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COUNCIL CHAMBER, 7:40 P. M.

Monday, November 29, 1954.

Council met in regular session. Present 6; Battin, Goering, Hooker, Humiston, Perdue, Stojack. Absent 3; Bratrud, Jensen, Tollefson, who were attending the American Municipal Association Conference in Philadelphia, Pa. In the absence of the Mayor, Mrs. Goering, Vice-chairman of the City Council, presided.

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

RESOLUTIONS:

Initial Resolution No. 14100    L I D 4543

BY GOERING:

Stating intention of Council to order construction of asphaltic concrete paving, concrete curbs and gutters and storm sewers on Huson Drive from Moorlands Drive to South 16th Street; creating L I D 4543 and fixing December 21st, 1954 as the date for hearing thereon. It was moved by Dr. Humiston to suspend Rule 9, seconded by Mr. Perdue and carried unanimously on voice vote. City Manager Frank Backstrom reported that the original petition for this improvement had been 52%, but that in the meantime several have asked to have their names withdrawn from the petition. Attorney John D. Cochran advised the Council that the group of property owners he represents is asking the Council not to adopt this resolution and he presented a petition signed by the owners of a large amount of the property in the district, asking that the City take no action on this matter at the present time and that on June 1, 1955 or the nearest Council meeting thereafter a public hearing be held to determine the wishes of the majority. He claimed that this petition represented approximately 60% of the property owners. They are making this request because of the fact that it is a new district, and they are making payment on new homes and to put this improvement in now would work a financial hardship on these people, and in view of the petition he has filed, it would appear that there is no object in holding this hearing, as the district would undoubtedly be killed, he added. Mr. John H. Abeel and a number of other property owners disagreed with Mr. Cochran and said they felt they should have a voice in the matter also, and were in favor of holding the hearing on December 21st. Dr. Humiston pointed out that the usual procedure is to hold these hearings before the L I D Committee and at a date fixed by Resolution and he was in favor of adopting the resolution and thus give all a chance to be heard. Col. Hooker agreed with Dr. Humiston and felt the Council should not establish a precedent of having these things discussed or settled without a hearing before the L I D Committee. Roll was then called upon the adoption of the resolution.

Adopted on roll call November 29, 1954.

Ayes 6; Nays 0; Absent 3; Bratrud, Jensen, Tollefson.

Resolution No. 14101.

BY THE COUNCIL:

Amending Rule 1 of the Council Rules, adopted by Resolution No. 13657, to read as follows: The regular meetings of the City Council shall be held in the Council Chamber of the City Hall at 7:30 P. M. on Monday of Each week; if Monday of any week be a legal holiday, the regular meeting of that week shall be held at 7:30 P. M.

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the first business day following in place of Monday. Read in full and laid over for one week to December 6th, 1954 for final action in accordance with Rule 10 of the Council rules.

Initial Resolution No. 14102- L I D 2219.

GOERING:

Stating intention of Council to order grading to the established subgrade and placing thereon a gravel and crushed rock base, together with an oil mat surface, on Prospect Street from South 8th Street to South 12th Street; creating L I D 2219, and fixing January 4th, 1955 as the date for hearing thereon. It was moved by Dr. Humiston to suspend Rule 9, seconded by Mr. Perdue and carried unanimously on voice vote. The resolution was then adopted without having been read in full.

Adopted on roll call November 29, 1954.

Ayes 6; Nays 0; Absent 3; Bratrud, Jensen, Tollefson.

Resolution No. 14103.

HUMISTON:

Approving recommendation of the Director of Public Works and the Board of Contracts and Awards and awarding contract for furnishing tires and tubes for cars and trucks to Sam Pupo, doing business as Sam's Tire Service, on his low bid of \$7307.24, less turn-in allowance on old tires in the sum of \$1075.15, making a net bid in the sum of \$6232.09.

Adopted on roll call November 29, 1954.

Ayes 6; Nays 0; Absent 3; Bratrud, Jensen, Tollefson.

Resolution No. 14104.

STOJACK:

Fixing December 27th, 1954 at 7:30 P. M. as the date for hearing on petition to vacate the alley between Cedar and Junett Streets extending from South Tacoma Way to the South to Northern Pacific Railroad right of way on the north, being the alley between Blocks 11 and 12 of Junett's Addition; and a narrow strip of land extending between Cedar and Junett Streets along North side of Blocks 11 and 12 and between Northern Pacific Railroad right of way and Lots 1 and 2, Block 12 and Lots 1, 2 and 3, Block 11, Junett's Addition. 418

Adopted on roll call November 29, 1954.

Ayes 6; Nays 0; Absent 3; Bratrud, Jensen, Tollefson.

Resolution No. 14105.

HUMISTON:

Fixing December 27th, 1954 at 7:30 P. M. as the date for hearing on vacation of a portion of East N Street, described herein. (at East 37th and N Streets). 418

Adopted on roll call: November 29, 1954.

Ayes 6; Nays 0; Absent 3; Bratrud, Jensen, Tollefson.

Resolution No. 14106.

BY HUMISTON:

Authorizing sale to Clinton Batchelder of the premises at 3595 East M Street for sum of \$151.00, and premises at 3635 East M Street for sum of \$150.00; and sale to

Wesley R. Ross for a sum of \$10.00, the premises at 3701 East M Street, and to accept the offer of the White Ball Lumber Co. to have the houses located at 3603 East M Street and 3649 East M Street wrecked by the White Ball Lumber Co. without charge to the City of Tacoma in return for the material that may be salvaged.

Adopted on roll call November 29, 1954.

Ayes 6; Nays 0; Absent 3; Bratrud, Jensen, Tollefson.

FIRST READING OF ORDINANCES:

Ordinance No. 15171

Amending Ordinance No. 14793 entitled: "An ordinance to regulate the location and use of buildings and the use of land within the City of Tacoma; to limit the height of buildings; to prescribe building areas and lines, and the size of yards and other open spaces and for these purposes to divide the City into districts; etc." by adding thereto a new section to be known as Section 9D (C-2 commercial district property located at south 40th and Yakima). Read by title and placed in order of final reading.

Ordinance No. 15172.

Authorizing and directing the City Attorney of the City of Tacoma to purchase and/or institute and prosecute an action in the Superior Court of the State of Washington, for Pierce County, under the right of eminent domain, for the condemnation and acquisition in fee simple of certain tracts or parcels of land for the purpose of acquiring a right of way for a street, and the further acquisition of slope rights on other property immediately adjacent to said street, in the vicinity of South Lawrence Street between South 30th and South 29th Streets; and providing for the payment therefor. Read by title and placed in order of final reading.

Ordinance No. 15173.

Amending Section 62g of Ordinance No. 14892, entitled: "An ordinance to provide for licensing and regulating the operation of certain devices, vehicles and things, and the carrying on of certain businesses, callings, professions, trades, occupations and activities in the City of Tacoma; to provide for the suspension and revocation of licenses issued; to establish license fees; to provide a penalty for the violation hereof, etc." (Sec. 62g- Identification- Taxicabs, limousine and charter service). Read by title and placed in order of final reading.

Ordinance No. 15174.

Authorizing the execution and delivery of an agreement between the City of Tacoma and the Metropolitan Park District of Tacoma, providing for a grant by the City of not to exceed \$250,000 to the Park District, necessary to provide for continuous operation, maintenance and improvement of the Park system during the year 1955; and prescribing the terms of said grant. Read by title and placed in order of final reading.

Ordinance No. 15175.

Amending Ordinance No. 13931 entitled: "An ordinance increasing and establishing certain revolving fund advances for use in payment of current and incidental expenses in connection with the operation of various offices in the Department of Public Utilities; and authorizing the Director of Finance to issue a warrant or warrants on the Light Fund for the purpose of so increasing and establishing said funds to a total of \$1215.00. by increasing the Revolving Fund advance of the Light Division, Chief Accountant, to a total of \$5,000; and authorizing the Director of Finance to issue a warrant or warrants on the Light Fund in the sum of \$2000.00 for said purpose. Read by title and placed in order of final reading.

Authorizing and directing the City Attorney of the City of Tacoma to purchase or institute and prosecute an action in the Superior Court of the State of Washington, Lewis County or the United States District Court, Western District of Washington, South- Division, under the right of eminent domain, for the purpose of providing a site for location of a dam and to provide a reservoir area for the Mayfield dam and a reser- area for the Mossyrock dam, Read by title and placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 15162.

Authorizing and directing the City Attorney of the City of Tacoma to purchase or institute and prosecute an action in the Superior Court of the State of Washing- ton, for Pierce County, under the right of eminent domain, for the condemnation and acquisition in fee simple of certain tracts or parcels of land for the purpose of widen- and improving South 19th Street from Mason Avenue to Orchard Street; and providing for the taking and damaging of said tracts or parcels of land and property rights and privileges; and providing for the payment therefor. Read by title. It was moved by Col. Hooker, seconded by Dr. Humiston to suspend Rule 9 and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

Roll call: Ayes 6; Nays 0; Absent 3; Bratrud, Jensen, Tollefson.

Ordinance No. 15163. L I D 2193.

Approving and confirming assessment roll for cost of improvement in Local Im- 356  
provement District No. 2193. Read by title. It was moved by Dr. Humiston to suspend Rule 9, seconded by Mr. Perdue and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

Roll call: Ayes 6; Nays 0; Absent 3; Bratrud, Jensen, Tollefson.

Ordinance No. 15164. L I D 2166.

Approving and confirming the assessment and assessment roll for cost of improve- ment in Local Improvement District No. 2166. Read by title. It was moved by Dr. Humis- ton, seconded by Col. Hooker to suspend Rule 9. Motion carried unanimously on voice 356  
vote. The ordinance was then passed without having been read in full.

Roll call: Ayes 6; Nays 0; Absent 3; Bratrud, Jensen, Tollefson.

Ordinance No. 15165. L I D 4529.

Approving and confirming the assessment and assessment roll for cost of improve- ment in Local Improvement District No. 4529. Read by title. It was moved by Dr. Humis- ton, seconded by Col. Hooker to suspend Rule 9. Motion carried unanimously on voice 356  
vote. The ordinance was then passed without having been read in full.

Roll call: Ayes 6; Nays 0; Absent 3; Bratrud, Jensen, Tollefson.

Ordinance No. 15166. L I D 2081.

Approving and confirming the assessment and assessment roll for cost of improve- ment in Local Improvement District No. 2081. Read by title. It was moved by Dr. Hum- 356  
iston to suspend Rule 9, seconded by Mr. Stojack and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

Roll call: Ayes 6; Nays 0; Absent 3; Bratrud, Jensen, Tollefson.

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Ordinance No. 15167.

Repealing Ordinances Nos. 14646 (L I D 1885); 14662 ( L I D 1817) and 14672 (LID 2061). Read in full. In reply to a question as to why these ordinances were being repealed, Mr. Backstrom advised that it is at the request of Chambers Fanning Co., formerly George D. Barclay Co., owners of 47% of the property involved, who find it impossible to make definite plans for the development of the property they own at the present time. He also stated that much of the property has changed hands since the improvements were initiated and the new owners do not want the improvements. After this explanation the ordinance was passed.

Roll call: Ayes 6; Nays 0; Absent 3; Bratrud, Jensen, Tollefson.

Ordinance No. 15168.     L I D 4544.

Providing for the improvement of the alley between Sixth Avenue and South 7th Street from Sprague Avenue to Grant Street by grading and paving; creating Local Improvement District No. 4544. Read by title. Moved by Dr. Humiston, seconded by Col. Hooker to suspend Rule 9 and carried unanimously on voice vote. The Clerk reported that at the hearing date 57.1% remonstrance had been filed and since that time additional protests have been brought in, making the remonstrance 65.4% at the present time. Roll was called on the passage of the ordinance without same having been read in full.

Roll call: Ayes 0; Nays 6; Absent 3, Bratrud, Jensen, Tollefson. The ordinance was declared lost on roll call.

Ordinance No. 15169.     L I D 2214.

Providing for the improvement of the east side of Baltimore Street from North 26th Street to approximately 130 feet north of North 27th Street, and also on both sides of North 27th Street from Baltimore Street for approximately 291 feet east, by construction of sidewalks thereon; also grading and oil mat on North 27th Street from Baltimore Street from approximately 291 feet east; creating Local Improvement District No. 2214. Read by title. It was moved by Dr. Humiston to suspend Rule 9, seconded by Col. Hooker and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

Roll call: Ayes 6; Nays 0; Absent 3; Bratrud, Jensen, Tollefson.

Ordinance No. 15170.     L I D 5240.

Providing for the construction of an 8-inch cast iron water main in Winnifred Street from Sixth Avenue to South 11th Street, in Shirley Street from South 9th Street to South 11th Street, and a 6-inch cast iron water main in South 11th Street from Winnifred Street to Shirley Street; creating Local Improvement District No. 5240. Read by title. It was moved by Dr. Humiston, seconded by Mr. Perdue to suspend Rule 9. Motion carried unanimously on voice vote. The Ordinance was then passed without having been read in full.

Roll call: Ayes 6; Nays 0; Absent 3; Bratrud, Jensen, Tollefson.

UNFINISHED BUSINESS:

The L I D Committee reported that at the hearing on L I D 5230- cast iron water main in Frances Avenue, Beverly Ave. and Scenic Drive situated within and adjacent to Beverly Heights, held on November 16th, 1954, Mr. Stenger, City Water Department Engineer, reported that the Department had not been able to negotiate with the property owners in acquiring property in the area, consequently no notices were sent out advising the property owners of the date of hearing, and he suggested that the L I D Committee abandon this district at the present and that another resolution be adopted later when the property can be obtained.

In view of this suggestion, the L. I. D. Committee recommends to Council that this district be abandoned. It was moved by Dr. Huniston, seconded by Col. Hooker to concur in the recommendation of the L I D Committee. Motion carried unanimously.

This being the date fixed by Resolution No. 14072, adopted October 25, 1954, for hearing on petition of American Smelting and Refining Co. (7-21-54) for vacation <sup>363</sup> of Campbell Street and Edwards Street from Ruston Way to the government bulkhead line, the Clerk reported the posting of the notices required by law and the filing of an affidavit of such posting. Also reported that the fee of \$30.00 had been paid by the petitioners and no remonstrances had been filed against the proposed vacation. It was also reported that the City Planning Commission recommends approval of the vacation, that the Light and Water Divisions have no objections to the granting of the petition. The Clerk advised that she was notified by the Public Works Department that the appraisal figure for the property to be vacated had not been submitted and therefore the petitioners had not been able to pay the City this amount, and the Department suggested that the hearing be continued to December 20th. Mr. Earl Marble, Manager of the Smelter, was called upon and explained to the Council that his company desires to obtain this property for the purpose of making a fill to connect their premises with property of the Old Defiance Mill, which they have acquired through purchase. He stated that the only way the Company could expand was to buy the Defiance Mill Property on the south and unless these two streets are vacated and filled in so that a track can be built to connect them with the main plant, they cannot use the property. He pointed out that neither of these streets are used for street purposes and in fact both are under water at high tide. After considerable discussion, it was moved by Col. Hooker, seconded by Mr. Perdue that the City Attorney be instructed to bring in an ordinance to vacate the property if and when the appraisal fee is paid by the American Smelting and Refining Co. Motion carried unanimously.

Col. Hooker reported that he would be absent from the Council meeting next Monday as he was going to Pullman for a week.

Upon motion, duly seconded and carried, Council then adjourned at 8:45 P. M.

*Clara E. Gering*  
 Vice President of the City Council.

Attest: *Josephine Melton*  
 City Clerk.