

COUNCIL CHAMBERS, 7:38 P.M.

Monday, August 15, 1955.

Council met in regular session. Present 7, Bratrud, Goering, Hooker, Humiston, Jensen, Perdue, Tollefson. Absent 2; Battin, taking his seat at 7:45 P.M. and Stojack, taking his seat at 7:41 P. M.

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 Councilmember, be approved and the reading thereof be dispensed with. Motion carried on roll call: Ayes 6; Nays 1; Jensen (not voting); Absent 2; Battin, Stojack.

PETITIONS:

A. A. Auto Parts Inc., for towing and wrecking license at 3802 Pacific Avenue. License Inspector A. O. Peterson recommends the petition be denied as they do not comply with the ordinance as to parking space requirements. The City Manager concurs in the recommendation. It was moved by Dr. Humiston, seconded by Mr. Perdue to concur in the recommendation and carried on roll call: Ayes 7; Nays 0; Absent 2; Battin, Stojack.

Mrs. E. Hammer, for license for dog kennel at 1209 South 72nd Street. The Building Inspector recommends the petition be denied for the reason that the premises are not properly zoned. The City Manager concurs in the recommendation. Moved by Dr. Humiston, seconded by Mr. Perdue to concur in the recommendation, and carried on roll call: Ayes 7; Nays 0; Absent 2; Battin, Stojack.

Osgar Dell Jones, for license for Garage-grade 1 at 1775 South Jackson. The Fire Chief recommends the petition be denied for the reason that the company will not provide adequate fire extinguishers, although ample time to comply has been allowed. The City Manager concurs in the recommendation. It was moved by Dr. Humiston, seconded by Mr. Perdue to concur in the recommendation and carried on roll call: Ayes 7; Nays 0; Absent 2; Battin, Stojack.

Dan Miller, for renewal of license for Hotel at 1520 $\frac{1}{2}$  Broadway. The Fire Chief recommends the petition be denied for the reason that the building does not comply with requirements of the Fire Department. The City Manager concurs in the recommendation. Moved by Dr. Humiston, seconded by Mr. Perdue to concur in the recommendation and carried on roll call: Ayes 8; Nays 0; Absent 1; Battin.

RESOLUTIONS:

Initial Resolution No. 14363. L. I. D. 4573.

By BRATRUD:

Stating intention of Council to order grading to established subgrade and placing thereon an asphaltic concrete pavement, with cement concrete curbs and gutters and with the necessary storm drainage on East 55th Street from East I Street to East J Street; creating L I D 4573 and fixing September 6, 1955 as the date for hearing thereon. It was moved by Col. Hooker to suspend Rule 9, seconded by Mr. Perdue and carried on roll call: Ayes 9; Nays 0; Absent 0. The resolution was then adopted without having been read in full. 159

Adopted on roll call August 15, 1955.  
Ayes 9; Nays 0; Absent 0.

Initial Resolution No. 14364.      L I D 5257.

By HUMISTON:

Stating intention of Council to order installation of cast iron water mains in South 19th Street from Tyler Street to Mason Avenue; in Mason Avenue from South 19th Street to South 23rd Street; and in Tyler Street from South 12th Street to South 19th Street and in South 17th Street from Tyler Street to Mason Avenue, together with the necessary appurtenant equipment; creating L I D 5257 and fixing September 20, 1955 as the date for hearing. It was moved by Mr. Jensen 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 August 15, 1955.  
Ayes 9; Nays 0; Absent 0.

Initial Resolution No. 14365.      L I D 5256. /

By HUMISTON:

Stating intention of Council to order installation of water mains in East "B" Street from East 50th Street to East 52nd Street; and in East 50th Street from East "B" Street to a point approximately 620 feet east of the East line of East "B" Street; creating L I D 5256 and fixing September 20, 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 August 15, 1955.  
Ayes 9; Nays 0; Absent 0.

Resolution No. 14366.

By HUMISTON:

Authorizing the proper officers of the City of Tacoma to sell timber on 160 acres owned by the Water Division, consisting of \$3,643,000 board feet as cruised by a recognized timber cruiser, at public auction subject to a minimum acceptable bid of \$62,000.00.

Adopted on roll call August 15, 1955.  
Ayes 9; Nays 0; Absent 0.

Resolution No. 14367.

By HUMISTON:

Authorizing the proper officers to sell salvage items enumerated herein, which are no longer necessary for continued effective operation of Water Division, to American Surplus Sales Co., George Michaels, Northwest Pipe and Salvage Co., and Jerome E. Norton, as indicated herein. It was moved by Dr. Humiston, 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 15, 1955.  
Ayes 9; Nays 0; Absent 0.

Resolution No. 14368.

By HUMISTON:

Authorizing proper officers of the City of Tacoma to sell 35 obsolete meters

of the Light Division at \$3.50 each, To o. b. Tacoma, Washington to Fred Stewart, Route 2, Mount Vernon, Washington.

Adopted on roll call August 15, 1955.  
Ayes 9; Nays 0; Absent 0.

Resolution No. 14369.

By STOJACK:

Authorizing and directing execution and delivery to Lester R. Earp and Marie M. Earp of Local Improvement assessment deed covering Lots 5 to 12, Block 7, Highland Park Addition and Lots 1 to 6 and Lots 9 to 12, Block 8, Highland Park Addition, located on Bennett Street and Shirley Street between South 12th and South 13th Street, for sum of \$48.88 to clear the title. It was 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 15, 1955.  
Ayes 9; Nays 0; Absent 0.

At this time it was moved by Dr. Humiston, seconded by Mr. Perdue to suspend Rule 7 relative to filing of new matter for Council's consideration in order to adopt Resolution No. 14370. Motion carried unanimously on voice vote.

Resolution No. 14370. L I D 2240.

By STOJACK:

Stating intention of Council to order grading to established subgrade and placing thereon a gravel and crushed rock oil mat. on Verde Street from South 12th Street to South 16th Street; creating L I D 2240 and fixing September 6, 1955 as the date for hearing thereon. It was moved by Col. Hooker, seconded by Dr. Humiston 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 15, 1955.  
Ayes 9; Nays 0; Absent 0.

FIRST READING OF ORDINANCES:

Ordinance No. 15404.

Amending Section 28 of Ordinance No. 15106, entitled: "An ordinance adopting the pay or compensation plan as contemplated by Section 6.9 of the City Charter; prescribing the salaries to be paid to nonelective officers and employees of the City; establishing the positions of the various departments of the City government, etc." (Pay or Compensation Plan- by adding Zoning Administrator-City Planning Department). Read by title and placed in order of final reading.

Ordinance No. 15405.

Amending Ordinance No. 14811 entitled: "An ordinance creating a working fund advance in the office of the Chief Accountant, Water Division, Utilities Department, for use in the payment of petty office and incidental expenses in connection with the operation of said office; and authorizing the Director of Finance to issue a warrant on the Water Fund in the sum of \$25.00 for the purpose of creating said advance." by increasing the working fund advance of the Chief Accountant, Water Division, to a total of \$1,000.00; establishing a work fund advance in the amount of \$100.00 for the Storekeeper, Water Division; and authorizing the Director of Finance to issue a warrant or warrants on the Water Fund in the sum of \$1075.00 for said purposes. Read by title and placed in order of final reading.

Ordinance No. 15406.

Authorizing and directing the City Attorney of the City of Tacoma to purchase certain property for the protection of the water supply of the City of Tacoma in the Green River Watershed. Read by title and placed in order of final reading.

Ordinance No. 15407. L I D 4561.

Providing for the improvement of North 7th Street from Union Avenue to Puget Sound Avenue by grading and placing thereon an asphaltic concrete pavement, cement concrete curbs and gutters, and necessary storm drainage; creating Local Improvement District No. 4561. Read by title and placed in order of final reading.

Ordinance No. 15408. L. I. D. 4555

Providing for improvement of North 11th Street from Proctor Street to Madison Street by grading and paving and curbs; creating L I D 4555. Read by title and placed in order of final reading.

Ordinance No. 15409. L. I. D. 4554.

Providing for the improvement of North 22nd Street from Puget Sound Avenue to Warner Street, also North 22nd Street from Lawrence Street east for 155 feet more or less, by grading and placing thereon an asphaltic concrete pavement with concrete curb and gutter, including storm drainage; also paving alley between North 22nd and North 24th Streets from Lawrence Street to Warner Street; creating L I D 4554. Read by title and placed in order of final reading.

Ordinance No. 15410. L. I. D. 4562.

Providing for improvement of South J Street from South 37th Street to South 38th Street by grading and placing thereon a 40-foot asphalt concrete pavement, with cement concrete curbs and gutters, and storm drainage; creating L. I. D. 4562. Read by title and placed in order of final reading.

Ordinance No. 15411.

Amending Section 7 of Ordinance No. 11075, entitled: "An ordinance relating to intoxicating liquors; prohibiting the manufacture, possession, sale or other disposition thereof in the City of Tacoma except in certain cases; providing for the licensing of cabarets and the revocation of licenses; providing penalties for the violation thereof; etc." (relative to persons under 21 years of age acquiring or having in his possession intoxicating liquor). Read by title and placed in order of final reading.

Ordinance No. 15412. L. I. D. 4565.

Providing for improvement of North 8th Street from Alder Street to Lawrence Street by grading and constructing cement concrete pavement, with concrete curbs and gutters thereon; creating L. I. D. 4565. Read by title and placed in order of final reading.

FINAL READING OF ORDINANCES:Ordinance No. 15399. L. I. D. 2163.

Providing for the improvement of the alley lying between McArthur and Meyers Streets and extending from South 8th to South 10th Streets by grading and constructing oil mat thereon; creating L. I. D. 2163. 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 9; Nays 0; Absent 0.

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

Providing for 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. No. 1945. Read by title. It was moved by Col. Hooker, seconded by Mr. Perdue to suspend Rule 9 and carried unanimously on voice vote. The ordinance was then passed without having been read in full. 97

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

Ordinance No. 15401.      L. I. D. 4563.      48: 227

Providing for improvement of the area from North 9th to North 15th and from Alder to Adderson by grading, paving and constructing concrete curbs and gutters and necessary storm drainage thereon; creating L. I. D. 4563. Read by title. It was moved by Dr. Humiston, seconded by Mr. Perdue to suspend Rule 9 and carried unanimously on voice vote. The ordinance was then passed without having been read in full. 104

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

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. It was moved by Dr. Humiston, seconded by Mr. Perdue to suspend Rule 9 and carried unanimously on voice vote. Mr. Bratrud, who is currently serving on the L. I. D. Committee, reported that at the hearing August 2nd, the remonstrance was 46.3% and the Committee had promised the property owners if the remonstrance exceeded 50% they would recommend to the Council that the district be abandoned. This improvement is on a dead end street, not essential to the City's major street plan, and would prove a financial hardship, as most of the residents are buying their homes, he said. The remonstrance is now 52.28%, he added, so the Committee recommends the district be killed. Roll was then called on the passage of the ordinance, which was declared lost. 97

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

Ordinance No. 15403.

Amending Sections 15, 30 and 32 of Ordinance No. 14793 entitled: "An ordinance to regulate the location and use of building 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 proposes to divide the City into districts, etc." ZONING ORDINANCE. Read by title. It was moved by Dr. Humiston, seconded by Mr. Perdue to suspend rule 9, and carried unanimously on voice vote. The ordinance was discussed and some of the Council felt that the wording in Section 32 A. pertaining to the Appointment of the Board of Adjustment needed clarification. It was moved by Dr. Humiston, seconded by Mr. Perdue to lay the ordinance over for one week so that the City Attorney can clarify the language in Section 32A. Motion carried unanimously.

UNFINISHED BUSINESS:

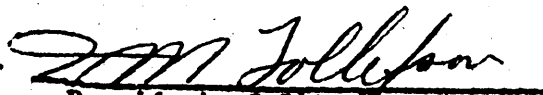
The remonstrance of Mrs. Walter Miller, et al, (8-8-55) protesting

140 AUG 15 1955

the ruling of the City Planning Commission in allowing Jehovah's Witnesses to build a hall at East 72nd and L Streets, which was laid over to this date to give the City Attorney an opportunity to review the ordinance, was brought up at this time. City Attorney Boyle advised that his office had examined the provisions of the zoning ordinance very carefully relative to right of appeal, and it was their opinion that the ordinance provided no right of appeal from the order of the Planning Commission in granting a permit, but that the applicant for a special permit or change in zone classification could appeal to the Council in the event his request is denied. Several Council members felt this was unfair and that both sides should have the right to come to the Council with an appeal. Mr. Stojack stated that the Commission itself was under the impression that both sides had this right, and had so advised the objectors at the time the permit was granted. He felt that under these circumstances, they should be given an opportunity to be heard at this time, he added. The Mayor questioned just what would be gained by such procedure, as the Council could not over-rule the decision of the Planning Commission. After further discussion it was decided to give the opponents an opportunity to air their grievances. However, upon a call from the Mayor, no one responded, so there was no need for a hearing. It was felt by Council members that the zoning ordinance should be amended to give both sides the right of appeal.

The L. I. D. Committee reported that a hearing was held by the Committee on L. I. D. 4560 on August 9th, for asphaltic concrete pavement with concrete curbs and gutters on East F Street from Morton to East 26th Street and from East 38th to East 43rd Street, at which time the remonstrance was reported to be 62.2%. In view of the large remonstrance, the L. I. D. Committee abandoned the district, and makes this recommendation to the City Council. It was moved by Mr. Perdue, seconded by Dr. Humiston to concur in the recommendation. Motion carried on roll call: Ayes 9; Nays 0; Absent 0.

Upon motion, duly seconded and carried, Council then adjourned at 9:42 P. M.,

  
President of City Council.

Attest:

  
City Clerk.