

MAR 5 1956

COUNCIL CHAMBER, 7:40 P.M.

Monday, March 5, 1956.

COUNCIL met in regular session. Present 9; Battin, Bratrud, Goering, Hooker, Humiston, Jensen, Perdue, Stojack, Tollefson.

It was moved by Dr. Battin, seconded by Mr. Perdue, that the minutes of the previous meeting, copies of which had been mailed by the City Clerk to each Council member, be approved and the reading thereof be dispensed with. Motion carried unanimously on voice vote.

PETITIONS:

Forrester, Inc., et al., for rezoning from an R-4 District to an R-4T District Lots 7 to 10, inc., Block 721, Map of New Tacoma, located at South 8th and K Streets. Referred to City Planning Commission.

RESOLUTIONS:

Resolution No. 14546.     L I D 1954.     X

By JENSEN:

264 Stating intention of Council to order laying of sanitary or local sewers on Highland Street and Winnifred Street from North 30th Street to the North line of Nelson's 2nd Addition; creating L I D 1954 and fixing April 3, 1956 as the date for hearing thereon.

Adopted on roll call March 5, 1956.  
Ayes 9; Nays 0; Absent 0.

Resolution No. 14547.

By GOERING:

Approving recommendation of the Director of Public Works and Board of Contracts and Awards and awarding contract for L I D 2236 to Paine-Gallucci, Inc. on its low bid of \$3,520.67- grading and surfacing and storm sewer on East C Street from East 46th Street to East 48th Street.

Adopted on roll call March 5, 1956.  
Ayes 9; Nays 0; Absent 0.

Resolution No. 14548.

By GOERING:

Approving recommendation of the Director of Public Works and Board of Contracts and Awards and awarding contract to Paine-Gallucci, Inc. on its low bid of \$6070.72, for L I D 4568--paving North Cedar from North 28th to North 29th; and storm sewer on North Cedar from North 29th to North 30th Street.

Adopted on roll call March 5, 1956.  
Ayes 9; Nays 0; Absent 0.

Resolution No. 14549.

By GOERING:

Approving recommendation of Director of Public Works and Board of Contracts and Awards and awarding to Kendall Construction Co. on its low bid of \$3,956.65 the contract for L I D 4587--asphalt paving, etc. on North 33rd Street from Alder to Cedar.

Adopted on roll call March 5, 1956.

Ayes 9; Nays 0; Absent 0.

Resolution No. 14550.

By Goering:

Approving recommendation of Director of Public Works and Board of Contracts and Awards and awarding to Kendall Construction Co. on its low bid of \$10,327.45 the contract for L I D 4569--paving on North 28th Street from Stevens to Cheyenne.

Adopted on roll call March 5, 1956.

Ayes 9; Nays 0; Absent 0.

Resolution No. 14551.

By GOERING:

Approving recommendation of Director of Public Works and Board of Contracts and Awards and awarding to Kendall Construction Co. on its low bid of \$16,811.74 the contract for L I D 4558-- paving Bell Street from South 56th Street to South 60th Street, and cement sidewalks from South 58th to South 60th, and extension of sanitary sewer between South 56th and South 58th.

Adopted on roll call March 5, 1956.

Ayes 9; Nays 0; Absent 0.

Resolution No. 14552.

By BATTIN:

Authorizing and directing proper officers to purchase one electric typewriter, 12-inch carriage, for use in Manager's Office, as replacement for typewriter now in disrepair, and that payment not in excess of \$400.00 be made from Cumulative Reserve Fund- Capital Outlay.

Adopted on roll call March 5, 1956.

Ayes 9; Nays 0; Absent 0.

Resolution No. 14553.

By JENSEN:

Approving recommendation of the Director of Public Works and Board of Contracts and Awards and awarding to George Madsen Co. on its low bid of \$14,676.63 the contract for L I D 4575-concrete pavement and storm sewer on

East Harrison Street, from East F to McKinley Avenue.

Adopted on roll call March 5, 1956.  
Ayes 9; Nays 0; Absent 0.

Resolution No. 14554.

By JENSEN:

Approving recommendation of Director of Public Works and Board of Contracts and Awards and awarding to George Madsen Co. on its low bid of \$30,462.50 the contract for W. O. 6511, for constructing new walks and replacing defective walks, curbs, etc. in various locations.

Adopted on roll call March 5, 1956.  
Ayes 9; Nays 0; Absent 0.

Resolution No. 14555.

By JENSEN:

Approving recommendation of the Director of Public Works and Board of Contracts and Awards and awarding to Concrete Construction Co. on its low bid of \$2517.95 the contract for L I D 4590--for constructing cement concrete paving on Boundary Street from Center Street south 100 feet.

Adopted on roll call March 5, 1956.  
Ayes 9; Nays 0; Absent 0.

Resolution No. 14556.

By BATTIN:

Authorizing proper officers of City to purchase one electric typewriter, one drafting machine and one tilt-top drafting table for use in the Planning Department, at not to exceed \$425.00 to be appropriated from Cumulative Reserve Fund- Capital Outlay.

Adopted on roll call March 5, 1956.  
Ayes 9; Nays 0; Absent 0.

Resolution No. 14557.

By HUMISTON:

Authorizing a temporary loan in sum of \$100,000 from the General Fund to the Library Fund, said loan to be repaid not later than December 31, 1956 out of taxes received during the year 1956.

Adopted on roll call March 5, 1956.  
Ayes 9; Nays 0; Absent 0.

Resolution No. 14558.

By STOJACK:

35) Fixing Monday, April 2, 1956 as the date for hearing on petition to vacate East 58th Street from East B Street to East D Street. (Petition Metropolitan Park District, et al).

Adopted on roll call March 5, 1956.  
Ayes 9; Nays 0; Absent 0.

Resolution No. 14559.By STOJACK:

Fixing Monday, April 2nd, 1956 as the date for hearing on petition 353  
to vacate certain streets and alleys between Vassault Street and Mildred Street  
from South 8th Street to South 10th Street. (petition Tacoma School District  
No. 10)

Adopted on roll call March 5, 1956.  
Ayes 9; Nays 0; Absent 0.

Resolution No. 14560.By JENSEN:

Forming a committee of five members, to be known as the "Citizen's Advisory Committee" for the selection of a permanent City Manager, which members shall serve without compensation, and setting forth the manner in which they shall be selected or appointed. Mr. Jensen, sponsor of the Resolution, stated that this procedure follows a standard practice of governmental agencies, which make use of advisory boards on technical matters. It is his intent that this committee would act merely in an advisory capacity and would not be called in until preliminary applicants have been screened. He felt such a committee would give the Council the assistance of men who are accustomed to hiring top-salaried employees and would keep faith with the citizens and tend to bring the City government closer to the people, Mr. Jensen contended. This committee would sit in on the interviews and make recommendations on first, second and third choice, and the City Council would have the right to either accept or reject their recommendations, Mr. Jensen stated. In reply to a question as to why these particular groups were selected, Mr. Jensen said it was because they have city wide representation. Mr. Bratrud said that the Municipal League had approved the idea when he talked to them a few weeks ago. The matter was discussed at length and the Mayor expressed the feeling of a number of the Council Members when he said the selection of a City Manager was the duty of the City Council (Section 3.1 of the City Charter). He also said that he didn't know of any one who had better training than the members of the City Council as they have had three years experience with this form of government. He felt it was dangerous to appoint a Committee which would be subject to pressure and influence in making the selection, Mayor Tollefson said. If such a Committee were appointed, it should merely sit with the Council and listen to applicants and make individual recommendations rather than one recommendation by the Committee as a whole. Dr. Battin agreed with the Mayor, but he also said he felt advisory Committees are valuable in many instances. It was moved by Dr. Battin, seconded by Col. Hooker, to table the resolution. It was moved by Mr. Bratrud, seconded by Mr. Jensen to amend the motion to read "to table the resolution until April 16th", which was ruled out of order under Roberts' Rules of Order as a motion to table permits no discussion or amendment. Roll was then called on the original motion, which carried: Ayes 6; Battin, Goering, Hooker, Humiston, Perdue, Tollefson. Nays 3; Bratrud, Jensen, Stojack.

Resolution No. 14561.By JENSEN:

Authorizing private sale to Chester F. Simons and Vivian L. Simons of Lot 12, Block 24, Midway Addition (vacant land located at N. E. corner of South 72nd and L Streets) for the sum of \$20.00 in cash.

Adopted on roll call March 5, 1956.  
Ayes 9; Nays 0; Absent 0.

Resolution No. 14562.By BATTIN:

Adopting and approving the revised City Street Fund Program for 1956, marked for identification as "Attachment No. 1", attached hereto and incorporated herein as part of this resolution by this reference thereto.

Adopted on roll call March 5, 1956.  
Ayes 9; Nays 0; Absent 0.

The Clerk reported that she had been handed a resolution for adoption by the Council to-night, which was not on the Agenda. It was moved by Dr. Humiston, seconded by Mr. Perdue, to suspend Rule 7 (relative to filing of new matter for Council's consideration). Motion carried unanimously on voice vote.

Resolution No. 14563.By HOOKER:

Appointing Diane Grady, aged 12, of 5404 South N Street, as an Honorary Junior Auxiliary Police Woman; and officially commending her for her bravery and courageous action on the night of February 25, 1956, which resulted in the capture of a man suspected of robbing Fry's Fine Foods Store, across the street from her home.

Adopted on roll call March 5, 1956.  
Ayes 9; Nays 0; Absent 0.

FIRST READING OF ORDINANCES:Ordinance No. 15556.

Appropriating the sum of \$36,084.00 from the City Street Fund for purpose of providing additional permanent Street L I D participation. Read by title and placed in order of final reading.

Ordinance No. 15557.

Vacating South Stevens Street from South 19th Street to South 23rd Street, South Verde Street from South 19th Street to South 23rd Street, South 21st Street from Mason Avenue to Cheyenne Street, the alley between Mason Avenue and Stevens Street from South 19th Street to South 21st Street, the alley between Stevens Street and Verde Street from South 19th Street to South 23rd Street and the alley between Verde Street and Cheyenne Street from South 19th Street to South 23rd Street, all said streets and alleys being in West Park Addition to the City of Tacoma. (Petition Metropolitan Park District). Read by title and placed in order of final reading.

Ordinance No. 15558.

Vacating that portion of South Junett Street extending from South 37th Street to South 38th Street. (Petition Bart A. Hogeberg, et ux). Read by title and placed in order of final reading.

The Clerk reported that an ordinance which was not on the Agenda had been handed her with the request that it be given first reading tonight. It was moved by Dr. Humiston, seconded by Dr. Battin, to suspend Rule 7 (relative to filing of new matter for Council's consideration.) Motion carried unanimously on voice vote.

Ordinance No. 15559.

Authorizing and directing the City Attorney to purchase and/or 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 of certain property, property rights and privileges for the purpose of widening and improving South 19th Street from "I" Street to Orchard Street; and providing for the taking and damaging of said property rights and privileges; and providing for the payment thereof. Read by title and placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 15545.      L I D 4574.

Providing for improvement of alley between North 21st and North 22nd Street from 234 feet west of Cedar Street to Cedar Street, by grading and placing thereon an asphaltic surface; creating L I D 4574. Read by title and passed. 286  
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Roll call: Ayes 9; Nays 0; Absent 0.

Ordinance No. 15546.      L I D 1945.

Approving and confirming assessment and assessment roll for cost of improvement in L I D 1945--for sanitary or local sewers 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. Read by title and passed. 287

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

Ordinance No. 15547.      L I D 2202.

Approving and confirming assessment and assessment roll for cost of improvement in L I D No. 2202--gravel, crushed rock and oil mat surface, together with necessary storm drainage along Winnifred Street from 6th Avenue to South 11th Street. Read by title and passed. 287

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

Ordinance No. 15548.      L I D 2238.

Approving and confirming assessment and assessment roll for cost of improvement in L I D 2238-- cement concrete sidewalks on South side of South 17th Street from Adams to Washington; on west side of Washington from South 17th to South 18th; and on north side of South 18th from Adams Street to Washington. Read by title and passed. 287

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

Ordinance No. 15549.      L I D 4541.

Approving and confirming the assessment and assessment roll for the cost of the improvement in L I D 4541--asphaltic concrete pavement on South 53rd Street from South D Street to Pacific Avenue. Read by title and passed. 287

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

Ordinance No. 15550.      L I D 4549.

Approving and confirming assessment and assessment roll for cost of improvement in L I D 4549--cement concrete pavement in the alley between I and J Streets from North 9th Street to North 10th Street. Read by title and passed. 287

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

Ordinance No. 15551. L I D 4551.

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Approving and confirming the assessment and assessment roll for the cost of improvement in L I D 4551--cement concrete pavement in the alley between South D Street and Pacific Avenue from South 38th Street to South 40th Street. Read by title and passed.

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

Ordinance No. 15552. L I D 4556.

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Approving and confirming assessment and assessment roll for the cost of improvement in L I D 4556-- resurfacing with asphaltic concrete South 13th Street from Broadway to K Street; Ainsworth Avenue from Division to Sixth Avenue and Puyallup Avenue from Winthrop Avenue to East G Street. Read by title and passed.

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

Ordinance No. 15553.

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Vacating that portion of alley between South H Street and South Sheridan Avenue, extending from South 11th Street to South 12th Street, being all of the alley between said streets as platted in Thompson's Addition and Alliance Addition. (Petition Safeway Stores Inc., et al). Read by title and passed.

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

Ordinance No. 15555.

Directing the proper officials of the City of Tacoma to transfer the sum of \$33,366.60 from the Water Construction Fund of 1952 to the Water Fund. Read by title and passed.

Roll call: Ayes 9; Nays 0.

UNFINISHED BUSINESS:

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This being the date to which Council continued the hearing on the petition of the Northwest Chair Co., et al. for vacation of the portion of the alley between South Trafton and South State Streets extending from South Tacoma Way south, and abutting upon Lots 1 to 3 inclusive in Block 6, and Lots 2 to 5 inclusive in Block 5, Prescott Park Addition, the matter was brought up 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 petitioners and that no remonstrances had been filed against the proposed vacation. City Manager Boyle advised that the hearing had been continued last week to clarify the City's interest in the Old Flume Line right of way extending along South Tacoma Way. As a result of the investigation into the title concerning the Old Flume Line right of way, they have worked it out to exclude any property belonging to this right of way and are asking the Council to change the description of the property to be vacated to read as set forth in the letter from Paul Nolan, Asst. City Attorney, which is in the file. Mr. T. A. Hill and Attorney John J. Reha, Jr. representing the petitioners, stated that the amended description has been agreed to by the petitioners. The vacation can be properly approved for the amended description, Mr. Boyle advised. It was moved by Dr. Humiston, seconded by Dr. Battin that the petition be granted for vacation of the property recommended by the Legal Department and that the City Attorney be instructed to draw an ordinance vacating this property. Motion carried on roll call: Ayes 9; Nays 0; Absent 0.

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This being the date fixed by Resolution No. 14521, adopted by the Council on February 6, 1956, for hearing on petition of John S. Baker Investment Co, et al, requesting the City of Tacoma to vacate that portion of Court C above the elevation of 164.0 feet, City of Tacoma Datum, lying between Lots 21 to 26 inc., Block 1106, and Lots 21 to 26 inc., Block 1107, Map of New Tacoma (north of South 13th Street), 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 \$50.00 had been paid by the petitioners and that no remonstrances had been filed against the proposed vacation. Mr. D. C. Sahlin, representing the petitioners, advised the Council that this request is made in order to enlarge Sears-Roebuck Store by building on top of the existing overpass. They now have 8 feet, granted by a previous vacation proceeding, but this is not sufficient to construct a one story floor, so they are now asking for additional space, Mr. Sahlin explained. He also pointed out that the proposed addition will not change the existing clearances on Court C. The vacation having been approved by City Departments affected, it was moved by Mr. Bratrud, seconded by Col. Hooker that the petition be granted and the City Attorney be instructed to draw an ordinance providing for the vacation. Motion carried on roll call: Ayes 9; Nays 0; Absent 0.

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This being the date fixed by Resolution No. 14525, adopted by the Council on February 6, 1956, for hearing on petition of College of Puget Sound, for vacation of North 17th Street from North Lawrence Street 151 feet east to the east boundary of the College of Puget Sound Property, 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 \$50.00 had been paid by the petitioner and that no remonstrances had been filed against the proposed vacation. Mr. Boyle reported that this request had been before the Council some time ago, but due to objections of the Water Division on account of the water main involved, and the requirement by the Public Works Department that a turn-around be installed, the College was unwilling to accept the vacation, which left a strip 10 feet wide in the middle as a City street. Conferences have been held and as a result the Water Department has agreed to withdraw its objection if the College returns to the City the right to maintain the watermain; and the Public Works Department likewise has agreed to withdraw its objections, providing the petitioner pays for the turn-around, Mr. Boyle added. The College has agreed to these conditions, and the City Planning Commission has approved the vacation, Mr. Boyle reported. President R. Franklin Thompson of the College of Puget Sound, advised that they have been in conference with the Public Works Department and the plans for the turn-around are completed and installation can be made as soon as the vacation is completed. It was moved by Dr. Humiston, seconded by Col. Hooker that the petition be granted and the City Attorney directed to draw an ordinance, vacating the street and embodying the conditions required by the City. Motion carried on roll call: Ayes 9; Nays 0; Absent 0.

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This being the date fixed by Resolution No. 14530, adopted by the Council on February 6, 1956, for hearing on petition of Tacoma School District No. 10, et al, requesting the City of Tacoma to vacate the north 6 feet of South 37th Street from the east line of G Street to the east line of Park Avenue, and the north 16 feet of said South 37th at the intersection of South 37th and Park Avenue, the Clerk reported the posting of the notices required by law and the filing of an affidavit of such posting. Also reported that the required fee had been paid and that no remonstrances had been filed against the proposed vacation. Mr. Boyle reported that this involves a narrow strip 6 feet in width on South 37th Street adjacent to Lincoln High School, to permit construction of an addition to this school. The street is of sufficient width to permit this reduction; the School Board has agreed to comply with all reservations of the Light Department, and the City Planning Commission has approved the vacation, Mr. Boyle added. It was moved by Dr. Humiston, seconded by Dr. Battin that the

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petition be granted and the City Attorney be instructed to draw an ordinance vacating the street. Motion carried on roll call: Ayes 9; Nays 0; Absent 0.

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The City Planning Commission reported back on the petition of Harry G. Johns, et al (12-12-55) for rezoning from an R-2 District to a C-2 District 120 feet on the east side of Pacific Avenue between South 86th and South 87th Street, and advised that at its regular meeting of February 21, 1956, the Commission recommended denial of this petition; and gave reasons for making this recommendation; and stated that the petitioner has been informed of his appeal rights. Mr. Buehler of the Planning Commission Office advised Council that Mr. Johns must have this request for appeal filed by March 8th, and suggested that the matter be laid over to next week to ascertain if an appeal is filed within the time limit. It was moved by Mr. Jensen to lay the matter over for one week to Monday, March 12, 1956. Motion seconded by Col. Hooker and carried on roll call: Ayes 9; Nays 0; Absent 0.

NEW BUSINESS:

The Mayor read a letter from Marcus E. Anderson, which stated that since considerations which would have made his service as Acting City Manager embarrassing to the Council might also make his service as Assistant City Manager embarrassing, he is respectfully offering his resignation as Assistant City Manager, effective at the wishes of the City Council. Mayor Tollefson stated that the entire Council respects Anderson's untiring efforts on behalf of the City of Tacoma, and that the City needs his experience more right now than ever before. Moreover it is not up to the Council to accept this resignation, as it has no jurisdiction over or power to hire or fire the assistant City Manager, the Mayor added. Acting Manager Boyle said this letter was a surprise to him and he would be unhappy if any action were taken to accept it, and in fact the City might find themselves with two resignations on its hands. It was moved by Dr. Humiston, seconded by Mrs. Goering that insofar as the Council has jurisdiction we decline to accept the resignation. Motion carried unanimously.

Dr. Humiston called attention to the letter from the City Council Finance Committee on the subject of "Surplus General Funds at the Close of the Fiscal year 1955 and recommendation for reappropriation" which had been sent to each Council member with this week's agenda. Numerous items contained therein were discussed and explained. Mr. William LeVeque, member of the Library Board, told of the difficulty they have been experiencing in an endeavor to give increased service on the same budget as they have been operating under for the past number of years. He expressed the appreciation of the Library Board for the \$10,000 which they have been informed the Committee has recommended be allocated to their department. At the conclusion of the discussion, it appeared that the recommendations of the Finance Committee were satisfactory to the balance of the Council, and Dr. Humiston, Chairman of the Committee, said he would request that an ordinance be prepared to cover same.

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Mr. Bratrud, Chairman of the County-City Building Committee, submitted a progress report. He stressed that the Committee has no power to make any commitments, but is only for the purpose of gathering important facts and reporting back to the Council for its final action, saying there seems to be a good deal of misunderstanding and misinformation on this matter. The Committee has made the following suggestions and requests to the County Commissioners, Mr. Bratrud reported: (1) Suggest that the successful bidders be asked for more time after March 22nd in which to allow the contracts to be awarded; (2) What figure the architect's fee is to be based on, six or ten million dollars; (3) The total cost of the project to the City; (4) What changes would have to be made in the lease; (5) a letter stating exactly what the County wants from the City. Until this information is received, they won't have any recommendations to make on the matter, Mr. Bratrud added.

Attorney Jack Tanner, President of the local Chapter of the National Association for the Advancement of Colored People (NAACP) informed the Council that their local has passed a resolution opposing the selection of a City Manager from any state which has "Jim Crow" laws. He also suggested that some consideration be given to a Council advisory committee on inter-racial relations, which would work on segregation problems and discrimination presented in schools, parks, employment in City service as well as outside employment, housing, etc. They are not asking for special favors but just for equal treatment, Mr. Tanner said. In conclusion he thanked the Council for the consideration given him at tonight's meeting.

Upon motion, duly seconded and carried, Council then adjourned at 10:40 P.M.

*W. M. Jolley*  
 \_\_\_\_\_  
 President of City Council

Attest: *Josephine Melton*  
 \_\_\_\_\_  
 City Clerk.