

Desk

CITY COUNCIL MINUTES

City Council Chambers, 7:00 P. M.
Tuesday, February 7, 1961

Council met in regular session. Present on roll call 9: Bott, Cvitanich, Easterday, Murtland, Olson, Porter, Price, Steele, and Mayor Hanson.

Mrs. Price moved that the minutes of January 24, 1961 be approved as submitted. Seconded by Mr. Easterday.

Mr. Murtland said he would like to make a correction on page 10 of the minutes, in a comment made by himself, after a vote on Ordinance No. 16721. He asked that the phrase "which is necessary" read "which are necessary" in order to clarify his statement. It was moved by Mr. Murtland that the minutes be approved as corrected. Seconded by Mrs. Olson. Voice vote was then taken on the minutes as corrected, resulting as follows: Ayes 9; Nays 0; Absent 0. Motion carried.

Mr. Bott moved to suspend the rules in order that the Council can take action on Ordinances Nos. 16740, 16741, and 16742, since they are related to the Hearings which are next on the Agenda. Seconded by Mr. Cvitanich. Voice vote on the motion resulted as follows: Ayes 9; Nays 0; Absent 0. Motion carried.

FINAL READING OF ORDINANCES:

Ordinance No. 16740:

Amending the Official Code of the City relating to zoning by adding a new section known as Sec. 13.06.113 (1) to include property located in the southeast corner of So. 72nd and East Sprague Frontage Road in a "C-F-V" Freeway Commercial Vehicular Services District. (Munson-Hokold petition.) Read by title.

Mr. Buehler, Planning Director, explained that at a special meeting on August 18, 1960, the Planning Commission recommended denial of the reclassification of this property from an "R-2" One-family Dwelling District, to a "C-1" Commercial District and a "C-P-N" Planned Neighborhood Shopping Center District. In lieu of these classifications, the Planning Commission had recommended the rezoning of a portion of the property on the application filed by Arthur Munson to a "C-F-V" Freeway Commercial Vehicular Services District. The remaining portion of the property which is now encompassed in this Ordinance had originally been included in the "C-P-N" on the application of Oscar Hokold.

Mr. Buehler further stated that Mr. Munson had requested the Commercial reclassification in order to construct a service station. The present recommendation has added additional property to Mr. Munson's original request so that the entire zone recommended above could now provide for two Service Station sites.

Mr. Tollefson, Attorney for Mr. Hokold, said he would like to speak on the 300 feet included in this rezoning that is owned by Mr. Hokold, and added that his remarks will also be in regard to the "C-F-P" zoning contained in the following Ordinance.

Mr. Tollefson explained that Mr. Hokold owns an area of approximately 2400 feet along this frontage road. In working out the zoning for the entire area, he conferred with the Planning Commission for over a year, and also with the City Council, as to what was the best overall plan for the entire area. He added that Mr. Hokold's present development plans were for the shopping center, and inasmuch as the "C-P-N" area was denied, Mr. Hokold would rather not have any of the area rezoned, so that he could reconsider the use of his 2400 feet of frontage which he would want for building homes. If the "C-F-V" and the "C-F-P" were rezoned, Mr. Hokold would be limited to only those developments allowed under the Freeway zoning rules. In other words, he could not develop this area as he has other areas. He said it would be a great burden on Mr. Hokold as far as his overall plan is concerned, for his property to be encompassed by a "C-F-V" and a "C-F-P" District without having the "C-P-N" zoned also.

Mr. Tollefson said they respectfully submit that all of these zones be withdrawn, with the exception of the far end of the "C-F-V" proposed zoning at 72nd Street that is owned by a Mr. Munson which he intends to have rezoned for a service station.

Mr. Tollefson said last week the Council voted to deny the "C-P-N" zoning on the basis that this was a traffic generator. He said he would like to point out that it may be a traffic generator to the "C-P-N" zone, but it is not a traffic generator across the Freeway. The shopping center is designed to serve the residential area east of the frontage road.

He said he hoped that the Council would reconsider their decision on the "C-P-N" zoning, and if this comes to pass the "C-F-V" and the "C-F-P" will logically follow. This is an overall plan, and if they are not permitted to have the one zone, they cannot afford to have the other.

Mr. Bott said he still feels that frontage roads are designed to accommodate freeway users, and a Neighborhood Shopping Center does not fit in the plan as recommended for Freeway usage, so therefore he is still opposed to a Neighborhood Shopping District in this location.

Mr. Murtland asked if Mr. Hokold would be willing, since it is anticipated that the "C-P-N" would not attract many people from the Freeway, to not have an access road from the Frontage road to the Shopping Center.

Mr. Tollefson said if that is what the Planning Commission and the Traffic Engineer deem best, Mr. Hokold would certainly be willing.

Mr. Robert Jacques, Attorney for Mr. Munson, said if the Council should decide to deny Mr. Hokold's zoning petition, he would request that they grant the "C-F-V" zoning on the property owned by Mr. Munson which is included in Ordinance No. 16740.

Mayor Hanson said the Ordinance could be amended by deleting Mr. Hokold's property should the Council so desire.

Mrs. Olson then moved that the Ordinance be amended by deleting the property owned by Mr. Hokold. Seconded by Mr. Murtland.

Mr. Porter remarked, in his opinion, if the Council cuts down this area, they will change the entire frontage road access rules, and the proper development of the area. Therefore, he said he was opposed to deleting the property at this time.

Roll call was then taken on the motion to delete the Hokold property, which resulted as follows: Ayes 6; Nays 3, Cvitanich, Porter, and Steele; Absent 0. Motion carried.

Mrs. Price said since she voted on the prevailing side on Ordinance 16641 last week, she would like to move for reconsideration of Ordinance No. 16641 which would rezone part of the Hokold property to a "C-P-N" District. Seconded by Mr. Porter.

Mayor Hanson said he thought a motion to table Ordinance No. 16740 for would be in order first.

Mr. Porter moved to table Ordinance No. 16740 for the time being. Seconded by Mr. Steele. Voice vote was taken and the motion was declared passed.

Mrs. Price again moved to reconsider Ordinance No. 16641. Seconded by Mr. Porter. Roll call was then taken on the motion resulting as follows: Ayes 4; Nays 5, Bott, Cvitanich, Easterday, Murtland, Olson. Absent 0. Motion fails.

Mr. Bott then moved to take Ordinance No. 16740 off the table. Seconded by Mr. Cvitanich. Voice vote resulted as follows: Ayes 8; Nays 1, Porter; Absent 0. Motion carried.

Mayor Hanson said the Council now has before them Ordinance No. 16740 as amended which confines the "C-F-V" zoning to the Munson property. He called for the roll on the amended Ordinance, which resulted as follows:

Ayes 8; Nays 1, Steele; Absent 0.

The Ordinance, as amended, was then declared passed by the Chairman.

Ordinance No. 16741:

Amending the Official Code of the City relating to zoning by adding a new section known as Sec. 13.06.112 to include property located on the east side of East Sprague Frontage Road between So. 76th extended and So. 80th St. in a "C-F-V" Freeway Commercial Personal Services District. (Fayne Hokold Petition) Read by title.

Mayor Hanson explained that the petitioner has requested that this Ordinance be withdrawn.

Mr. Easterday moved that the Ordinance be tabled. Seconded by Mr. Cvitanich. Voice vote on the motion resulted as follows: Ayes 9; Nays 0; Absent 0. Motion carried. Ordinance declared tabled.

Ordinance No. 16742:

Amending the Official Code of the City relating to zoning by adding a new section 13.06.113 to include property located in the southeast corner of So. 84th and Sprague Ave.; thence south on the east side of Sprague in a "C-F-V" Freeway Commercial Vehicular Services District. (petition of Mike Nicholic) Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 1, Steele; Absent 0.

The Ordinance was then declared passed by the Chairman.

The regular order of business was then resumed.

HEARINGS & APPEALS:

This is the date fixed for hearing on the petition submitted by Nalley's, Inc. for the vacation of Windom and Bean Streets.

Mayor Hanson said the approval of this vacation has been recommended by the Planning Commission subject to certain conditions.

Mr. Murtland asked if either of these streets were in use at the present time.

Mr. Rowlands explained that Windom and Bean Streets have not actually been open, but have been used in part and are not improved streets.

Mr. Easterday moved that the proper Ordinance be drawn vacating Windom and Bean Streets. Seconded by Mr. Murtland. Voice vote on the motion resulted as follows: Ayes 9; Nays 0; Absent 0. Motion carried.

This is the date fixed for hearing on the petition submitted by Walter Parkinson, et al, for the vacation of So. 67th between Bell and "A" Streets.

Mayor Hanson said the approval of this vacation has also been recommended by the Planning Commission.

Mr. Bott said that he had gone over this site with Mr. Buehler and Mr. Benson of the Planning Department, and there seems to be some opinion that it would not be wise to vacate these streets that are dedicated if there is a possibility of using them in the future.

Mr. Murtland remarked that he, too, thought there might be a possibility that the street might be needed in the future.

Mr. Easterday moved that the Council postpone action on the hearing for two weeks, to February 21, 1961, in order that this matter can be investigated further. Seconded by Mr. Cvitanich. Voice vote on the motion resulted as follows: Ayes 9; Nays 0; Absent 0. Motion carried.

This is the date fixed for hearing on the appeal filed by Oscar Hokold, Inc. on the rezoning of property located near So. 72nd and Alaska St. from an "R-2" District to a "C-P-N" District.

Mayor Hanson said this matter was resolved at the meeting last week when the Council voted down Ordinance No. 16641 and therefore should be stricken from the Agenda.

This is the date fixed for hearing on the appeal filed by Oscar Hokold, Inc. for the rezoning of property located near So. 80th and Sprague St. to be rezoned from an "R-2" District to a "C-2" District.

Mayor Hanson said this also should be stricken from the Agenda as the Council's action on Ordinances No. 16740 and 16741 took care of this petition.

This is the date fixed for hearing on the appeal filed by Arthur Munson for the rezoning of property located on the southeast corner of So. 72nd St. and Sprague Ave. from an "R-2" District to a "C-1" District.

Mayor Hanson said the Council's action on Ordinance No. 16740 granting a "C-F-V" zoning to Mr. Munson's property makes this appeal, and also the hearing unnecessary.

RESOLUTIONS:

Resolution No. 16427:

Fixing Monday, March 13, 1961 at 4:00 P. M. as the date for hearing on LID 3518 for sanitary sewers in Mount Tahoma Meadows and in So. 74th from Adams St.

Mrs. Price moved that the Resolution be adopted. Seconded by Mr. Easterday.

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

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16428:

Fixing Monday, March 13, 1961 at 4:00 P. M. as the date for hearing on LID 4688 for paving, storm drainage and concrete sidewalks in various locations between No. 13th and No. 28th between Proctor and Cascade Ave.

Mr. Easterday moved that the Resolution be adopted. Seconded by Mr. Cvitanich.

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

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16429:

Fixing Tuesday, February 28, 1961 at 7:00 P. M. as the date for hearing on the vacation of a 17-foot strip of property on the east side of Union between So. 47th and So. 48th St. (petition of Roger A. Guilmett.)

Mrs. Price moved that the Resolution be adopted. Seconded by Mr. Steele.

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

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16430:

Awarding contract to Tucci & Sons, Inc. for LID 2315 on their bid of \$3,314.56 which was determined to be the lowest and best bid.

This is the date fixed for hearing on the appeal filed by Arthur Munson for the rezoning of property located on the southeast corner of So. 72nd St. and Sprague Ave. from an "R-2" District to a "C-1" District.

Mayor Hanson said the Council's action on Ordinance No. 16740 granting a "C-F-V" zoning to Mr. Munson's property makes this appeal, and also the hearing, unnecessary.

RESOLUTIONS:

Resolution No. 16427:

Fixing Monday, March 13, 1961 at 4:00 P. M. as the date for hearing on LID 3518 for sanitary sewers in Mount Tahoma Meadows and in So. 74th from Adams St.

Mrs. Price moved that the Resolution be adopted. Seconded by Mr. Easterday.

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

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16428:

Fixing Monday, March 13, 1961 at 4:00 P. M. as the date for hearing on LID 4688 for paving, storm drainage and concrete sidewalks in various locations between No. 13th and No. 28th between Proctor and Cascade Ave.

Mr. Easterday moved that the Resolution be adopted. Seconded by Mr. Cvitanich.

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

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16429:

Fixing Tuesday, February 28, 1961 at 7:00 P. M. as the date for hearing on the vacation of a 17-foot strip of property on the east side of Union between So. 47th and So. 48th St. (petition of Roger A. Guilmett.)

Mrs. Price moved that the Resolution be adopted. Seconded by Mr. Steele.
Voice vote was taken on the Resolution, resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16430:

Awarding contract to Tucci & Sons, Inc. for LID 2315 on their bid of \$3,314.56 which was determined to be the lowest and best bid.

Mr. Easterday moved that the Resolution be adopted. Seconded by Mr. Cvitanich.

Voice vote on the Resolution resulted as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16431:

Awarding contract to Fucci & Sons, Inc. for LID 2316 on their bid of \$1,461.10 which was determined to be the lowest and best bid.

Mr. Cvitanich moved that the Resolution be adopted. Seconded by Mr. Murtland.

Voice vote taken on the Resolution resulted as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16432:

Awarding contract to American Bilrite Rubber Co. for the furnishing of the annual supply of Fire Hose for the sum of \$6,110, including sales tax.

Mr. Easterday moved that the Resolution be adopted. Seconded by Mr. Cvitanich.

Mr. Rowlands pointed out that this was an excellent bid which will result in a savings of approximately \$1300 over last year.

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

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16433:

Awarding contract to Cascade Linen Supply Co. for the furnishing of Coverall Service for the period from February 1, 1961 to January 31, 1962, on their bid of \$233.89 per week, which was determined to be the lowest and best bid.

Mr. Cvitanich moved that the Resolution be adopted. Seconded by Mr. Easterday.

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

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16434:

Accepting certain offers to sell real property situated within an Urban Renewal Project designated Project No. Wash. R-1.

Mrs. Price moved that the Resolution be adopted. Seconded by Mr. Steele. Voice vote was then taken on the Resolution, resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

FIRST READING OF ORDINANCES:

Ordinance No. 16743:

Amending Section 1 30. 300 of the Official Code of the City in reference to exclusion from Membership in the Retirement System. Read by title.

Mr. Rowlands explained that this Ordinance excludes any employees who a 57 1/2 years of age at the time of entry into the City Service, to become members of the Retirement System unless they shall elect by notice in writing that they desire to come under the System. If there would be from 5 to 7 years left for some of the Transit employees, before retirement, there would have to be some rather substantial payments made to build up prior credits.

Mayor Hanson said this Ordinance is consistent with the policies discussed earlier in reference to including the Transit Employees into the City Government.

The Ordinance was then placed in order of final reading.

Ordinance No. 16744:

Amending Section 1. 30. 640 of the Official Code of the City relating to Disability Retirement Allowance by increasing the minimum disability pension from \$85 to \$100 per month. Read by title.

Mr. Rowlands said this matter was also reviewed with the Council several weeks ago. He said he believed that the Utility Board should also take action on this matter before next week so that their recommendation can also be obtained.

Mr. Easterday asked how much this would cost General Government.

Mr. Rowlands said the additional cost would be \$1400 a year to General Government and approximately \$1200 for the Utilities Department.

Mr. Cvitanich asked Mr. McCormick if it would be proper for him to vote on this Ordinance and also the preceding Ordinance. Mr. McCormick answered that it would be.

The Ordinance was then placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 16737:

Amending the Official Code of the City by adding a new Section 1. 06. 358 in reference to Rental and Sale of Certain Surplus Major Projects Properties. (Cowlitz Power Development Project.) Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16738.

Transferring funds from certain categories to other categories in the 1960 budget. Read by title and passed.

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

Ayes 9; Nays 0; Absent 0

The Ordinance was declared passed by the Chairman

Ordinance No. 16739:

Authorizing the expenditure of certain moneys from unanticipated revenues to the extent of \$109,670.82 in the Public Works Revolving Fund and \$45,508.83 in the Equipment Rental Fund Account "A" Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0

The Ordinance was declared passed by the Chairman.

UNFINISHED BUSINESS:

The Director of Utilities presents the following assessment rolls for hearing:

LID 5320 for cast iron water mains in Wilkeson from So. 73rd to So. 80th; Alaska from So. 74th to So. 80th; So. 76th and So. 80th from Wilkeson to Asotin St.

LID 5321 for cast iron water mains in Manitou Way from So. 60th to 66th and So. 62nd from Mason Avenue to Manitou Way.

Mrs. Price moved that Monday, March 27, 1961 at 4:00 P. M. be fixed as the date for hearing on the assessment rolls for the cost of the improvements in LID 5320 and LID 5321. Voice vote on the motion resulted as follows: Ayes 9; Nays 0; Absent 0. Motion carried.

REPORTS:

City Clerk submitting the report on the validation of signatures on the Airport petition.

Mayor Hanson asked Mrs. Melton, City Clerk, for this report. Mrs. Melton explained that the checking of the signatures has been completed and a sufficient

number were found to be valid. The number required was 3,436 valid signatures which was 10% of 34,364 votes cast in the last preceding Councilmanic election.

COMMENTS:

Mr. Easterday remarked that he had asked last week that a Resolution be presented to the Council tonight awarding the contract for the Leach Creek Holding Basin, and has noted it was not on the Agenda.

Mr. Rowlands explained that before the Resolution can be prepared, the Board of Contracts and Awards must review the bids. He said they will meet tomorrow morning and the Resolution will appear on the Agenda for next Tuesday's meeting.

Mayor Hanson said there is a meeting scheduled this Thursday, February 9, 1961 with the Fircrest City Council at 4:00 P. M., Room 354, to discuss the proposed impounding basin.

Mr. Rowlands announced there will also be a meeting with the City Planning Commission on Thursday, February 9, at 8:30 A. M.

Mr. Rowlands said he sent out a memorandum to the City Council on the Benefits Received by the City Firemen, on the Second Agenda.

Mr. Murtland said he would like to mention the letter received from the American Municipal Association expressing their appreciation for the services rendered by the City Manager, Mr. Rowlands, as Chairman of the Association's Committee on Fire Insurance Grading and Rating. The letter was read by the City Clerk.

It was pointed out in the letter that, as a result of Mr. Rowlands work and the recommendation of his Committee, the Executive Committee of A. M. A. voted to establish a new A. M. A. Fire Defense Institute as a new service to the Cities of the nation to promote more effective Fire defenses at less cost to the taxpayers and at the same time to promote more realistic grading practices, which they hoped will result in lower rates of Fire Insurance which will be of additional benefit to the taxpayers.

Mayor Hanson said he was well aware of the interest that is shown in this work and also of the fact that the Cities have for years complained about this problem, but it was not until Mr. Rowlands had vigorously brought this to the attention of the A. M. A. that action was taken, and he did believe that this commendation was well in order.

Mr. Porter said he had a copy of a House Bill for each member of the Council which amends the State Law regarding Planning Commissions. He said this is just a proposed bill drawn up by the Association of Washington Cities several weeks ago, and copies were sent to the Tacoma City Council and the Planning Commission members so that they would have an opportunity to study the bill and make recommendations as to possible amendments.

Mr. Rowlands said the Committee did study the Bill and there have been some objections raised which have been submitted by the Planning Staff, which will be sent on to the City Council for consideration.

Mr. Rowlands said unfortunately this Bill has gone in without any consideration of the Planning Staff and technicians all over the State. He said he felt it should have been cleared and studied by the Planning Personnel of the State, before it was presented.

Mayor Hanson said he thought it would be well to bring this matter to the attention of the officials of the Association of Washington Cities, if these bills are being introduced without adequate clearance.

Mr. Steele said the Baseball Season opens on April 21st and he has had some inquiries as to the status of the asphalt paving of the south parking area and the possibility of multiple lane ingress and egress. He said there seems to be some concern as to what is being done in this regard.

Mr. Rowlands said the bids for the construction of the area are to be opened the first part of March, and it is hoped that the amount of money budgeted will be adequate to take care of the paving of the entire south parking lot and also the connecting road back of the center and right field between the north and south lot. He added that Mr. Kosai is to confer with Mr. Schuster, Public Works Director, on the ingress and egress to the area to determine if there is a more satisfactory means of gaining entrance and exit to the area. It is planned to mark the parking spaces and also an additional two lights will be installed, which should be a 100% improvement over last year, he added.

Mr. Easterday asked if any effort was made to ascertain if the Giants would contribute to these improvements.

Mr. Rowlands said this was suggested several times, but the management of the Giants believe that they have contributed a substantial amount already, which to date is approximately \$25,000. They intend to spend some money for improvements around the park itself.

Mrs. Olson said it has been brought to her attention this week that there are some residents in Lakewood who are quite actively working towards incorporation of that area, and others who seem to be somewhat interested in at least exploring the possibility of annexation. She thought something should be done to present to the people of Lakewood the very positive aspects and benefits should they choose to annex to Tacoma. It would be a shame to let them incorporate without at least attempting to bring them into the folds, she added.

Mayor Hanson said he thought Mrs. Olson's remarks are very true and appropriate. However, he said, it is rather difficult to determine how best to approach this matter. The City wants to be helpful yet they do not want to attempt to inject themselves upon anyone.

Mrs. Olson suggested that the City Council could ask those persons interested in annexation if they would like to meet with the Council to discuss the matter.

Mayor Hanson said he thought it would be well for the Council to restate its policy of being willing and ready to meet with any interested groups who wish to explore the possibilities of annexation and to lend its assistance in areas of gathering information.

Mrs. Olson said at her request Mr. McCormick has prepared a list of all the Boards, Commissions, and Committees of the City of Tacoma and Pierce County, of which there are 61. She said this is a very comprehensive list naming the Members and how the Boards were created. She said he has also volunteered to

provide any of the Council with a similar list should they so desire

Mr. Rowlands said a copy will be sent to all Council Members with their Agendas next Friday.

Mr. Bott said he thought a final determination should be made on the rates to be paid to the City Light for street lighting. He said he could hardly see the consistency of the raise in rates to the General Government when they have just asked the Council to reduce the rates for off-peak electricity for Schools. Mr. Bott suggested that the City Council get together with the Utility Board on this matter

Mayor Hanson said he thought the matter should again be taken up with the Utility Board, but prior to that time information should be gathered to substantiate their request.

Mr. Rowlands said he thought this should very definitely be reserved. The General Government will shortly be billed for the month of January, and there are not sufficient funds budgeted to meet payment. The rate has been 3 mills for many years and now the rate has been doubled, he added.

Mr. Cvitanich suggested that prior to the meeting scheduled with the Fircrest Officials on the Leach Creek Impounding Basin, that the Council members take a look at Alameda Avenue in Fircrest and see the amount of water that is being contributed to Leach Creek. He said the damage to Leach Creek is tremendous, with the rainfall from the City of Tacoma, from Fircrest, and also from the County contributing.

Mr. Rowlands said there did seem to be some damage in the lower region but the City engineers checked the rate of flow at the point the State is talking about 60 cubic feet per second. He asked Mr. Schuster what this maximum was found to be.

Mr. Schuster said the maximum peak was 39 cubic feet per second taken on Sunday night about 10:00 P. M. at a point just south of where the damage lies.

Mr. Rowlands explained that trunks of trees and other debris are swept into the channel by the water, thus diverting the water and causing damage. This is out of the control of the City of Tacoma, he added.

Mr. Cvitanich said he realizes that is part of the trouble. However, the flow coming from Fircrest is tremendous.

Mr. Cvitanich said it has been reported by the City Clerk that a valid number of signatures has been checked on the Airport Petition, and asked what the next procedure will be for the Council. He said it has been stated by Mr. McCormick, City Attorney, that the initiative is illegal and asked Mr. McCormick to explain the reason.

Mr. McCormick said the principal reason in his opinion that the initiative is illegal is that it is in conflict with the State Act which specifically grants the power to the City Council to build airports and to determine how they are to be financed.

Mr. Steel said the State Law gives authority to the governing body of the Municipality, and by no stretch of the imagination is the authority of the Council from a Legislative authority subject to attack by initiative under the Charter. He added this has been explained to the people who are against the Airport, for a year and a half.

Mrs. Olson asked, if this explanation is valid or true, why was this put on the ballot in 1958?

Mr. McCormick said the Council at that time felt that they wanted this referred to the voters, which the Council had a right to do. They did not act upon a petition. They, themselves, as the Charter provides, referred it to the Voters.

Mrs. Naomi Warren said she had circulated the petitions because she feels the people should have an opportunity to choose a location. She said she had found City employes and relatives of City employes who had been afraid to sign the petitions for fear of reprisals.

Mayor Hanson said these employes must not have a very high regard for the City's Civil Service System, and that they have every right to act as any other citizen and voter without fear of reprisals.

Mr. Murtland asked Mr. McCormick if there was anything in the City Charter regarding City employes engaging in a petition of this type.

Mr. McCormick said as he recalls the only prohibition is against active local City politics.

Mr. Murtland said it could be possible that some employes might have been mistaken on the idea that they were not allowed by the Charter to engage in anything that had to do politically with the City of Tacoma.

Mayor Hanson thanked Mrs. Warren for bringing this to their attention so that the Council could assure the City employes that there was absolutely no reason why they should be afraid to sign any petition.

Mr. N. Peck, 4821 So. J Street, said that despite the laws cited by Mr. McCormick, there is no law which says the Council has to build the Airport.

Mr. Leo Gallagher asked if the Council planned to ignore the petition entirely?

Mayor Hanson said the Council has 30 days in which to consider the matter.

Mrs. Olson said she has been concerned about this, and while in Olympia yesterday she went to the Attorney General's office for advice as to how she personally should proceed because she feels very strongly about the right of citizens to petition and thinks it is a very basic and very fundamental democratic principle which she has upheld in the past as have others on the Council.

She said in this particular case she was advised by one of the members of the Attorney General's staff that Mr. McCormick is a very able and respected attorney and that in this particular case he felt that it would be a good thing if the Council would follow Mr. McCormick's advice.

Mr. Porter said he thought it was well known that he has consistently opposed the Peninsula Site as an Airport Site. He said he is not against an Airport for Tacoma. However, in this instance there is a State Law which covers the situation although there is some doubt in some people's minds as to whether it is effective. It would seem to him that the wisest thing to do would be to follow the City Attorney's advice and then find out whether the rulings given are correct.

Mr. McCormick said he would like to make his position clear as far as his office is concerned. He continued that the City Attorney's office has consistently advised the sponsors of this initiative that in their opinion it was illegal in the manner in which it was drafted. Under the City Charter the City Attorney has the responsibility of approving the petition as to form only, not as to substance. In this instance the original petition was drawn up defectively three different times. As a matter of fact, he continued, he finally drafted it for them as a valid petition as far as form is concerned. He said at that time the person filing the petition was

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advised that in their opinion the petition was in substance incorrect, and was not valid.

Mr. McCormick said he wrote a rather exhaustive brief some time ago when Mr. Carlborn filed his petition against the Cowlitz Dam. He said he gave that brief to the Attorneys who are representing the people opposing the Airport so that they could be fully informed on the matter. If they feel the City's position is incorrect, they can take the matter to Court.

Mr. Cvitanich said he would like to substantiate Mr. McCormick's position. He said he spoke with him on this matter approximately three weeks ago, at which time Mr. McCormick gave him the same opinion at that time.

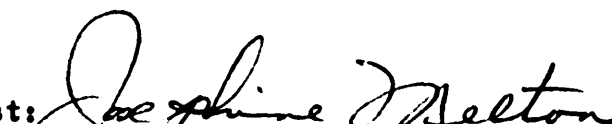
Mr. Andrew Berg said two Port Commissioners have told him that the Port does not plan to sell its \$350,000 Airport Revenue Bond Issue until it sees if sufficient revenue is coming in.

Mayor Hanson said the Port was pledged to a \$350,000 Revenue Bond Issue in the City's Federal Aid Application. This is the basis on which our Federal Grant was approved and that is the basis upon which we are proceeding.

There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 9:30 P. M.


Mayor of the City Council

Attest:


City Clerk