

Council met in regular session. Present 6; Bratrud, Goering, Hooker, Humiston, Perdue, Tollefson. Absent 3; Battin, taking his seat at 7:40 P. M.; Jensen, and Stojack, taking his seat at 7:38 P. M.

It was moved by Col. Hooker, seconded by Mr. Perdue that the minutes of the previous meeting, copies of which had been mailed by the Clerk to each Councilmember, be approved and the reading thereof be dispensed with. Motion carried on roll call: Ayes 6; Nays 0; Absent 3; Battin, Jensen, Stojack.

#### PETITIONS:

Kermit Barnard, for renewal of license for garage Grade 2 at 2905 Marine View Drive. The Fire Chief recommends the petition be denied as the applicant has failed to make changes in the building to comply with requirements after numerous requests. The City Manager concurs in the recommendation. It was moved by Dr. Humiston, seconded by Mr. Perdue to concur in the recommendation of the Fire Chief and City Manager to deny the license of Kermit Barnard for Garage, Grade 2 at 2905 Marine View Drive. Carried on roll call: Ayes 7; Nays 0; Absent 2; Battin, Jensen.

Leon C. Gauthier, for license for Garage Grade 1 at 6945 South Stevens Street. The Building Inspector recommends the petition be denied as the property is not properly zoned. The Fire Chief and City Manager concur in the recommendation. It was moved by Dr. Humiston; seconded by Mr. Perdue to concur in the recommendation. Motion carried on roll call: Ayes 7; Nays 0; Absent 2; Battin, Jensen.

#### REMONSTRANCES:

Mrs. Walter Miller, et al, protesting the ruling of the City Planning Commission in allowing Jehovah's Witnesses to build a hall at East 72nd and L Streets. Read in full for Council's information. Attorney Arthur Knodel, representing Mr. Quinn, who was granted the permit, pointed out that same had been granted by the City Planning Commission after considering all facts. According to his interpretation of Section 37 of the Zoning Ordinance only the petitioner has a right to appeal in case his petition has been denied by the Planning Commission, he said. The wording of the above section does not grant the right of appeal to anyone opposing or protesting against the action of the Planning Commission and for this reason he does not believe Mrs. Miller's remonstrance should be given consideration, he added. Attorney Boyle agreed that this seemed to be the case but he said he had not had time to go into the matter fully and therefore is not in a position to give an opinion at this time. Mr. Knodel stated the petitioners had complied with the requirements of the Planning Commission as regards filing of a petition, and Mr. Quinn assured the Council there would be ample off-street parking provided. Mr. Stojack, who is a member of the Planning Commission, reported that the Commission was under the impression that objecting property owners also had the right to appeal and they were so informed at the hearing. A number of Council members felt that both petitioner and property owner should have the same right to appeal. After further discussion, at the suggestion of Mr. Boyle, it was moved by Mr. Bratrud, seconded by Dr. Humiston that the remonstrance be laid over for 1 week (to August 15th) to give the City Attorney an opportunity to review the ordinance. Carried on roll call: Ayes 8; Nays 0; Absent 1; Jensen.

#### COMMUNICATION:

John M. Coffee, calling attention of Council to a grievance of his client, George E. Miller, of 2326 South I Street, which property is situated on what would normally be South 23rd Street if it were cut through; stating the uncertainty of the status of the property and the nuisance of the adjacent McCarver Playfield is detrimental to the sale of his property, and asking that the situation be investigated by the Director of Public Works and a recommendation for solution be made. Referred to the City Manager.

RESOLUTIONS:Resolution No. 14356.BY TOLLEFSON:

Confirming appointment by Mayor of Mrs. I. G. Gimlett to serve as a member of the Library Board for the term expiring August 3, 1960.

Adopted on roll call August 8, 1955.  
Ayes 8; Nays 0; Absent 1; Jensen.

Resolution No. 14357.By BRATRUD:

Approving recommendation of the Director of Public Works and Board of Contracts and Awards and awarding contract for grading and surfacing of North James Street from North 17th Street to 300 feet south of North 11th Street, L I D 2235, to Paine-Gallucci, Inc. on its low bid of \$8535.78.

Adopted on roll call August 8, 1955.  
Ayes 8; Nays 0; Absent 1; Jensen.

Resolution No. 14358.By STOJACK:

Fixing Tuesday, September 6th, 1955 as the date for hearing on petition to vacate westerly 10 feet of Shirley Street extending from Sixth Avenue to South 12th Street. (Petition Fred G. Berto, et al -10-29-54). 154

Adopted on roll call August 8, 1955.  
Ayes 8; Nays 0; Absent 1; Jensen.

Resolution No. 14359.By STOJACK:

Fixing Tuesday, September 6th, 1955 as the date for hearing on petition to vacate alley between Sawyer Street and Cushman Avenue from Center Street south to the Northern Pacific Railroad right of Way. (Pet. Tide-Bay Co. 2-15-54). 154

Adopted on roll call August 8, 1955.  
Ayes 8; Nays 0; Absent 1 Jensen.

Initial Resolution No. 14360. L. I. D. 4571.By BRATRUD:

Stating intention of Council to order grading to established subgrade and placing thereon an asphaltic concrete or cement concrete surface 36 feet wide, with concrete curbs and gutters and necessary storm sewers on North Puget Sound from North 24th to 25th Street, and on North 25th Street from Puget Sound Avenue to Union Avenue; creating L I D 4571 and fixing September 6, 1955 as the date for hearing thereon. It was moved by Dr. Battin, seconded by Mr. Perdue to suspend Rule 9, carried unanimously on voice vote. The resolution was then passed without having been read in full. 159

Adopted on roll call August 8, 1955.  
Ayes 8; Nays 0; Absent 1; Jensen.

Resolution No. 14361.

By HOOKER:

Authorizing and directing the Director of Public Works to proceed with the construction of a compacted earth fill to replace the existing deteriorated East 34th Street Bridge and to complete said fill and install thereon a temporary oil mat surface until earth settlements have been completed, and to thereafter construct a permanent pavement as part of said project; and that the payment of the cost of said construction shall be made from the Street and Bridge Construction Fund of 1955. Moved by Col. Hooker, seconded by Mr. Perdue to suspend Rule 9 and carried unanimously on voice vote. The resolution was then adopted without having been read in full.

Adopted on roll call August 8, 1955.

Ayes 8; Nays 0; Absent 1; Jensen.

Resolution No. 14362.

By GOERING:

Authorizing the Investment Board to invest \$225,000.00 of the Local Improvement Guaranty Fund in United States Government Bonds.

Adopted on roll call August 8, 1955.

Ayes 8; Nays 0; Absent 1; Jensen.

FIRST READING OF ORDINANCES:

Ordinance No. 15399.      L. I. D. 2163.

Providing for improvement of the alley lying between McArthur and Myers Streets and extending from South 8th to South 10th Streets by grading and construction of oil mat thereon; creating L. I. D. 2163. Read by title and placed in order of final reading.

Ordinance No. 15400.      L. I. D. 1945.

Providing for the construction of sewers along the lines described as follows: from the existing sewer at South 19th Street and State Street west to the alley between State and Trafton Streets, thence south in said alley 415 feet; also a stub line extending approximately 65 feet west on South 19th Street from the alley; creating L. I. D. 1945. Read by title and placed in order of final reading.

Ordinance No. 15401.      L. I. D. 4563.

Providing for the improvement of the area from North 9th Street to North 15th Street and from Alder to Anderson by grading, paving and constructing concrete curbs and gutters and necessary storm drainage thereon; creating L. I. D. 4563. Read by title and placed in order of final reading.

Ordinance No. 15402.      L. I. D. 4559.

Providing for improvement of Shirley Street from North 26th Street to the north line of Nelson's 2nd Addition, by grading, paving and constructing cement concrete curb and gutter and necessary storm drainage thereon; creating L. I. D. 4559. Read by title and placed in order of final reading.

Ordinance No. 15403.

Amending Sections 15, 30 and 32 of Ordinance No. 14793 entitled: "An ordinance to regulate the location and use of buildings and the use of land within the City of Tacoma; to limit the height of buildings; to prescribe building areas and lines, and the size of yards and other open spaces, etc. (ZONING ORDINANCE). Read by title and placed in order of final reading.

FINAL READING OF ORDINANCES:Ordinance No. 15397.

Declaring the abandonment of any rights and privileges the City of Tacoma may have by virtue of a certain easement granted to the City by Joe Virgillo and Ellen Virgillo, husband and wife, by instrument dated November 24, 1933, and recorded May 15, 1934, in the Auditor's Office of Pierce County, Washington, under Auditor's fee no. 1112399, for the right and privilege to construct, operate and maintain a storm sewer over the west 10 feet of lots 17 to 24, inclusive in Block 4, Cottage Home Addition to Tacoma, Pierce County, Washington. Read by title. It was moved by Mr. Bratrud, seconded by Dr. Battin to suspend Rule 9, and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

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

Ordinance No. 15398.

Amending Ordinance No. 14793, entitled: "An ordinance to regulate the location and use of buildings and the use of land within the City of Tacoma; to limit the height of buildings; to prescribe building areas and lines, and the size of yards and other open spaces and for these purposes to divide the City into districts, etc." (ZONING ORDINANCE) by adding thereto a new section to be known as Section 8I (C-1 Commercial District on either side of 6th Avenue from Proctor St. to Madison Street). Read in full. Mr. J. M. Joseph was present in protest against the proposed amendment, stating he had purchased this property some time ago, for the purpose of relocating his tavern now situated at 2810-6th Avenue, and that the property at the time of purchase was in a "C-2" District. The property owners, upon learning what his intentions were, requested that the block be rezoned to "C-1", which would prohibit a tavern, and the City Planning Commission granted the petition, he said. The fact that a tavern was going in was not sufficient grounds for rezoning the property, he claimed, and the request should be given more study by the Planning Commission. Mr. Lloyd Selig of 3922-6th Avenue, claimed that the residents were under the impression the property was still in a "C-1" District but without their knowledge it had been reclassified to a "C-2" District when the present zoning ordinance was passed in May of 1953. The first indication they had of this change was when the Liquor Board posted a notice that Mr. Joseph had applied for a transfer of his tavern license, and they immediately circulated and filed with the City Planning Commission a petition for rezoning back to "C-1" and also filed a protest with the Liquor Board he added. Mr. M. W. Roberts of 3907 South 7th Street said the property owners were under the impression the whole affair was settled and the ordinance would be passed by the Council as a matter of routine, or there would have been a large delegation present tonight. He warned that they intend to do everything to oppose the relocation of this tavern. Mr. Stojack, who is on the City Planning Commission, said he felt Mr. Joseph had a reasonable complaint. He pointed out that the Field Committee of the Planning Commission was in disagreement when they inspected the location, and said he would like to learn why the property was put in a "C-2" district when the new zoning ordinance was drawn in 1953. He said he would like to have the Planning Dept. make a further study to ascertain if there is need for "C-2" or "C-1" District on 6th Avenue between Proctor and Madison. Mr. Perdue felt that since the majority of the property owners desire a "C-1" District and the City Planning Commission has approved it, the question should be voted on now. Mr. Bratrud agreed with Mr. Stojack and moved that Ordinance No. 15398 be postponed for two weeks to allow the City Planning Commission to make a further study. Motion seconded by Col. Hooker and carried on roll call: Ayes 5; Bratrud, Hooker, Humiston, Stojack, Tollefson. Nays 3; Battin, Goering, Perdue; Absent 1 Jensen. The ordinance was then laid over to August 22, 1955 for further consideration.

Ordinance No. 15377. (laid over to this date on July 25, 1955).

Vacating that portion of North 17th Street lying between North Lawrence Street and a point 151 feet east on said North 17th Street, or to the east boundary line of the College of Puget Sound, described as follows: The north 15 feet and the south 15 feet of North 17th Street lying between North Lawrence Street and a point 151 feet east therefrom; and retaining and reserving to the City of Tacoma certain easements therein for the construction, repair and maintenance of public utilities and services. Read by title. Moved by Dr. Humiston, seconded by Col. Baeken to suspend rule 9 and carried unanimously on voice vote. Mr. Backstrom reported that the College wants the entire street vacated rather than 15 feet on each side, as recommended by the Water Division and as provided by Ordinance No. 15377, which would leave a 20' strip in the center as a street. The College is willing to grant the Water Division a permanent easement if the entire street is vacated, Mr. Backstrom said. Mr. Kunigk, Superintendent of Water, was to advise the Council whether or not this is agreeable to the Department, but to date has not done so. In the event the Water Division agrees, it will probably be necessary to start the vacation proceedings over again, he added. It was moved by Dr. Humiston, seconded by Dr. Battin to postpone action on Ordinance No. 15377 for two weeks to August 22, 1955 and carried on roll call: Ayes 8; Nays 0; Absent 1; Jensen.

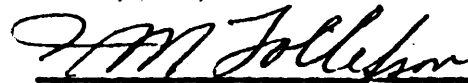
UNFINISHED BUSINESS:

The Director of Public Utilities submits assessment and assessment roll for cost of improvement in L I D 5230. It was moved by Dr. Humiston, seconded by Mr. Perdue that September 6, 1955 be fixed as the date for hearing on said assessment roll. Motion carried on roll call: Ayes 8; Nays 0; Absent 1; Jensen.

NEW BUSINESS:

Dr. Humiston reported that the Public Utility Committee met with Attorney Boyle and representatives of the Tacoma Transit Co. with reference to the request of the company for a change in student fares. With reference to the application of the Transit Co. for change in student fare, he said he would like to have the following motion made a part of the record. "Moved by Dr. Humiston that the City Attorney be instructed that in the event the Public Service Commission holds a public hearing on the matter, the City of Tacoma is to be represented by the City Attorney's staff in order that the Transit Co. will be required to give proof of the necessity for said change in rates." Motion seconded by Mr. Bratrud and carried on roll call: Ayes 8; Nays 0; Absent 1; Jensen.

Upon motion, duly seconded and carried, Council adjourned at 8:56 P. M.

  
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 President of City Council.

Attest:

  
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 Deputy City Clerk.