

JUN 8 1957

COUNCIL CHAMBER, 7:30 P. M.

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Monday, June 3, 1957.

Council met in regular session. Present on roll call 7; Battin, Stojack, Perdue, Bratrud, Humiston, Tollefson, Mayor Anderson; Mrs. Goering taking her seat at 7:35 P. M. Absent 1; Jensen.

It was moved by Mr. Bratrud, seconded by Mr. Perdue, 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 dispensed with. Motion carried. Ayes 7; Nays 0; Absent 2; Goering, Jensen.

At this time Mayor Anderson announced that a group of Shriners was present. He introduced Chester A. Hogan, Potentate, E. K. Murray, General Chairman of the Convention, Ed Reames, Housing Chairman. Mr. Hogan presented Mayor Anderson with a "Fez" and a group picture was taken of the Shriners and Council members. Mayor Anderson advised the Council that the Shrine Convention will be held in the City of Tacoma, beginning this Wednesday and ending Sunday and will bring approximately 10,000 guests to the City from four States, two Canadian Provinces and Alaska.

PETITIONS:

✓ Investment Exchange Development Corp., et al., for rezoning from R-3 to C-1 District property on south side of Center Street from Madison Street to Gunnison Street. Referred to the City Planning Commission. 337

✓ Edwin Schneebeck, et al., for rezoning from an R-2 to C-2 Zone property on east side of South 17th and K Streets. Referred to the City Planning Commission. 336

RESOLUTIONS:

Resolution No. 15014.

Fixing July 1, 1957 as date for hearing on petition to vacate East 67th Street from McKiñley Avenue to East G Street. (Petition Raymond Hammond, et al, 8-1-56). 311

Adopted on roll call June 3, 1957
Ayes 8; Nays 0; Absent 1; Jensen.

Mr. Rowlands advised that Mayor Anderson had a resolution which he would like to have considered tonight that did not appear on the Agenda. Mayor Anderson explained that Mrs. Charles E. Gardner had resigned from the Censorship Board, and that Miss Ruth McConihe, Vice-Principal of Jason Lee Junior High School, had agreed to accept the appointment. The resolution is for the purpose of confirming this appointment but can be held over until next week if Council desires, he added.

It was moved by Mr. Bratrud, seconded by Dr. Humiston, to suspend Rule 7, relative to filing of new matter for Council's consideration, in order to consider Resolution No. 15015. Motion carried unanimously on voice vote.

Resolution No. 15015.

Confirming appointment by the Mayor of Ruth McConihe to the Board of Censors of the City of Tacoma. 244

Adopted on roll call June 3, 1957
Ayes 8; Nays 0; Absent 1; Jensen.

FIRST READING OF ORDINANCES:297
Ordinance No. 15892.

Amending Ordinance No. 14892 - GENERAL LICENSE ORDINANCE - by adding thereto six new sections - Sections 78 and 78A to 78E inclusive. (Licensing Heating Contractors). Read by title.

Mr. Rowlands called upon Mr. Gillis, Building Inspector, to explain this ordinance to the Council.

Mr. Gillis stated that last December an ordinance was passed by Council fixing a license fee of \$100.00 for gas installers, and, as a result, there are now 37 firms and individuals paying this license. He further stated that there are 105 Heating Contractors paying a fee of \$10.00 under a previous ordinance and many of the gas installers are also paying the \$10.00 Heating Contractor's license. The purpose of this ordinance is to place all Heating Contractors under one license, which is to be \$100.00 a year and to eliminate the \$10.00 fee, Mr. Gillis added.

Mr. Perdue said he felt this would prohibit many of the small firms from holding a license. This point was discussed, and Mr. Gillis said this had been considered when drawing up the ordinance but it was the general opinion of the Committee that the increase in fee would not make much difference to those holding a license.

Mr. Hugh C. Miller, Chairman of the Committee, said they had no intention of putting the small business man out of business, but were thinking entirely from a safety standpoint.

Mr. Bratrud said he felt the Council should be careful not to harm the small business man and believed the ordinance should be amended to allow a store to install heaters.

Mr. Stojack said he would like to request the City Manager to contact a number of firms who are now licensed under the \$10.00 fee to ascertain how they feel about paying the \$100.00 fee proposed by this ordinance.

Mr. Tollefson said he would like to have a report from the Fire Department, giving their comments on the provisions of the ordinance after it has been studied. It was then moved by Dr. Battin, seconded by Mr. Bratrud that the final reading on the ordinance be postponed for two weeks to June 17, 1957. Motion carried on roll call Ayes 6; Nays 2; Stojack, Tollefson; Absent 1; Jensen.

FINAL READING OF ORDINANCES:Ordinance No. 15889.

Vacating that portion of the alley between Pearl Street and Woodlawn Street from Sixth Avenue north to North 7th Street. (Petition Investment Exchange Development Corporation - 4-23-57). Read by title and passed.

Roll Call: Ayes 8; Nays 0; Absent 1; Jensen.

Ordinance No. 15890.

Vacating that portion of the alley between Pearl and Woodlawn Streets from Sixth Avenue south to Bantz Boulevard. (Petition Investment Exchange Development Corporation - 4-23-57). Read by title and passed.

Roll Call: Ayes 8; Nays 0; Absent 1; Jensen.

Ordinance No. 15891.

Amending Ordinance No. 14793 - ZONING ORDINANCE- by adding thereto a new section to be known as Section 20 B (Planned Shopping Center Districts). Read by title.

Mr. Rowlands called attention to the memo sent out for Council's consideration, which contained alternate wording for Sections 8 and 10, which had been agreed upon by the Chairman of the Planning Commission, the City Manager and the Director of Planning. He also asked the Clerk to read a communication from Robert R. Stoaks, President of the Tacoma Retail Trade Bureau, on the subject of the "Planned Shopping Center", in which he stated that the Bureau feels the time elements set forth in the original ordinance, paragraphs B-10 and B-11 are sufficiently liberal and should not be amended to grant more time. Mr. Stojack said he did not feel a Chairman should be permitted to make any recommendations for a group without first discussing the matter with the members. He pointed out that the provisions in this ordinance are of a general nature and were not drawn up for any particular location or individual. He could see no reason why the "Market Analysis" should not be required prior to making a change to a "Planned Shopping Center".

It was moved by Dr. Humiston to amend the ordinance by deleting Section B-8, page 4 (relative to "Market Analysis"). Motion seconded by Mr. Bratrud. In discussing this motion, Dr. Humiston said the Council is considering a general ordinance, and pointed out that only one petitioner is interested in having the ordinance changed. We should not be interested in modifying the ordinance to satisfy this petitioner but instead should determine whether or not this amendment is worthwhile having in the Zoning Ordinance, Dr. Humiston said. He pointed out that the City has many acres now zoned as C-2, which is vacant land and anyone can put a store in any of these locations without supplying a "Market Analysis". He cannot vote for the ordinance if Section B-8 is left in, he added. If a person wishes to put in a store, the City Planning Commission or the Council should not have to pass on the feasibility and determine whether or not it is a good enterprise. Mr. Bratrud said he agreed with Dr. Humiston and felt the Council was overstepping its bounds in putting this provision in a general ordinance. This requirement could very easily become a political foot-ball, he contended. Dr. Battin said he felt the Council was injecting into the term "Market Analysis" things that are not there, as this was being used rather extensively in numerous instances and did not apply as to whether or not a person would succeed or fail in a business enterprise. Mr. Bushler said the Commission felt this was one of the basic tools in determining if a "Planned Shopping Center" should be granted. Mr. Tollefson said he believed the recommendation of the Planning Commission should be followed as in his estimation neither the Chairman, Manager, or Director of Planning should make any alternate wording, which is actually an amendment. Dr. Battin said he felt the only question is, "should we accept the ordinance submitted by the Planning Commission", or, "should we accept it with alternate wording". He was ready to support the original ordinance as drafted by the Planning Commission.

It was moved by Mr. Tollefson, seconded by Dr. Humiston, that the ordinance be postponed for one week. As a motion to postpone takes precedence, roll was called on this motion, which lost: Ayes 3; Bratrud, Humiston, Tollefson; Nays 5; Battin, Goering, Perdue, Stojack, Anderson; Absent 1; Jensen.

Roll was then called on motion of Dr. Humiston to delete Section B-8, page 4, which was declared lost: Ayes 3; Bratrud, Humiston, Anderson; Nays 5; Battin, Goering, Perdue, Stojack, Tollefson. Absent 1; Jensen.

Mr. Bratrud moved to amend Section B-10 by changing two years to three years, which was seconded by Mr. Tollefson. Mr. Bratrud said he was making this amendment as he understood that there had been some difference of opinion on this point by the City Planning Commission, and some members felt the longer time would not harm the intent of the ordinance. Mrs. Goering said she felt the Council should vote on the ordinance as presented, or the Planning Commission should be given an opportunity to study any amendments suggested by Council. Mr. Stojack pointed out that this two year period begins when the petitioner is granted a change to a "Planned Shopping Center" by an amendment to the zoning ordinance, and he felt certain no member of the Commission would refuse to extend the time if a person shows good faith. Roll was called on the motion, which was declared lost: Ayes 4; Bratrud, Humiston, Tollefson, Anderson; Nays 4; Battin, Goering, Perdue, Stojack; Absent 1; Jensen.

**as covering the requests of those appearing before the Council at first reading" (continued at Council meeting of June 10th).

It was then moved by Mr. Tollefson, that the ordinance be referred back to the City Planning Commission with the recommendation of a survey on the two points in controversy, "Market Analysis" and time. Motion seconded by Dr. Battin. Roll was called on the motion resulting as follows: Ayes 4; Bratrud, Humiston, Tollefson, Anderson; Nays 4; Battin, Goering, Perdue, Stojack. Absent 1; Jensen. Motion declared lost.

Roll was then called for on the original ordinance. Before the roll was called Mr. Tollefson expressed the hope that the Council, rather than lose the ordinance, would pass it as drawn and attempt to resolve any difference later by an amendment.

Roll Call: Ayes 6; Battin, Goering, Perdue, Stojack, Tollefson, Anderson. Nays 2; Bratrud, Humiston. Absent 1; Jensen.

Ordinance No. 15892.

Relating to and providing for a license or occupational tax upon certain businesses, occupations, pursuits and privileges; fixing the rate for such license or tax; defining offenses and providing penalties; fixing the effective date of this ordinance. Read by title and passed.

Roll Call: Ayes 8; Nays 0; Absent 1; Jensen.

Mr. Rowlands advised that groups interested in Ordinances Nos. 15881 and 15882 would like to have additional time to study these ordinances.

Ordinance No. 15881.

(Laid over to this date on May 27th).

Requiring a permit and the collection of fees therefor for the installation, or alteration, extending or repairing of steam, hot water or cooling systems; establishing minimum regulations for installation, extending, altering or repairing thereof. Read by title.

Ordinance No. 15882.

(Laid over to this date on May 27, 1957)

Amending Ordinance No. 14892- LICENSE ORDINANCE- by adding thereto nine new sections to be known as Sections 77, 77A to 77H inc. (licensing heating installations). Read by title.

It was moved by Mr. Tollefson, seconded by Dr. Battin, that ordinances Nos. 15881 and 15882 be laid over for one week to June 10, 1957. Motion carried unanimously on voice vote.

Ordinance No. 15883.

(Laid over to this date on May 27, 1957)

An ordinance to be known as the "Warm Air Heating Code"; establishing minimum regulations for installation, alteration or repairs of warm air heating systems; adopting by reference a National Warm Air Heating Code as amended. Read by title.

Mr. McCormick pointed out that a change had been made on the last page of this ordinance by including a provision for a permit in Section 6, and changing the original Section 6 to Section 7, Section 7 to Section 8, etc. and this change should be approved by motion of the Council. The copies of the ordinance furnished with this week's agenda contained the amendment, the Clerk reported.

It was moved by Dr. Humiston that page 8 be amended to conform to the wording contained in the ordinance as submitted with the Agenda. Motion seconded by Dr. Battin and carried on roll call: Ayes 8; Nays 0; Absent 1; Jensen.

Roll was then called on the passage of the ordinance as amended.

Roll Call: Ayes 8; Nays 0; Absent 1; Jensen.

Ordinance No. 15884.

(Laid over to this date on May 27, 1957)

An ordinance to be known as the Boiler and Pressure Vessel Code, relating to and regulating the construction, installation, operation, maintenance and repair of steam boilers, hot water heating and supply boilers, unfired pressure vessels and their appurtenances; establishing minimum regulations for the installation and repairs, and an inspection thereof; creating a Boiler and Pressure Vessel Board; adopting by reference a Uniform Boiler and Pressure Vessel Code. Read by title and passed. 271

Roll Call: Ayes 8; Nays 0; Absent 1; Jensen.

UNFINISHED BUSINESS:

The Director of Public Works presents the assessment rolls for the cost of the improvements in the following Local Improvement Districts:

L I D 1963 - Sanitary sewer on South "K" Street from South 65th Street to South 67th Street and in South 67th Street from "K" Street to 180 feet west; 70 317

L I D 6748 - Installation of three street lighting units on the west side of Jackson Avenue from Hegra Road, south approximately 570 feet; 47 217

It was moved by Mr. Stojack, seconded by Dr. Battin, that July 2, 1957 be set as the date of hearing on the above assessment rolls. Motion carried unanimously. Ayes 8; Nays 0; Absent 1; Jensen.

This being the date fixed for hearing on the petition of the Port of Tacoma for vacation of all of Marshall Avenue not presently vacated from Milwaukee Way to Lincoln Avenue, the matter was considered at this time. The Clerk reported the posting of the notices required by law and the filing of an affidavit of such posting. Also reported that a fee of \$100.00 had been paid by the petitioner and that no remonstrances had been filed against the proposed vacation. Mr. Buehler, Director of Planning, advised that this vacation petition was approved by the Department of Public Works and the Department of Public Utilities, and that the City Planning Commission at its meeting on May 7, 1957 recommended approval of the vacation of the remainder of Marshall Avenue without conditions. Marc Anderson, representing the Port of Tacoma, said the petition represented 100% of the abutting property; that portions of the street had been vacated previously and the Port felt it was desirable to have the entire street vacated. It was moved by Dr. Humiston, seconded by Mr. Stojack, that the petition be granted and the City Attorney directed to prepare the necessary ordinance to vacate the street. Motion carried on roll call: Ayes 8; Nays 0; Absent 1; Jensen. Mr. Buehler called attention to the fact that in its letter of transmittal the Port asked that the customary filing fee be waived and stated that this was a matter for Council's approval. Mayor Anderson pointed out that the City Council last week denied a similar request from the Park Board. Marc Anderson explained that they feel this fee should be waived as the petition is only asking for the vacation of portions of the street; that the petition is one of a series, and if a request is made for the vacation of a number of the streets under one petition they would only have to pay one fee; and, moreover, if they had petitioned for the vacation of the Plat there would have been no fee required. Dr. Humiston pointed out that the fee of \$100 just about covers the cost involved in processing the petition, and that there was no profit to the City from this fee. No motion being made, Mayor Anderson said it would appear that the Council did not desire to grant the request for a waiver of the fee. 252 297

* Mayor Anderson read a letter from L.W. Craig, County Assessor, advising that the first meeting of the Pierce County Board of Equalization will be held on July 1st, and asking that they be advised which three Councilmen will represent the City on this Board. The Clerk was directed to check the records of last year to ascertain whose term it is to serve on this Board and report back to Council at its next regular meeting. 290

The report of the City Manager (MC 141) on employment status of Edwin E. Hubbell, requested on April 15th, was taken up at this time. Mr. Rowlands stated that under the existing rules he does not see any way they can help this employee regain status on the re-employment list. However, in order to prevent a recurrence of this unusual situation, he would recommend that the personnel rules be amended to make it possible for employees similarly injured to continue on the eligible list. Mr. Bratzud said it seemed to him there should be some way the Council could give consideration to Mr. Hubbell. The Council members could make a decision to put this man's name back on the eligible list and, if they fail to do this, will be falling short in their duty, he stated. Mr. McCormick advised that if this were done and the action rule illegal by the Courts, the Council would be responsible for reimbursing the City for any salary paid Mr. Hubbell. The rights of others on the eligible list would be violated if Mr. Hubbell's name was put back on the list, he added. Mr. D. H. Ketler, of the Municipal Civil Service League, claimed that Mr. Hubbell's case did not come under the "Lay-off" rule; that there is actually no rule covering this case and he felt, in view of this, that the Council could give Mr. Hubbell special consideration. Mr. McCormick said he would like to discuss the matter further with Mr. Ketler. Both Mr. Boyle and Mr. Hamilton have thoroughly investigated the case, and have advised the rules have been followed and there is no way Mr. Hubbell can legally be reinstated on the eligible list, Mr. McCormick advised. After further discussion Dr. Humiston asked the City Manager to have the Staff re-check the case to see what more can be done for Mr. Hubbell and report back to Council at its next meeting.

The report of Chief of Police on past and current traffic on Tyler Street from Center Street to So. 66th Street, requested by Councilman Stojack on May 6, 1957, was brought up for consideration. Mr. Rowlands called upon Capt. Bob Marshall who explained the enforcement policies of the Traffic Division. He answered questions asked by Council members, and denied that traffic officers are required to meet a certain quota of arrests. The men are sincere in their work and want to do a good job, Capt. Marshall added. Mayor Anderson thanked Capt. Marshall for his educational talk and commended the Department for the fine job they are doing in keeping traffic accidents at a minimum.

X
Mr. Rowlands reported on the Sewer and Watermain L. I.D. in the area from So. 46th Street to So. 49th Street between Hosmer and Lawrence Streets, in reply to questions asked relative to the status of these improvements, by Mr. C. Humphrey of 1731 So. 48th Street on April 22, 1957. He stated that L I D 1939 for the sanitary sewer was authorized on May 2, 1955 but Mr. McChes, who was in the process of grading the area for a housing development project, requested the City not to advertise for bids until he had completed the grading of the entire site. About four months ago Mr. Humphrey, who is now a partner of Mr. McChes, informed the Public Works Department they had completed grading operations, and, thereupon, the Water Division made a field survey to be used for the design of the Watermain District. This L I D is now under contract and work was scheduled to begin May 13th and bids on the sewer L I D 1939 were to be received on the same date, but up to the present time no request has been received for a grading L I D. In conclusion, Mr. Rowlands stated that the Director of Public Works has transmitted this information to Mr. Humphrey by telephone.

Mr. Rowlands called attention to a letter from the Civil Service Board, dated April 18, 1957. The Civil Service Board has ruled that the provisions of the Personnel Rules as they related to appointments made from the employment list for "Buyer" had been followed by the City, Mr. Rowlands reported. Mr. Ketler, of the Municipal Civil Service League, reminded the Council that his group realizes there was no violation of the Rule of Three in this appointment. He felt the Rule of Three was not being properly administered in many cases, particularly in promotional positions, as prejudices on the part of Supervisors and Directors too often enter into the case, and for some personal dislike an employee is prevented from receiving a promotion. He claimed this is occurring more often than the Council realizes, as in most instances an employee is reluctant to have the facts publicized. In the original draft of the rules the Supervisor was required to file a letter with the Personnel Director giving the reasons the first person was not certified, but this provision was eliminated. He felt it was up to the Council to see that the rules

be properly administered, and urged the Council to investigate why these things are happening. Mr. Stanley Fleming, who was by-passed by the Rule of Three in a Buyer's appointment, stated that this rule is being abused. Mr. Tollefson asked Mr. Ketler if he could compile a list of the cases where No. 1 has been overridden by No. 2 or No. 3 under the Rule of Three. Mr. Ketler replied that he would have to receive the consent of those involved in order to use their names. Dr. Humiston suggested that the Director of Personnel be asked for a list of the promotional examinations showing how many of those receiving appointments were not No. 1 on the list. The Council concurred in this suggestion.

Mr. Rowlands stated that the letter to the Council from Dean Barline, Director of Utilities, dated May 17, 1957, on the subject of "Industrial Water Supply from Wallup River", requested by Council on May 6, 1957, was self-explanatory. The report was placed on file. 250

NEW BUSINESS:

X Mr. Rowlands advised that it would cost approximately \$4,000 to install traffic lights on the approaches to the Sperry Tunnel, and said he felt this installation had merit and could be considered in the 1958 Budget. Mayor Anderson, who travels this route practically every day, said the traffic accident rates in this tunnel are very low and he did not believe the installation of traffic lights would be of much benefit. Mr. Berdue said he believed it would help during heavy traffic to have these lights operating. Mr. Rowlands said he would like to bring in more information about the traffic during peak hours in this tunnel for Council's information.

ITEMS RECEIVED FOR FILING IN THE OFFICE OF THE CITY CLERK:

Department of Public Utilities, report of Belt Line Division for April, 1957

Department of Public Utilities, report of Light Division for March, 1957.

Department of Public Utilities, report of Water Division for April, 1957.

COMMENTS BY THE CITY MANAGER:

X Mr. Rowlands advised Council that his staff is in the process of compiling a report on the six-year Capital Improvement Program for the City of Tacoma, which will give a composite picture of improvements contemplated within the next six years. Mr. Rowlands asked if the Council wished the City Planning Commission to review and approve the program before it is submitted to Council. This procedure was satisfactory to the Council members and approved by them. Mr. Rowlands said a preliminary report will be ready within two or three weeks. 33

X Mr. Rowlands distributed a communication from L. P. Staman, Director of Public Works, on the subject of "Gasoline Consumption Comparison" which stated that total savings for the first four months of 1957 amounted to 6,813 gallons @ \$.195 per gallon or \$1,328.56. This is for the most part due to the "Car Pool", Mr. Rowlands reported. The question was asked about whether or not the Utility Department was operating a car pool similar to the General Fund Departments. It was moved by Mr. Bratrud, seconded by Dr. Mattin, that the Director of Utilities for the Utility Department and the City Manager for the General Fund Departments be requested to submit to Council a report on how many cars are being driven home, the name of the employee, where the employee lives, and the reason the car is taken home. Motion carried on roll call: Ayes 8; Nays 0; Absent 1, Jensen. 191
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City Manager Rowlands checked with Council members on reservations and departure time for the Association of Washington Cities Convention in Bellingham Wednesday, Thursday and Friday of this week.

Upon motion duly seconded and carried, Council adjourned at 11:00 P.M.

John H. Anderson

President of City Council.

Attest: *Josephine Melton*

City Clerk.