

FEB 23 1960

City Council Chambers, 4:25 P. M.
 Tuesday, February 23, 1960

The City Council met in regular session. Present on roll call 7; Bratrud, Easterday, Humiston, Perdue, Porter, Price and Mayor Hanson. Absent 2, Anderson and Mrs. Goering. Mrs. Goering coming in at 4:30 P. M.

495
 Mr. Porter asked that one correction be made in the minutes of February 8, 1960. On page 8, the 11th line from the bottom of the page, correcting a typographical error which occurred when a ditto stencil was made, leaving out the word "not" after the word "would". He then moved that the word "not" be inserted after the word "would" so as to read "would not". Motion seconded by Mrs. Price. Voice vote was taken on the motion, resulting as follows: Ayes 7; Nays 0; Absent 2, Anderson and Goering.

Dr. Humiston then moved that the minutes of the meeting of February 8, 1960 be approved as amended. Seconded by Mr. Bratrud. Voice vote was taken on the motion, resulting as follows: Ayes 7; Nays 0; Absent 2, Anderson and Goering.

Dr. Humiston moved that the minutes of the meeting held February 15, 1960 be approved as submitted. Motion seconded by Mrs. Price. Voice vote was taken on the motion, resulting as follows: Ayes 7; Nays 0; Absent 2, Anderson and Mrs. Goering.

Mrs. Goering coming in at this time.

HEARINGS AND APPEALS:

41
 This is the date to which the hearing was continued on the petition of Tacoma School District No. 10 for the vacation of that portion of 55th Avenue N. E. abutting lots 23 to 44 inclusive, Block 18, N. E. Tacoma Addition. (Feb. 15, 1960)

The following recommendations were submitted by the Planning Commission: 1. As the City has an existing drainage ditch located within the 55th Avenue right of way requested for vacation, it should be required that an easement be granted to the City at no expense over the existing ditch location or that the ditch be reconstructed within an easement granted to the City at a location suggested by the petitioner and meeting with the Public Works Department approval.

2. 54th Avenue N. E. should be constructed to a minimum width of 32 feet and meet City standards.

3. That the City be granted at no expense an easement over the north 20 feet of the east 10 feet of subject 55th Avenue to be vacated for easement rights to install an anchor on, and guy wires over and across said property.

Dr. Humiston said he investigated the area and felt that the requirement of constructing 54th Avenue N. E. to meet City Standards was not in order. The condition of 55th Avenue N. E., the street to be vacated, is only slightly more improved than 54th Avenue and felt it was unnecessary to require the School Board to make the improvement. He said he thought this could be taken care of by a local improvement before too long.

Dr. Humiston then moved that an ordinance be brought in to vacate 55th Avenue N. E. between 27th and 29th Streets N. E. and the alley in Block 19, and eliminating condition Number (2) of the Planning Commission recommendations, that 54th Avenue N. E. be constructed to a minimum of 32 feet to meet City Standards; Motion seconded by Mr. Bratrud. Voice vote was taken on the motion, resulting as follows: Ayes 8; Nays 0; Absent 1, Anderson.

RESOLUTIONS:Resolution No. 16022:

By Easterday:

Awarding contract to L. R. Gaudio well Drilling Company on their bid of \$12,868.00 for the contract for the construction of a water well at the Tacoma Sewage Treatment Plant. 3

It was moved by Mr. Easterday that the Resolution be adopted.

Seconded by Dr. Humiston.

Mr. Rowlands explained that a report was submitted from the Water Division which was requested at last week's meeting in reference to the advisability of the construction of a water well on the Tide Flats area, to the Council members with their agendas, also with an accompanying letter from Mr. Barline, Director of Utilities, stating that "if a good well can be obtained which will not silt up, it would appear that this would be a more economical use of providing water for the Sewage Treatment Plant, particularly in view of the fact that potable water is not required, and the quality is not of importance. Such savings in cost are possible because no investment is required for reservoirs, etc."

Mr. Rowlands said, Mr. Schuster, the Public Works Director and the staff also investigated the possibility of using the Puyallup River Water and found several reasons why this would not be acceptable.

Mr. Schuster explained that certain factors, such as additional electrical connections and the river fluctuating in height would necessitate a submerged pump to go up and down with the tide, which would mean that this would entail more expense than drilling a water well.

Mr. Schuster said it is their opinion that such a well can be obtained, satisfactorily.

Mr. Rowlands said it should be remembered that a survey has been made by the Kennedy Engineering Firm plus the local consultants Sitte and Hill, and this is part of their recommendation.

Voice vote was taken on the motion to adopt the Resolution, resulting as follows:

Ayes 6; Nays 2, Goering and Humiston; Absent 1, Anderson.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16030:

By Goering:

Fixing Tuesday, April 12, 1960 at 4:00 P. M. as the date for hearing on L I D 4666 for paving and curbs and gutters and street lights on various streets in the vicinity of South 78th and Alaska Streets. 29

It was moved by Mr. Bratrud that the Resolution be adopted. Seconded by Mr. Easterday.

Voice vote was taken on the Resolution, resulting as follows:

Ayes 8; Nays 0; Absent 1, Anderson.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16031:

By Humiston:

Fixing Monday, March 21, 1960 at 4:00 P. M. as the date for hearing on the vacation of property located on Windom Street from South 35th to Center, and in Bean Street from Center to Lawrence. (Petition of Nalley's Inc.)

It was moved by Mr. Bratrud that the Resolution be adopted. Seconded by Mr. Perdue.

Voice vote was taken on the Resolution, resulting as follows:

Ayes 8; Nays 0; Absent 1, Anderson.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16032:

By Goering:

Accepting the final plat of Herstad's Second Addition Subdivision in the area of East 83rd Street, east of East D Street

It was moved by Dr. Humiston that the Resolution be adopted. Seconded by Mr. Bratrud.

Voice vote was taken on the Resolution, resulting as follows:

Ayes 8; Nays 0; Absent 1, Anderson.

The Resolution was declared adopted by the Chairman.

Ayes 8; Nays 0; Absent 1, Anderson

Resolution No. 16033:

By Hanson:

Awarding contract to Gemmill Construction Co. on their bid of \$47,196.56 plus applicable sales tax for L I D's 2196 and 2295, which was determined to be the lowest and best bid.

It was moved by Mr. Perdue that the Resolution be adopted. Seconded by Mr. Bratrud.

Voice vote was taken on the Resolution, resulting as follows:

Ayes 8; Nays 0; Absent 1, Anderson.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16034:

By Goering:

Awarding contract to Rogers Construction Co., on their bid of \$87,264.77 for L I D 4492 and Improvement 3009-D which was determined to be the lowest and best bid.

It was moved by Mr. Perdue that the Resolution be adopted. Seconded by Mr. Bratrud.

Voice vote was taken on the Resolution, resulting as follows:

Ayes 8; Nays 0; Absent 1, Anderson

The Resolution was then declared adopted by the Chairman.

FIRST READING OF ORDINANCES:**Ordinance No. 16523:**

Amending Section 10. 22. 030 of the Official Code of the City in reference to Street Obstruction Bonds to provide for a continuous bond to be in effect until the completion of any work. Read by title.

Mr. Rowlands said several contractors have been requesting this type of Ordinance for some time. The City is given added security by the bond being in full force, continuous from the date of issuance. It is also provided that should a bond be cancelled, the Director of Public Works is given written notice of such intention a minimum of ten days before the effective date of said cancellation. The Ordinance was then placed in order of final reading.

Ordinance No. 16524:

Amending Chapter 11. 36 of the Official Code of the City by adding a new section to be known as Section 11. 36. 130 - establishing the speed limit of 20 miles per hour for trucks northbound on Pacific Avenue from South 34th to South 26th Streets. Read by title.

Mr. Rowlands said this matter was studied very carefully by the Traffic Engineer, and also cleared by the State Highway Commission. Since the Pacific Avenue hill is very dangerous, it is advisable that heavy trucks do not attain much speed while traveling down the hill.

Dr. Humiston remarked that a hugh sign should be placed in the area regarding the new truck speed.

Mr. Schuster said verious trucking firms and the Trucking Association have been notified of the change. Mr. Porter asked if it would be practical to post a sign requiring trucks to stay in the right hand land.

Mr. Schuster said he could see no reason why this couldn't be taken care of.

The Ordinance was then placed in order of final reading.

FINAL READING OF ORDINANCES:**Ordinance No. 16513:**

Providing for the construction, reconstruction and repair of sidewalks in various parts of the City as set forth in Resolution No. 15956. Read by title.

Mr. Rowlands said this Ordinance has been held over for 2 weeks in order to allow the Public Works Department to check with those people who complained at the hearing.

Mr. Schuster, Director of Public Works said his department has been able to contact all but three of the people who complained of the improvement. He said there are some deletions all ready made in the Ordinance, and twelve (12) more additional deletions should be made, which is primarily due in determining that the portions of sidewalk to be deleted from the improvement can be patched adequately,

instead of replaced.

Dr. Humston moved that the twelve (12) property owners names be deleted from this Ordinance, to-wit:

Page 16, Number 4, C. F. Knecht 811 North "L" Street.

Page 16, Number 5, Orla A. Robblee - 807 North L Street

Page 17, Number 4, Margaret O'Connell - 1202 North 9th Street.

Page 17, Number 5, Ida Wilkinson - 816 North L Street

Page 21, Number 4, Anna M. Dale - 1005 North M Street

Page 37, Number 2, Odilon J. Duval - 1201 North Prospect

Page 37, Number 6, Frank M. Severson - 1214 North Prospect

Page 44, Number 6, Thomas W. Reid - 1210 North Oakes

Page 47, Number 5, Frank C. Lackey - 1201 No. Anderson

Page 47, Number 8, Henry Larsen - 2711 North 10th

Page 58, Number 2, Joan Eldridge, 625 No. Steele

Page 58, Number 3, J. F. Hines - 623 North Steele

Motion seconded by Mr. Bratrud. Voice vote was taken on the motion, resulting as follows: Ayes 8; Nays 0; Absent 1, Anderson

Roll call was taken on the Ordinance, as amended, resulting as follows:

Roll call: Ayes 8; Nays 0; Absent 1, Anderson

Ordinance No. 16515:

Appropriating the sum of \$1,576.98 from the General Fund for the purpose of paying the costs of Civil Defense evacuation signs. Read by title.

Mr. Easterday asked to what extent has the Federal Government participated in this project

Mr. Rowlands replied it was 50% on this particular program.

Mr. Easterday said he questioned the value of these evacuation routes, as these signs are usually hard to read, and wondered if the \$1,600.00 would be well spent for these signs.

Mr. Rowlands said these evacuation routes could be used for any natural disaster as well as any warfare purpose. He explained this is still the established procedure as far as the Federal Civil Defense is concerned. There could be occasions when "fall out" could be imminent and there might be a need for evacuations for short periods. Home shelters are being encouraged but it is still felt there is a need for these evacuation routes and that they should be well marked.

Mr. Rowlands said this amount had already been budgeted for last year, but, inasmuch as the order did not arrive before the end of the fiscal year the money has to be reappropriated.

Roll call was taken on the Ordinance, as follows:

Roll call: Ayes 7; Nays 1, Easterday; Absent 1, Anderson.

It was explained that since an emergency ordinance requires a unanimous vote, the Ordinance lost on roll call:

Dr. Humiston said, Mr. Rowlands pointed out that this amount was contained in last year's budget, but because of the fact the work was not accomplished and the bill was not rendered inttime, it is now necessary to reappropriate the money so that this can be paid. This is something to which the City has already been committed. He said he would like to ask Mr. Easterday to reconsider his vote under these circumstances.

Mr. Easterday said under those circumstances he would reconsider his and vote in the affirmative, although he still questioned the value of the signs.

Vote was again taken on the Ordinance, resulting as follows:

Roll call: Ayes 8; Nays 0; Absent 1, Anderson.

Ordinance No. 16516:

Amending Sections 1. 12. 030 and 250 of the Compensation Plan in reference to Jury Duty and determining the effective date of range increases. Read by title and passed.

Roll call was taken on the Ordinance, resulting as follows:

Roll call: Ayes 8; Nays 0; Absent 1, Anderson.

Ordinance No. 16517:

Approving and confirming the assessment roll for L I D 1898 for sanitary sewers in North 46th from Darien Drive to Lexington; North Frace from North 46th to approximately North 43rd; and the alley between North 12th and North 13th from Cheyenne to Mullen. Read by title and passed. 501445

Roll call was taken on the Ordinance, resulting as follows:

Roll call: Ayes 8; Nays 0; Absent 1, Anderson.

Ordinance No. 16518:

Approving and confirming the assessment roll for L I D 1973 for storm drainage in Pearl Street from 6th Avenue to South 19th and in Woodlawn from South 11th to South 13th and from South 17th to South 19th Streets. Read by title and passed. 501445

Roll call was taken on the Ordinance, resulting as follows:

Roll call: Ayes 8; Nays 0; Absent 1, Anderson.

Ordinance No. 16519:

Approving and confirming the assessment roll for L I D 5304 for Water Mains in Scenic Drive from Beverly Drive to the Cul-de-sac and in Panorama Drive and Bayview Drive. Read by title and passed. 501412

Roll call was taken on the Ordinance, resulting as follows:

Roll call: Ayes 8; Nays 0; Absent 1, Anderson.

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Ordinance No. 16520:

Providing for the improvement of L I D 3504 for Sanitary sewers in various streets and alleys from East 50th Street to East 72nd Street between East K and East N Streets. Read by title.

Mr. Genschorck, who was assessed under this improvement, said his understanding is that property owners still have a 30 day period to protest this improvement.

Mayor Hanson said he still had 30 days to file any protests after the passage of this Ordinance.

Mr. Genschorck explained he was circulating a petition protesting the improvement and would file the same within the 30 day period.

Marshall McCormick, City Attorney, pointed out this L I D was in regard to sanitary sewers and the Council had the right, regardless of the amount of protests, to approve the L I D for the benefit of public health.

Mr. Genschorck said, at the time of the L I D hearing, certain areas were deleted, and could see no reason why his area could not be deleted also.

Mr. Perdue said the two pieces that were deleted at the time of the hearing were dead end streets which did not affect the rest of the project. There are certain areas in the center of the project which cannot be deleted without injuring the entire project. The overall remonstrance was only 10% and since this improvement involved a very large area, he doubted that this petition would have much affect on the percentage of remonstrance for the entire L I D.

Mrs. Goering asked if the protests were on the basis of cost, or were there other reasons.

Mr. Genschorck said it is felt that storm sewers are needed more than sanitary sewers and should be installed in conjunction with the sanitary sewer.

Mr. Schuster, Director of Public Works said at the present time the Sewer Revenue Fund is being used to separate the projects, so that combined sewers will no longer be necessary. He said no doubt that storm sewers are needed in the area, but it would necessitate an additional line and would require an additional assessment.

Mr. Schuster explained, this area is now being serviced by septic tanks and this trunk line is being put in as a part of the sewer program that the Council initiated last year. It involves some \$63,000 paid by the City from the Sewer Construction Fund and some \$80,000 assessed against the property owners.

Roll call was taken on the Ordinance, resulting as follows:

Roll call: Ayes 8; Nays 0; Absent 1, Anderson.

Ordinance No. 16521:

Providing for the improvement of L I D 4665 for permanent paving on East B Street from East 46th to East 48th Street. Read by title and passed.

Roll call was taken on the Ordinance, resulting as follows:

Roll call: Ayes 8; Nays 0; Absent 1, Anderson.

Ordinance No. 16522:

Appropriating the sum of \$6,550.38, or so much as may be necessary from the General Fund for the purpose of repairing the City Fire Boat. Read by title and passed.

Roll call was taken on the Ordinance, resulting as follows:

Roll call: Ayes 8; Nays 0; Absent 1, Anderson.

UNFINISHED BUSINESS:

MC-293 - "Downtown Parking Garages - Financial Data" 50 58
34.

Mayor Hanson said this subject was discussed at the Study Session prior to the Council Meeting, and a proposal has been made for Council's consideration which will be discussed at the next meeting of the Council.

Mr. Bratrud said it should be ascertained if these bonds will sell without pledging revenue from parking meters.

Mayor Hanson said steps are being taken to determine this phase. He said they have contacted Mr. Barton of E. A. Barton and Associates with regard to the economic analysis on this plan where the \$700,000 will be furnished by the downtown group. A study will be necessary by a firm whose opinion is acceptable by the Bond people.

Mayor Hanson said he felt it would be well for the Council members to take a look at the Parking and Economics Study before next week's meeting, as this should be brought up to date before a final decision is made.

He added that this will be discussed further at next week's Council Meeting.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Report from the Fire Department for January, 1960.
- b. Personnel Report for the month of January, 1960.
- c. Report from the Tacoma Police Department for January, 1960.
- d. Report from the Belt Line Division for the month of December, 1959.
- e. Report from the Director of Finance for the month of January, 1960.
- f. Report from the Tacoma Police Department, Traffic Division for the month of January, 1960.

COMMENTS:

Mayor Hanson explained that Mr. Barnett has asked to speak to the Council regarding a claim he and his family filed against the City.

Mr. Barnett said his family has filed a claim against the City for \$9,000. for damage which ^{occurred} to their property during the past three years due to the reason the City has emptied storm sewer drainage into Gold Creek which flows through their property. The Storm sewer drainage has been continually increasing and flash flood conditions have gradually grown worse, he added.

Mayor Hanson said even though the Council Members might be personally inclined to pay damages, they are powerless to do so unless legally obligated. The

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The damages have occurred, now the question is where, according to the laws, is the City's responsibility.

Marshall McCormick, City Attorney, said Mr. Barnett's claim/was which filed and referred to their office which was investigated quite thoroughly and it was felt that the City has no legal liability. This happens to be one of those cases where a party has located on the natural water course when the drainage through the property was unimproved. The storm drains in this general area were connected to an existing culvert flowing under Olympic Boulevard and Jackson Avenue. The culvert discharges into the Gold Creek ravine and storm drainage flows through the Bay property on its way to the Bay. This is the natural drainage route for this area and since there has been very little street improvements in the area for the past three years, it is assumed that private property improvements have increased storm runoff

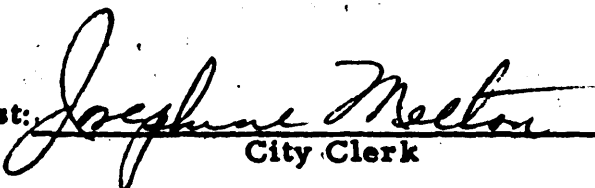
It is the Legal Departments opinion that since the City is not draining any more water into this area than would naturally have been drained, the claim has been denied.

Mayor Hanson told Mr. Barnett the Council would have to abide by the recommendation of the City Attorney. However, the Judicial Courts have been created to resolve these differences of opinion, and if Mr. Barnett so desires and his Attorney feels the City is legally obligated, it should be taken before a Judge for a decision.

There being no further business to come before the meeting, upon motion duly seconded and passed, the meeting was adjourned at 5:30 P. M.



Mayor of the City Council

Attest: 

City Clerk