

824
MAY 1 2 1956

COUNCIL CHAMBER, 7:35 P. M.

Monday, March 12, 1956.

Council met in regular session. Present 6; Battin, Goering, Humiston, Perdue, Stojack, Tollefson. Absent 3; Bratrud, taking his seat at 7:50 P. M., Hooker taking his seat at 7:40 P. M. and Jensen.

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

PETITIONS:

F. Dahlin, for renewal of license for garage-grades 2,3, and 6 at 1401-11 "A" Street. The Fire Chief recommends the license be denied for the reason that premises do not meet requirements of the Fire Department and owner has not completed corrections required to bring it into conformance with the Code. The City Manager concurs in the recommendation. It was moved by Dr. Humiston to concur in the recommendation. Motion seconded by Mr. Perdue and carried on roll call: Ayes 7; Nays 0; Absent 2; Jensen and Bratrud.

John E. Johnson, for license for Junk Dealer, Class 3 at 1939 Fawcett Avenue. The Building Inspector recommends the application be denied for the reason that the premises are not in the proper zone to permit this type of business. The City Manager concurs in the recommendation. It was moved by Dr. Humiston, seconded by Mr. Bratrud to concur in the recommendation. Motion carried on roll call: Ayes 7; Nays 0; Absent 2; Bratrud, Jensen.

OFFICIAL COMMUNICATIONS:

Clarence M. Boyle, City Manager, calling attention to Charter provision requiring the City to codify or compile during this year the ordinances of the City, for which \$15,000 was provided in the budget; and recommending that before proceeding further in the matter a committee of three Council Members should be appointed to confer with the Legal Department and receive detailed information as to the scope of the project and make recommendations to the Council as to the form in which the task should be accomplished. Col. Hooker stated he was in favor of Mr. Boyle making his recommendation to Council rather than referring the problem to a Council Committee, saying he felt Mr. Boyle was much better qualified to make this decision than was a Council Committee. He had taken this up with Mr. Boyle earlier, Col. Hooker said, and he asked Mr. Boyle to explain it at this time. Mr. Boyle replied that the matter could be handled either way, but it was their thought in recommending the Committee, to acquaint the Council with what was transpiring. The question of whether the City should make a codification or compilation was discussed at length and Mr. Boyle, Mr. McCormick, Mayor Tollefson and Dr. Battin favored the codification, which Mr. Boyle said they felt could be accomplished with the \$15,000 set up in the Budget. Several Council members also said they favored Col. Hooker's suggestion that the Manager and Legal Department make the recommendation to the Council on this matter. The question was raised as to whether or not the City will have to publish the entire codification in the Tacoma Daily Index and Mr. Boyle said it was his opinion that this would not be required and that the codification can be adopted by ordinance. In view of the opinions expressed, no committee was appointed and it was left up to the Manager and the City Attorney to make the recommendation to the Council.

Civil Service Board, submitting findings on the claim of Wesley Simpson, Light Department Employee, and advising the Board finds that claimant is en-

titled to vacation pay at the rate of lineman, and it is so ordered by the Board. Mr. Boyle informed the Council that the Civil Service Rules provide that any employee having a grievance may present same to the Civil Service Board and they shall investigate and report findings to the Council. Mr. Boyle reported that actually Mr. Simpson was not entitled to the higher rate for vacation pay, and they had given the Civil Service Board such an opinion. However after a hearing, the Civil Service Board found he should be paid at the lineman's rate, as he had been misinformed by the Light Department, when he was demoted to helper because of his health, that he would receive his vacation pay at the higher rate, Mr. Boyle stated. He feels it is a good policy in this case not to oppose the findings of the Civil Service Board and he would recommend that the Council concur in the decision of the Board. It was moved by Dr. Humiston, seconded by Mr. Perdue that the Council approve the decision of the Civil Service Board. Motion carried on roll call: Ayes 8; Nays 0; Absent 1; Jensen.

Civil Service Board, submitting findings on the status and seniority of James H. Burnside on the eligible list for Equipment Operator; and advising it is the decision of the Board that Mr. Burnside's appointment to this position shall be considered effective from June 9, 1955, and that his seniority on the lay-off register likewise should date from the same time. This is another case where the employee was given the wrong information, Mr. Boyle advised. At the time he was called to work on June 9, 1955, Mr. Burnside was on vacation from another City Department and he was told he would be permitted to finish his vacation before going to work, and for this reason he did not actually start until June 22nd. The man who was #2 on the list began work on June 9th, so actually under the rules he has seniority over Mr. Burnside, who was first on the list, Mr. Boyle advised. Under a ruling from the Law Department the Civil Service Board legally had no right to make this decision, Mr. Boyle said. However the #2 man has been called in and he has said that he does not wish to contest it and that feels Mr. Burnside should have seniority over him, Mr. Boyle stated. He feels the Council should settle the matter with the understanding that this case would not set a precedent, he added. Moved by Dr. Battin, seconded by Mr. Perdue that the Council concur in the findings of the Civil Service Board with the proviso that this action is not to set a precedent. Dr. Humiston in speaking on the motion, said if the rule makes it improper to do this, he would rather see the rule changed, it was pointed out that this is a situation which is not likely to come up again for a long time. Mr. Ketler was asked if this action met his approval and he replied that it did. However this rule is ambiguous and they would like to see it reconsidered and amended, Mr. Ketler added. Roll was called on the motion, which carried; Ayes 8; Nays 0; Absent 1, Jensen.

RESOLUTIONS:

Resolution No. 14564.

By Perdue:

Authorizing the proper officers of the City to sell 8 tons of copper-lead telephone cable to the Northwest Pipe and Salvage Co. on its high bid of \$.133945 per pound and also to sell 150 glass-lead batteries to Jerome E. Norton on his high bid of \$1.461 each. (surplus items).

Adopted on roll call March 12, 1956.
Ayes 8; Nays 0; Absent 1; Jensen.

Resolution No. 14565. L I D 1951. ✓

By JENSEN:

Stating intention of Council to order laying of storm sewers in East 11th Street; in Port of Tacoma Road; in Ross Way; in alley between Ross Way and Ashton Way; in Ashton Way; in alley between Ashton Way and Maxwell Way; and in alley between Maxwell way from Port of Tacoma Road to 1580 feet southwest; creating L I D 1951 and fixing April 3, 1956 as the date for hearing thereon.

Adopted on roll call March 12, 1956.
Ayes 8; Nays 0; Absent 1; Jensen.

Resolution No. 14566. L I D 1952. ✓

By Tollefson:

Stating intention of Council to order laying of sanitary or local sewers from the existing sanitary sewer on North 9th Street, between Villard and Orchard, east to Orchard Street, thence north in Orchard Street to North 19th Street; also from the existing sanitary sewer on North 9th Street at Villard, north on Villard to Dahl Drive, then west on Dahl Drive approximately 150 feet; creating L I D 1952 and fixing April 3, 1956 as the date for hearing thereon.

Adopted on roll call March 12, 1956.
Ayes 8; Nays 0; Absent 1; Jensen.

Resolution No. 14567.

By STOJACK:

Accepting and approving the plat of Miller's View Ridge Addition (in the general vicinity of North 38th and Frace Streets).

Adopted on roll call March 12, 1956.
Ayes 8; Nays 0; Absent 1; Jensen.

Resolution No. 14568. L I D 2231.

By JENSEN:

Stating intention of Council to order placing of a gravel, crushed rock and oil mat surface on South 10th Street from Winnifred Street to Bennett Street and on Shirley Street from South 11th to South 9th Street; creating L I D 2231 and fixing April 3, 1956 as the date for hearing.

Adopted on roll call March 12, 1956.
Ayes 8; Nays 0; Absent 1; Jensen.

Resolution No. 14569. L I D 2232. ✓

By JENSEN:

Stating intention of Council to order laying of cement concrete sidewalks on both sides of Shirley Street from South 11th to South 9th Street, both sides of South 10th Street from Winnifred Street to Shirley Street, and the north side of South 10th Street from Shirley Street to Bennett Street; creating L I D 2232 and fixing April 3, 1956 as the date for hearing thereon.

Adopted on roll call March 12, 1956.
Ayes 8; Nays 0; Absent 1; Jensen.

Resolution No. 14505 (forwarded to Utility Board on Jan. 30, 1956 for its study)

By HUMISTON:

Authorizing the proper officers of the City of Tacoma to sell certain real property located at South 23rd and Winthrop Avenue, which was formerly used by the Water Division, to American Manufacturing Co. on their bid of \$4225.00 and setting forth terms and conditions of said sale. The Clerk read a letter from Dean Barline, Director of Utilities, stating that Mayor Tollefson has requested that this matter be returned to the Council for its immediate consideration and placed on the agenda for March 12th; and advising that the Utility Board, after an informal review, has made no change in its previous recommendations. Roll was then called on the adoption of the Resolution.

Adopted on roll call March 12, 1956.
Ayes 8; Nays 0; Absent 1; Jensen.

FIRST READING OF ORDINANCES:

Ordinance No. 15560.

Consenting to the assignment of the franchise rights of Washington Gas and Electric Co., a corporation organized and existing under and by virtue of the Laws of Delaware, to the Washington Natural Gas Company, a corporation organized and existing under and by virtue of the laws of Delaware. Read by title and placed in order of final reading.

Ordinance No. 15561.

Vacating a portion of the alley lying between South Trafton Street and South State Street between Blocks 5 and 6 of Prescott Park Addition to Tacoma; and retaining and reserving certain easements therein for the construction, repair and maintenance of public utilities and services. (petition Northwest Chair Co., et al) Read by title and placed in order of final reading.

Ordinance No. 15562.

Vacating Court C lying between Lots 21 to 26 inc., Block 1106 and Lots 21 to 26 inc., Block 1107, Map of New Tacoma, extending upward from elevation 164.00, City of Tacoma Datum. (Petition John S. Baker Co.) Read by title and placed in order of final reading.

Ordinance No. 15563.

Vacating that portion of North 17th Street lying between North Lawrence Street and a point 151 feet east on said North 17th Street; and retaining and reserving certain easements therein for the construction, repair and maintenance of public utilities and services. (Petition of College of Puget Sound). Read by title and placed in order of final reading.

Ordinance No. 15564.

Vacating a portion of the north side of South 37th Street from South "G" Street west to the west line of Park Avenue. (Petition Tacoma School District No. 10). Read by title and placed in order of final reading.

Ordinance No. 15565. L I D 5263.

Providing for construction of a 6-inch cast iron water main in Orchard Street from North 9th to North 11th; in Villard Street from North 9th to Dahl Drive; in Bennett Street from North 10th Street to Dahl Drive; in North 10th

Street from Bennett Street to Villard Street; in Dahl Drive from North Bennett Street to North Villard Street; and in North 8th Street from Huson Street to Orchard Street; and an 8-inch cast iron water main in North 9th Street from Huson Street to a point approximately 430 feet west of Villard; a 12-inch cast iron water main in North 11th from Huson to Bennett "Vacated"; creating L I D 5263. Read by title and placed in order of final reading.

Ordinance No. 15566. L I D 5271.

Providing for construction of a 12-inch cast iron water main in South 56th Street from Proctor Street to Durango Street and a 6-inch cast iron water main in Proctor Street from South 54th Street produced to South 56th Street; creating L I D No. 5271. Read by title and placed in order of final reading.

Ordinance No. 15567. L I D 5261.

Providing for construction of an 8-inch cast iron water main in South 4th Street from Yakima Avenue to Ainsworth Avenue, and a 6-inch cast iron water main in M Street from South 84th Street to South 85th Street; creating L I D 5261. Read by title and placed in order of final reading.

Mr. Bratrud stated that he had the title of the ordinance covering the City's participation in the increased cost of the County-City Building, which must be given first reading tonight, although it is not on the Agenda. It was moved by Dr. Humiston, seconded by Mr. Perdue, to suspend Rule 7 (relative to filing of new matter for Council's consideration). Motion carried unanimously on voice vote.

Ordinance No. 15568.

Appropriating and authorizing the expenditure of the sum of \$345,000, or so much thereof as may be necessary, as advance payment on the City's costs in connection with the ownership and joint occupancy in the County-City building project, which funds constitute funds in the "Cumulative Reserve Fund for Providing a New City Hall", established in the Treasury of the City by Ordinance No. 12920; authorizing the City to incur a general indebtedness in the amount of \$405,000.00, to secure additional funds to be used as further advance payment of the City's cost in connection with the ownership and joint occupancy in the said County-City building project; authorizing the issuance and sale of General Obligation Negotiable Serial Interest-bearing "County-City Building Coupon Bonds of 1956" of the City in the said sum of \$405,000.00, for the payment of said indebtedness; providing for the levy and collection of taxes for the payment of the principal and interest of said bonds; directing and authorizing the proper officers of the City to negotiate and execute and deliver all necessary amendments, supplements or revisions of the present contract with Pierce County for the ownership, occupancy and maintenance of the said County-City building project as approved and set forth in Ordinance No. 15393; declaring an emergency and that this ordinance shall take effect immediately after publication. Read by title and placed in order of final reading. Mr. Bratrud called attention to the letter from the Pierce County Commissioners, dated March 9, 1956, giving information on the plan for awarding contracts for construction of the new County-City Building, taking into consideration the increased costs, a copy of which has been handed to each Council member for his information. Inasmuch as a sizable amount of City Funds is involved, he felt all Council members as well as those on the County-City Building Committee should be well versed in this matter, and therefore the Committee would like to have a meeting with the entire Council, the County Commissioners, contractors, architect, engineers, etc. at which time questions could be answered and information received before taking final action on Ordinance No. 15568, Mr. Bratrud said. The most convenient time for this meeting was discussed at length, and it was finally decided to hold it as a recessed Council meeting Tuesday, March 14th at 4:30 P. M. in the Council Chambers. Dr. Battin stated that he felt that Committee reports, especially where large sums of money are involved, should be made

by the Chairman in writing rather than as a verbal report. The time element was involved in this case, Mr. Bratrud claimed, and moreover the discussions were rather lengthy and he does not think he will have time to make this written report, and for that reason he felt the Council could get first hand information at the meeting. Mr. Perdue suggested it might be beneficial to have a meeting with the Committee prior to the meeting with County officials, and this idea met the approval of the majority. It was decided that the Council would meet as a Committee of the Whole after tonight's meeting to be briefed on the subject by the County-City Building Committee.

FINAL READING OF ORDINANCES:

Ordinance No. 15556.

Appropriating the sum of \$36,084.00 from the City Street Fund for the purpose of providing additional permanent street L I D participation. Read by title and passed.

Roll call: Ayes 8; Nays 0; Absent 1; Jensen.

Ordinance No. 15557.

Vacating South Stevens Street, from South 19th Street to South 23rd Street, South Verde Street from South 19th Street to South 23rd Street, South 21st Street from Mason Avenue to Cheyenne Street, the alley between Mason Avenue and Stevens Street from South 19th Street to South 21st Street, the alley between Stevens Street and Verde Street from South 19th Street to South 23rd Street and the alley between Verde Street and Cheyenne Street from South 19th Street to South 23rd Street, all said streets and alleys being located in West Park Addition to the City of Tacoma. (Petition Metropolitan Park District for Ball Field). Read by title and passed. 310

Roll call: Ayes 6; Nays 2; Battin, Gering. Absent 1; Jensen.

Ordinance No. 15558.

Vacating that portion of South Junett Street extending from South 37th Street to South 38th Street. (Petition Bart Hogeberg, et ux). Read by title and passed. 309

Roll call: Ayes 8; Nays 0; Absent 1; Jensen.

Ordinance No. 15559.

Authorizing and directing the City Attorney to purchase and/or prosecute an action in the Superior Court of the State of Washington for Pierce County under the right of eminent domain for the condemnation and acquisition of certain property, property rights and privileges for the purpose of widening and improving South 19th Street from "I" Street to Orchard Street; and providing for the taking and damaging of said property rights and privileges; and providing for the payment thereof. Read by title and passed.

Roll call: Ayes 8; Nays 0; Absent 1; Jensen.

UNFINISHED BUSINESS:

This being the date fixed by Resolution No. 14540, adopted by the Council on February 14, 1956, for hearing on petition of Pierce County Commissioners for vacation of the following streets and alleys: South G Street from South 9th to South 11th; South 10th from South Tacoma Avenue to the alley between

298
200
270
363

South G and South Yakima; alley between South G and South Yakima from South 9th to South 10th; alley between South G and South Tacoma Avenue from South 9th to South 11th (site of proposed new County-City Building), the Clark reported the posting of the notices required by law and the filing of an affidavit of such posting. Also reported that no remonstrances had been filed against the proposed vacation. The City Planning Commission has approved the vacation subject to the requirements of the Public Utilities and Public Works Departments. Mr. McCormick, City Attorney, reported that everything had been satisfactorily cleared with the Public Utilities and Public Works Departments, Consumer's Central Heating Co. and Washington Gas and Electric Co. Mr. Thomas R. Garlington, Deputy Prosecuting Attorney, was present to represent Pierce County in the matter. No remonstrators appearing, it was moved by Dr. Humiston, seconded by Mr. Bratrud that the petition be granted and the City Attorney be instructed to draw an ordinance providing for the vacation of the streets and alleys requested. Motion carried on roll call: Ayes 8; Nays 0; Absent 1; Jensen.

This being the date to which Council laid over consideration of the report of the City Planning Commission, which recommended denial of the petition of Harry G. Johns, et al (12-12-55) for rezoning from an R-2 District to a C-2 District 120 feet on the east side of Pacific Avenue between South 86th and South 87th Streets, the matter was taken up at this time. It was reported by the Clerk that Mr. Johns has not filed an appeal in her office. It was then moved by Mr. Stojack, seconded by Dr. Humiston to concur in the recommendation of the City Planning Commission to deny the petition. Motion carried on roll call: Ayes 8; Nays 0; Absent 1; Jensen.

The L I D Committee reported that hearing was held by the Committee on March 6, 1956 on L I D 2247, for grading and oil mat on Mason Avenue from South 9th to South 8th, and at said hearing the remonstrance was reported to be 85.4% against the improvement. In view of this remonstrance the L I D Committee had no alternative but to sustain the remonstrances and order the district abandoned, and now makes this recommendation to the City Council. Moved by Mr. Stojack, seconded by Mr. Bratrud to concur in the recommendation of the L I D Committee and carried on roll call: Ayes 8; Nays 0; Absent 1; Jensen.

The Director of Utilities submits assessments and assessment roll for cost of improvement in L I D 5249-- cast iron water mains in James Street from North 17th Street to a point approximately 335 feet south of the south line of North 11th Street, and in North 11th Street from Harmon Street to James Street-- It was moved by Mr. Stojack, seconded by Mr. Perdue that April 17th, 1956 be fixed as the date of hearing on the above assessment roll. Motion carried on roll call: Ayes 8; Nays 0; Absent 1; Jensen.

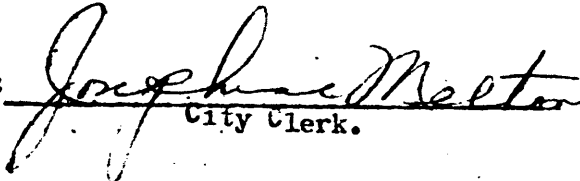
A petition signed by Mrs. J. R. VanWalk, et al, for storm sewer in East 60th Street from East "B" Street to East "F" Street, was filed in the Clerk's Office on March 9th. This petition stated that it has been determined no storm sewers exist in this street, which is to be paved under L I D 4585, authorized by Ordinance No. 15543 on Feb. 20, 1956, and they are therefore asking that the storm sewers be added to the construction and the additional cost up to \$1.00 per front foot be assessed against L I D 4585 and the excess cost be paid for by the City. Mr. Boyle reported that it was discovered after the L I D for paving had been approved by the L I D Committee that the City's master map, which showed a storm sewer on 60th Street, was incorrect and the district does not have proper drainage. He recommended that the property owners circulate this petition for the improvement to include storm sewers and that it be processed on petition by the Public Works Department to save time and also to avoid the necessity of notifying property owners and holding a hearing, Mr. Boyle advised. The question was asked by Dr. Battin what amount the City would have to pay over the \$1.00, and Mr. Calkins, City Engineer, replied that he did not think it would be very much and the storm sewer might even be less, depending on the bids received. Mr. Stojack and Dr. Humiston expressed concern as to whether or not this

MAR 13 1956

might set a precedent, as it is not customary for the City to share in the cost of storm sewers but only for paving. Mr. Bratrud said this was a case where the Council should give a little and deviate from the set policies. It was moved by Mr. Bratrud to proceed by petition as recommended by the Manager and that the attorney be instructed to prepare the required ordinance. Motion seconded by Mr. Perdue and carried on roll call: Ayes 8; Nays 0; Absent 1; Jensen.

At 9:15 P. M. the Council upon motion, regularly made and seconded, recessed to 4:30 P. M. Tuesday, March 13th, 1956.


President of City Council.

Attest: 
City Clerk.