; Absent 0.

Resolution No. 14772.

By JENSEN:

Approving recommendation of the Director of Public Works and Board of Contracts and Awards and awarding to George Madsen Co. the contract for L I D 4604-- concrete pavement on alley between Pacific and Bell from South 40th to South 43rd- on its low bid of \$6,377.47.

Adopted on roll call September 17, 1956. Ayes 9; Nays 0; Absent 0.

Resolution No. 14773.

by GOERING:

Authorizing and directing the City Manager to purchase, in accordance with the ordinances providing therefor, 7 sedan automobiles, police special, 7 sirens and 13 alternators, and to pay for the same out of the Capital Outlay Fund.

Adopted on roll call September 17, 1956. Ayes 9; Nays 0; Absent 0.

Resolution No. 14766. (Laid over to this date on September 4th)

ANDERSON:

Authorizing and directing the proper officials of the City to consent to the assigning of the leasehold interests formerly held by Foster and Kleiser Co. to W. C. Grace & Co. Mr. McCormick reported that this resolution had been held over until this time so he could check on the number of leases involved. Actually there is only the one he reported on September 4th, although there are a few signs on the Flume Line right of way, which was turned back to the Water Department by the Metropolitan Park Board, he advised. Until such time as these leases expire the Metropolitan Park Board is collecting the revenues and the leases continue between the Park Board and Foster-Kleiser, Mr. McCormick stated. Roll was then called on the resolution.

Adopted on roll call September 17, 1956. Ayes 9; Nays 0; Absent 0. It was moved by Mr. Stojack, seconded by Mr. Bratrud that Rule 7, relative to filing of new matter for Council's consideration, be suspended in order to take action on several resolutions which are not on tonight's agenda. Motion carried unanimously on voice vote.

Resolution No. 14774.

By BATTIN:

Directing the proper officers of the City of Tacoma to purchase one reconditioned commercial refrigerator to replace the refrigerator in which the unit has deteriorated beyond repair, for use in the Health Department, at a cost of not in excess of \$155.00 and appropriating sufficient funds from Cumulative Reserve Fund, Capital Outlay, for payment therefor.

Adopted on roll call September 17, 1956. Ayes 9; Nays 0; Absent 0.

Resolution No. 14775.

By ANDERSON:

Commending each of the members of the Stanley's Shoemen Team, its managers and sponsors and all other persons contributing to its success for their efforts in assisting this team in winning the finals of the World Series of the American Baseball Congress at Battle Creek Michigan and bringing the championship for the first time to Tacoma.

Adopted on roll call September 17, 1956. Ayes 9; Nays 0; Absent 0.

Dr. Humiston advised Council that the Charter Committee had met this afternoon at which time three resolutions for charter changes had been submitted. The Committee is bringing these to the Council without recommendation, Dr. Humiston stated.

The following resolutions were then presented and copies handed the Council members:

Resolution No. 14776.

47:499

BY BRATRUD:

Providing for submission to the qualified voters of the City of Tacoma at a Special Municipal Election to be held on November 8, 1956 of a proposition to amend Sec. 6.11 of Tacoma's City Charter to provide for election of Civil Service Commissioners by the voters in place of appointment by Council. Dr. Humiston said he was opposed to the change because it was a step against a short ballot, which he favors and he felt it would be a poor move to change the charter in this direction. Dr. Battin also said he was opposed to it, because he felt it was not in line with lacoma's form of government. He had done considerable checking and as far as he could ascertain no other City has an elective Civil Service Board, Dr. Battin' stated. Hr. Perdue said the reason this move is not good is because so few people vote for the position that it is possible for the City employees to swing the election. The head of the Civil Service League can recommend to his people who they should vote for, so it narrows down to the point where one person can actually control the Board, Mr. Perdue added. Mr. Bratrud spoke in favor of the proposition, and said it will not change the rules as they will still be formulated by the Council. Mr. Jensen said he favored the idea. This was one of the sore spots in the Charter Controversy last spring, he pointed out, and he felt this would be a good way to show that Council can give a little bit, and he favored giving the citizens an

said this proposition came from the Joint Labor Committee, representing trade union members and their families as well as members of the Civil Service League. He pointed out that during the Charter Campaign, Dr. Humiston made statements that it was the intent of the Council to give consideration to any reasonable amendment to strengthen Civil Service and this is their chance. Tacoma operated from 1927 to 1952 with an elected Civil Service Board and during that period they had the finest Civil Service set up in the Country, Mr. Coffee said. He felt the citizens should have an opportunity to vote on this and urged the Council not to deny them this right. Mr. Ketler, Civil Service League Representative, said the employees have more confidence in an elective board, which is not responsible to any individual and he urged the Council to put the proposition on the ballot. Mayor Anderson was asked for his stand, and he said he would just as soon have the citizens vote on it. After considerable more discussion roll was called on the resolution.

Adopted on roll call September 17, 1956. Ayes 5; Bratrud, Jensen, Stojack, Tollefson, Anderson. Nays 4; Battin, Goering, Humiston, Perdue. Absent 0.

resolution No. 14777.

Providing for submission to the qualified voters of the City of Tacoma at a Special Municipal Election to be held on November 6, 1956 of a proposition to amend Sections 2.1 and 2.4 of Tacoma's City Charter to provide for direct election of the Mayor for four-year term and confirm authority now vested by State Law in Council to fix his compensation. Hr. Perdue spoke against this amendment to the Charter, stating that at a meeting of the Association of Washington Cities he had talked with a certain person with great deal of experience, who told him that the electing of a Mayor under the Hanager orm of government would not be advisable. If you elect a popular man as Mayor, you might lect someone with view radically different from the rest of the Council, Hr. Perdue stated. alleged that this amendment was a step to definitely injure this form of government. ir. Humiston said he would favor the placing of this amendment on the ballot with the reservation that appointments of Board members by the Mayor be made upon recommendation three members of Council. Mr. McCormick advised that every section of the Charter lealing with appointments made by the Mayor would have to be amended before this could carried out. He also stated that the Council would have to fix the Mayor's salary rior to the time he is elected as there can be no change in salary during a term of office according to State Law. Mr. Tollefson said he felt the Mayor's salary should be more than \$100 a month and should be at least half of what is paid the City Manager and Directr of Utilities. Dr. Battin said this amendment would be a step away from a scientific form of government and would put the selection of a Mayor on a popular rather than scienti-Tic basis. It would be a step backward he contended. Dr. Battin also said he could see Lo particular reason for adopting this now and he suggested Council hold a hearing on it. are voting without thought or consideration, he said, and he felt the Council should ave considerable discussion on the matter before it was put on the ballot. Hr. Bratrud said he felt it had been discussed sufficiently, but was held in abeyance last spring r fear it would jeopardize the vote on this form of government. It was moved by Dr. ttin, seconded by Mr. Perdue that Resolution No. 14777 be postponed to October 22, 1956 allow the Council to hold a hearing on this matter before interested citizens. Lost on 11 call: Ayes 4; Battin, Goering, Perdue, Tollefson. Nays 5; Bratrud, Humiston, Jensen, Mack, Anderson. Roll was then called on the adoption of the resolution, resulting as

ted on roll call September 17, 1956.
5; Bratrud, Humiston, Jensen, Stojack, Anderson. Nays 4; Battin, Goering, Perdue, thefson. Absent 0.

Resolution No. 14778. 47:499

By ANDERSON:

Providing for submission to the qualified voters of the City of Tacoma at a Special Municipal Election to be held on November 6, 1956 of a proposition to amend Section 4.10 of Tacoma's City Charter to transfer control, operation and maintenance of water utility from Public Utility Board to City Council and City Manager. Dr. Humiston said this may be a highly desirable amendment but it is not timely, there is no emergency and he does not think it belongs on the ballot at this time. Dr. Battin said the 1952 Freeholders discussed that point and it only lost by one vote from being in the Charter. He felt it would be a good thing and e claimed there is just as much of an emergency in this case as there is in the other two amendments. He intends to vote in favor of the resolution, Dr. Battin alded. Er. Bratrud said he felt the amendment was timely and the Water Division should be put under the Public Works Department where it properly belongs. Mr. Tollesson said he thought it was untimely and he would vote no. He didn't think the Council should go at this piece meal and he felt there was just as much reason why the Light Department and Belt Line should also be under the City Manager and Public Works Department, Mr. Tollefson said. It is almost the same as a recommendation to the people if the Council votes in favor of this resolution, Mr. Tollefson added. Hr. Jensen said he felt there would be a better relationship if the Water Department were combined with the Public Works Department. Mr. Stojack said he lid not see what the advantage would be to separate the Water Department from the other u ilities and he would have have to be shown where the City would gain by this move. Mayor Anderson said he thought the City would be served better if the Water Department were under the Public Works Department. Roll was called on the adoption of the resolution resulting as follows:

Adopted on roll call September 17, 1956. Ayes 6; Battin, Bratrud, Goering, Jensen, Perdue, Anderson. Nays 3; Humiston, Stojack, Tollefson. Absent 0.

FIRST READING OF ORDINANCES:

Ordinance No. 15703.

Amending Ordinance No. 14793--ZONING ORDINANCE-- by amending Section 37 thereof. (Relative to changes and amendments to the Zoning Ordinance). Read by title and placed in order of final reading.

ordinance No. 15704.

Amending Section 1 of Ordinance No. 15515 entitled: "An ordinance vacating that portion of Campbell Street extending from Ruston Way in an easterly direction approximately 257.042 feet to the government bulkhead line, and Edwards treet from Ruston Way in an easterly direction approximately 404.144 feet to the government bulkhead line." Read by title and placed in order of final reading.

Ordinance No. 15705.

Authorizing the Director of Utilities to enter into a contract between the City of Tacoma on behalf of the Department of Public Utilities, Light Division, and the Peninsula Light Company, Inc., a corporation. Read by title and placed in order of final reading.

Ordinance No. 15706.

Providing for paving with asphaltic concrete, construction of curbs, gutters and driveways and installation of necessary storm drainage on L Street from South 35th Street to South 39th Street, also on Cushman Avenue and Ainsworth

Avenue from South 37th to South 38th; also construction of storm sewer only on South 35th Street from M Street to L Street; creating L I D 4613; and appropriating sum of \$3,000 from City Street Fund, to be used and expended towards the payment of the cost to the City of the City's participation in the payment of said L I D herein created. Read by title and placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 15698. L I D 2152.

Approving and confirming assessment roll for cost of improvement in L I D 2152- crushed rock oil mat on East 30th Street from East L Street to within 15 feet of the west line of East M Street. The Clerk advised that a report had been received from the Director of Public Works on the complaint of Joe Soltis (9-4-56) that the street improvement did not provide an access walk or steps to the Pinchak property. This report concluded with the statement that the Department believes that it is the responsibility of the property owners to supply the steps they request, which would be located in the normal sidewalk area, and that their investigation has not shown that any construction beyond what has been done was ever promised the Pinchaks. The ordinance was read by title and passed.

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

Ordinance No. 15699. L I D 2234.

Approving and confirming assessment roll for cost of improvement in LII D 2234--oil mat surface in alley between North Huson and North Orchard Streets from North 37th Street to North 38th Street. Read by title and passed.

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

rdinance No. 15700. L I D 5258.

Approving and confirming assessment roll for cost of improvement in L I D 258--cast iron water mains in East E Street, F Street and G Street from East 84th Street to East 86th Street and in East 86th Street from East D Street to East G Street. Read by litle and passed.

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

or inance No. 15701. L I D 5262.

Approving and confirming assessment roll for cost of improvement in L I D 202-cast iron water main in East 67th Street from A Street to East B Street. Read by litle and passed.

And 11 call: Ayes 9; Nays 0; Absent 0.

r linance No. 15702. L I D 5281.

Providing for construction of a 12-inch cast iron water main in South 19th street from Adams Street to Durango Street and a 6-inch cast iron water main in Durango street from South 17th Street to South 19th Street; creating L I D 5281. Read by title in passed.

-11 call: Ayes 9; Nays 0; Absent 0.

r linance No. 15695. (Laid over to this date on September 10, 1956.)

Amending Ordinance No. 15645 entitled: "An ordinance to prescribe the manner in which obligations of the City shall be paid, etc." (Providing that pay rolls shall be delivered to the Director of Finance not later than the second working day

after the end of the pay period.) Mr. Nolan, Assistant to the City Manager, reported that Mr. Rowlands would like to have this ordinance postponed for a month. Noved by Dr. Humiston, seconded by Dr. Battin to postpone for four weeks to October 15, 1956. Motion carried unanimously.

Ordinance No. 15653. (Laid over to this date on September 10, 1956.)

17:498

Amending Ordinance No. 14793--Zoning Ordinance --by adding new section to be known as Section 5D. (From R-2 One Family Dwelling District to R-3 Two Family Owelling District N. W. corner of 6th Avenue and Huson Street). Read by title and assed.

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

MAINISHED BUSINESS:

X It was moved by Dr. Humiston, seconded by Mr. Stojack, to adopt the Articliminary Budget for the year 1957, in amount of \$46,245,331.00, and that the Clerk be directed to give proper notice of hearing on October 1, 1956. Carried on roll call: Ayes 9; Nays 0; Absent 0.

As provided in Section 41, Paragraph C of Administrative Code, the <u>Board Contracts and Awards</u> submitted a letter advising that the Board approved the <u>HQ. 3/7 recommendation of the Director of Public Works to reject the bid of Woodworth & Co., For L I D 4592, for the reason that the bid was \$922.75 over the amount of the estimate and it is believed that better bids can be obtained when this L I D is included with several others next year. This report was submitted for Council's information and same was ordered placed on file.</u>

.... BUS INESS:

Mr. Tollefson reported that Tom Martzloff from McKenzie & Co. contacted him to request permission to use the Company's reports on the City of Tacoma Utilities Operation as samples in soliciting a similar assignment from the City of Seattle. It was moved by Dr. Humiston, seconded by Mr. Tollefson that this permission be granted. Motion carried on roll call: Ayes 9; Nays 0; Absent 0.

Upon motion, duly seconded and carried, Council then adjourned at 12:30 A. M. on Tuesday, September 18th.

President of City Council

Attest: Gdun Melso

Deputy City Clerk.