

COUNCIL CHAMBER, 7:30 P. M.

Monday, January 20, 1958.

Council met in regular session. Present on roll call 8; Battin, Bratrud, Goering, Humiston, Jensen, Perdue, Stojack, Mayor Anderson. Mr. Tollefson took his seat at 7:45 P. M. Absent 0.

It was moved by Dr. Battin, seconded by Mr. Jensen, that the minutes of the previous meeting be approved and the reading thereof dispensed with. Motion carried on roll call: Ayes 8; Battin, Bratrud, Goering, Humiston, Jensen, Perdue, Stojack, Anderson; Nays 0; Absent 1; Tollefson.

PETITIONS:

Mrs. Hazel Gundy, et al, for rezoning property located behind 8421 Pacific Avenue from an R-2 District to a C-2 District. Referred to the Planning Commission. X

RESOLUTIONS:Resolution No. 15195:L I D 4635:By HUMISTON:

Fixing February 18, 1958 as date for hearing on L I D 4635 - resurfacing with asphaltic concrete Court "C" from So. 7th Street to St. Helens Avenue and from So. 9th Street to So. 13th Street, also on Court "C" from Sixth Avenue to So. 7th Street. X

Adopted on roll call January 20, 1958
Ayes 8; Nays 0; Absent 1; Tollefson.

Resolution No. 15196:By PERDUE:

Settling claim of E. L. Warner in the amount of \$1,383.22, and authorizing payment of said sum out of the Sewer Utility Fund. X

Mr. Rowlands advised that this was in settlement of a claim filed by Mr. E. L. Warner residing at 4017 No. 31st Street.

It was explained to Council that at the intersection of No. 31st and Monroe Streets several combination storm drains join in one manhole and discharge into a twenty-four inch diameter sewer leading down Puget Park Gulch. The lines leading into the Puget Park Gulch line filled to such extent that the Puget Park sewer line was unable to carry the full flow and the pressure caused thereby blew off the manhole covers, and storm and sewer waters flowed out into the No. 31st and Monroe Streets intersection and flooded the basement of Mr. Warner's home.

Mayor Anderson asked Mr. Staman if there ever has in the past been separate storm sewer drains in this area. Mr. Staman replied that he was not fully informed on this so the Mayor asked Mr. Staman to check this matter and report back to Council.

Roll was then called on the Resolution, resulting as follows:

Adopted on roll call January 20, 1958
Ayes 8; Nays 0; Absent 1; Tollefson.

Resolution No. 15197:By STOJACK:

Carrying over certain appropriations in the 1957 Budget for certain construction

jects for payment during the year 1958.

Adopted on roll call January 20, 1958
Ayes 8; Nays 0; Absent 1; Tollefson.

Resolution No. 15198:

TOLLEFSON:

Authorizing proper officers of the City of Tacoma to make certain transfers in 1957 Budget.

Adopted on roll call January 20, 1958.
Ayes 8; Nays 0; Absent 1; Tollefson.

It was moved by Dr. Humiston to suspend the rules to consider a Resolution pertaining to placing the Airport Proposition on the ballot, which did not appear on the Agenda. Dr. Humiston advised that if there is a demand to place this matter on the ballot it should be done as soon as possible and not wait until the Fall election. Motion was seconded by Mayor Anderson and carried on roll call: Ayes 7; Nays 2; Battin, Stojack. Absent 0.

Resolution No. 15200:

HUMISTON: 26

Submitting to the qualified voters of the City of Tacoma at the next General Municipal Election to be held March 11, 1958 for their approval or rejection Ordinance No. 16019 authorizing issuance and sale of general negotiable serial interest-bearing coupon bonds of the City of Tacoma in the amount of \$350,000.00 for the purpose of establishing an airport and other air navigation facilities.

Mr. Rowlands advised that the application the City has filed with the Civil Aeronautics Authority is for the Peninsula Site, but he said if another site proved more favorable the application could possibly be amended. He added that the Administration of the Civil Aeronautics Authority is reviewing applications from various locations in the West and must be definitely assured that funds will be available for construction of the airport before they will appropriate funds for aid. Mr. Rowlands stated further that the City funds will not be available until January of 1959 but the Civil Aeronautics Authority will expect the City to proceed with the purchase of land by July of 1958, but that no money will be available until July 1st of this year from any funds.

Mr. Bratrud asked if this resolution were passed, would it "kill" the airport.

Mayor Anderson advised that it would not necessarily kill the airport as it would set up for a vote by the people in March and probably the City would not hear from the Civil Aeronautics Authority until April.

Dr. Humiston asked Mr. McCormick if the forty-five or fifty days would apply for the notification to the County Auditor and if a decision had been reached which would apply.

Mr. McCormick advised that the fifty day period would not apply to the other Bond issues but only to the Referendum Petition and that this resolution must pass tonight to become effective within the fifty day period.

After some discussion roll was called on the resolution, resulting as follows:

Adopted on roll call January 20, 1958
Ayes 7; Nays 2; Bratrud, "Perdue"; Absent 0.

Order of business then reverted to

Resolution No. 15199:

HUMISTON: 27

Authorizing the Mayor to appoint a special committee of three members of the City Council plus himself as an ex-officio member to be known as the Airport Committee and

setting forth duties thereof.

It was moved by Dr. Humiston to adopt the Resolution. Motion seconded by Mrs. Goering.

Dr. Humiston urged that this Resolution be approved so that the Council members will have an opportunity to study the airport situation before March 11th and that the voters and Council will be properly informed on the matter.

Mrs. Goering asked if the investigations would be directed only to the site which the Council has already endorsed, or will it cover any site as previously suggested.

Dr. Humiston said the City could amend their application to the Civil Aeronautics Authority and that additional studies could be made of other sites for the airport, if so wished.

Mrs. Goering asked if there was a stated limit beyond which time the application to the Civil Aeronautics Authority could be amended.

Mr. Anderson advised that the application could be amended and has been on previous occasions.

Mr. Stojack suggested that studies be conducted by Specialists as far as sites, availability and cost is concerned. He said he would like to receive his information first hand on this matter instead of through a committee.

Mrs. Goering asked if by tabling this Resolution it meant that there will be no further study given to the airport situation. Mr. Tollefson explained that it meant only as far as a designated Council Committee is concerned. There is nothing to stop a Council member from obtaining any information he so desires, he added.

Mr. Perdue said that we were all equally interested in this matter and should not designate the investigation to a Council Committee.

Mrs. Goering advised that she would like to be assured that investigations will be made of the Airport Proposition, and by voting this Resolution down no assurance is given.

Dr. Humiston explained that by defeating this Resolution it is going to make the accumulation of information for Council and the General Public much more difficult.

Mr. Stojack then moved to table the Resolution. Motion seconded by Mr. Bratrud and carried on roll call: Ayes 6; Nays 3; Goering, Humiston, Tollefson; Absent 0.

carried

Attention roll call January 20, 1958.

Ayes 6; Nays 3; Goering, Humiston, Tollefson. Nays 0.

FIRST READING OF ORDINANCES:

Ordinance No. 16036:

Appropriating \$22,000.00 from the Garbage and Refuse Fund for paying maintenance and operation obligations incurred during the year 1957. Read by title and placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 16029:

Amending the Charter and Official Code relating to reclassification of property located at the S. E. and S. W. corners of North 21st and Prospect Streets from an R-3 Two Family Dwelling District to an R-4-L Multiple Family Dwelling District. Read by title and passed.

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

Ordinance No. 16030:

Amending the Charter and Official Code relating to reclassification of property at the north side of South 12th Street from 120' west of South Junett to 150' west of South Cedar Street from an R-3 Two Family Dwelling District to a C-1 Commercial District. Read by title.

A petition was presented by Mr. R. W. Johnson of 3115 So. 12th Street, representing 72 signatures of residents in the area protesting the rezoning. He advised that the people were misinformed as to the type of business to be conducted in the area, and said they had no objections to a Medical Center but could see no reason for another gas station.

Mr. Anderson, who lives close to the property in question, stated that when the petition was circulated last summer he was advised that a Medical Center would be constructed and, he said, it would have been only fair for the Petitioner to have informed the signers that plans had been changed to build a gas station.

Mr. Rowlands advised that a C-1 Commercial District provides many different types of usage of the rezoned portion.

Mayor Anderson asked Mr. Buehler, Director of Planning, to explain the action of the Commission. Mr. Buehler said that the proper notices were posted in the area prior to the Public Hearing by the Planning Commission, and that no one protested the rezoning at the hearing.

Mr. Jensen asked Mr. Buehler if any statement was made at the hearing as to what the usage would be and Mr. Buehler advised that it definitely was to be a filling station, as it was set up in the petition.

Mr. Perdue stated that the Planning Commission must have considered this good planning to have approved this application and he understood that the Commission does not zone for a particular "use" but only to a particular "zone", and that this was the recommendation of the Planning Commission.

Mrs. Goering asked if it were possible to ascertain who circulated the petition and find out whether or not it was misrepresented.

Mr. Buehler advised that he does not know whether or not it was actually misrepresented, as a Medical building could be allowed in a C-1 District as well as a Transitional Zone.

Mr. Norton Gordon, residing at 918 North G Street, who represented the petitioner, the Investment Exchange Development Corp., advised that there had been two hearings by the Planning Commission and no one appeared at either of the hearings, and he said no one appeared last week at the first reading of this ordinance to protest. Now, he said, a petition has been presented bearing 72 signatures, stating there was a misrepresentation when the petition was circulated.

A Resident of the area asked that the two petitions be compared and stated they will find that the names will be almost identical as to the names on the original petition. He said they were informed a Medical Center was to be built and were opposed to the building of a gas station.

Mr. Perdue advised he has the original petition which states the use is to be for a service station and he wished to ask if the wording "service station" was inserted after the petition was circulated or before, and if the front sheet accompanied the petition when the signatures were obtained.

Mr. Gordon explained that when he prepared the petition last April the exact usage of the property was not known and when the petition was about "half" completed it was decided a service station would be built.

Mr. Stojack advised that when a petition is presented to the Planning Commission they do not consider what type of a business is going in, they only consider the type of zoning, whether it is good planning or not. He said he would like to obtain a written opinion from the City Attorney as to whether the Planning Commission considered a valid petition with some of the signatures being put on prior to the stating of the usage for the zoning. The City Attorney was also asked to compare the original petition with the petition presented to the Council on Monday, January 20, 1958.

Mr. Stojack then moved that the Ordinance be postponed for one week, pending the opinion from the City Attorney. Motion seconded by Mr. Jensen and carried on roll call: Ayes 8; Nays 0; Absent 1 Bratrud (having been excused from the meeting at 8:40 P.M.)

Ordinance No. 160311

Amending the Charter and Official Code relating to reclassification of property located between So. Sprague and So. Steele Streets from South 35th Street to South Tacoma

lay (excluding freeway right-of-way) from an R-4 Multiple Family Dwelling District to an R-1 Light Industrial District. Read by title and passed.

Roll Call: Ayes 8; Nays 0; Absent 1; Bratrud.

Ordinance No. 16032:

Amending the Charter and Official Code of the City relating to retirement and pensions of employees of the City of Tacoma. Read by title.

Mr. Rowlands requested that Ordinance No. 16032 be postponed for one week. It was moved by Mr. Tollefson to postpone the ordinance for one week. Motion seconded by Dr. Humiston and carried on roll call: Ayes 8; Nays 0; Absent 1; Bratrud.

Ordinance No. 16033:

Establishing permanent registration offices in each legislative district within the City and establishing temporary registration facilities prior to the State Primary and State General Elections. Read by title.

Mr. Jensen advised that the place of registration for the 29th Legislative District is on the eastern perimeter of the District and suggested that a location in the center would be better, and suggested it be changed to Station #7 at 3611 S. 56th Street. He then moved to make this change in Section 1 of the ordinance. Motion seconded by Dr. Battin. Roll was called on the amendment, resulting as follows: Ayes 8; Nays 0; Absent 1; Bratrud. Roll was then called on the ordinance, as amended, resulting as follows:

Roll Call: Ayes 8; Nays 0; Absent 1; Bratrud.

Ordinance No. 16034:

Amending the Charter and Official Code relating to reclassification of property located on both sides of South Cushman Street from So. 11th to So. 12th from an R-3 Two-Family Dwelling District to an R-4-T Multiple Family Residential-Commercial Transitional District. Read by title and passed.

Roll Call: Ayes 8; Nays 0; Absent 1; Bratrud.

Ordinance No. 16035:

Authorizing the Director of Finance to transfer certain funds in the Annual Budget for 1957; declaring an emergency making necessary the immediate passage and taking effect of this ordinance immediately after publication. Read by title and passed.

Roll Call: Ayes 8; Nays 0; Absent 1; Bratrud.

ITEMS RECEIVED FOR FILING IN THE OFFICE OF THE CITY CLERK:

Record of cases in Tacoma Municipal Court during the month of December, 1957. X

Summary of Tacoma Police - December, 1957 Monthly Report. X

NEW BUSINESS:

Mr. Rowlands, City Manager, presented the following:

- 1) M.C.177 - Motor Pool Savings X
- 2) M.C.178 - Assessed Valuation of I.T.D. 1955 X

Placed on file.

MAY 20 1958

Mrs. Goering moved that the Council reconsider Ordinance No. 16014 pertaining to a proposition of submitting to the qualified voters at the general municipal election to be held Tuesday, March 11, 1958 of creating an indebtedness of \$148,000.00 for the purpose of providing funds for payment of a part or all of the cost of construction of public building or buildings, facilities and the acquisition and development of sites in connection therewith, as she thought there was an oversight in the ordinance. Motion seconded by Mr. Tollfson and carried unanimously.

Mrs. Goering advised that she was under the impression that \$126,000 had been left in the Library request and believed this was also the impression of the Council.

Mr. Rowlands advised he would like to give an explanation on this matter. He said, the final recommendation of the Public Buildings Sub-committee was that this \$126,000.00 be for the 1960-61 period of construction, Council did include the 1958-59 wages of the McCormick Branch and North 26th and Adams and also the demolition and replacement of the South Tacoma Branch.

Mr. Buehler added that there was a great deal of discussion in the committee meeting regarding the West End Branch, and the Committee's recommendation was that the West End Branch be delayed until 1961 and the other two placed on the ballot.

Dr. Humiston then moved to amend Ordinance No. 16014 to add the amount of \$126,000.00 to the \$148,000.00. Motion seconded by Mr. Stojack.

Mr. Jensen explained that he would like to see the West End Branch delayed until a study is made of a possible joint use facility in connection with one of the new West End Schools.

Dr. Humiston was in accord with Mr. Jensens remarks inasmuch as he also believed a study should be made, but, felt the Libraries should have money available in the event the joint use plan is worked out.

Mayor Anderson advised that the Library is very important to the West End but the recommendation of our Committee is that it not be placed on the ballot until 1960-1961.

Both Dr. Battin and Mayor Anderson expressed their desire to hold the West End Library until 1960-61 and claimed that if it were placed on the ballot now it might be construed as a breach of faith with the School Board.

Roll was called on Dr. Humiston's motion to amend Ordinance No. 16014 to add \$126,000.00 to the \$148,000.00, resulting as follows: Ayes 3, Nays 5, Battin, Jensen, Perdue, Stojack and Mayor Anderson. Absent 1, Bratrud. Motion lost.

Roll was then called on the ordinance, resulting as follows:

Roll Call: Ayes 7; Nays 1, Jensen; Absent 1, Bratrud.

Mrs. Goering advised she had another matter to bring before the Council which pertains to a Referendum Petition, which has been brought to light with the circulation of the Airport Petitions. She advised that the City Attorney has interpreted the City Charter to mean that a Referendum Petition must be filed and checked within the 10 day period in which the Ordinance becomes effective.

The Attorney's opinion, she said, virtually prohibits the filing and checking of Referendum Petitions and, she did not believe this was the intent of the Freeholders who drew the Charter.

Mrs. Goering advised that when this matter was discussed in the 1952 Freeholders meeting, it was questioned as to whether 10 days was long enough for obtaining signatures and that other cities allow a longer time. She stated that she checked the wording on the 1927 and 1952 Charters and found that they are similar with the exception of one comma, and she believed that it is most important before this ever comes up again that something be done about it to clarify the intent of the Freeholders.

City Attorney McCormick quoted from Sec. 2.21 of the City Charter which pertains to the filing of a Referendum Petition and advised that he believes this section could be rewritten and made clearer, both as to initiatives and referendums, as they

JAN 20 1958

refer back to the same conditions, but the conditions are not the same, some of them apply, and some of them do not apply, he said.

Dr. Humiston said that according to our Charter people are allowed ten days to file petitions for a referendum, now, he said, if that period is increased wouldn't we also have to extend the ten day period, as it will be a cloud on the effective date of every Ordinance, until the period is passed for filing of a referendum?

Mr. McCormick advised that once the ten day effective period is passed, the ordinance has become effective, and nothing can be done.

Mrs. Goering said that she believes something should be done about this right away, as someone may file a referendum petition on an ordinance that we pass tonight, or even next Monday night.

Mrs. Thomas Swayze one of the 1952 Freeholders, spoke at this time. She advised that as the originator of the motion, her intent was to give the citizens ten days in which to secure the signatures, now, she said, if there is an emergency at the Council point, where they want to know within a limited number of days, she could see where the City Clerk's Office could hire enough people to certify. She advised that if there were an emergency and the people who were obtaining signatures knew of this, they would present the petitions as soon as they were completed. In this manner the Clerk would not be faced with getting all the signatures certified between five o'clock and midnight, but only with the signatures filed the last day.

Mrs. Goering then asked that a study be made as to the steps that it would take to clarify this as it is most important to do just as fast as it can be done.

Mr. Stojack asked how this could be done, Mr. McCormick advised that it could be accomplished by an amendment or by a Supreme Court decision.

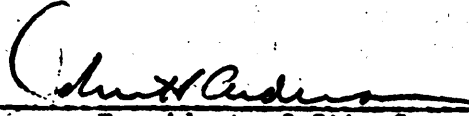
Mayor Anderson then asked Mr. McCormick to obtain an opinion from the Supreme Court on this matter.

Mr. Stojack requested that a Resolution or Ordinance be drawn, naming the projects of the various Bond Issues, so they will be on record so the people will know what they are voting on.

COMMENTS BY THE CITY MANAGER:

Mr. Rowlands presented copies of a letter from Mr. J. Wilson Gaw, Vice President in Charge of Public Relations, notifying the City Clerk that they have asked for an increase in gas rates and that they have filed an application with the Washington Public Service for permission to increase their rates as of Feb. 5, 1958.

Council then adjourned at 9:40 P.M.



President of City Council

Attest:



City Clerk.