

COUNCIL CHAMBER, 7:40 P. M.

Monday, August 22, 1955.

Council met in regular session. Present 8, Battin, Bratrud, Goering, Hooker, Humiston, Perdue, Stojack, Tollefson. Absent 1; Jensen, taking his seat at 7:50 P. M.

It was moved by Mr. Stojack, seconded by Dr. Humiston that the minutes of the previous meeting, copies of which had been mailed by the Clerk to each Councilman, be approved and the reading thereof be dispensed with. Motion carried on roll call: Ayes 8; Nays 0; Absent 1; Jensen.

PETITIONS:

B. Roger Biggaard, for license for private detective agency. The License Inspector recommends the petition be denied (in accordance with report from Police Chief). The City Manager concurs in the recommendation. Moved by Dr. Humiston to concur in the recommendation. Motion seconded by Mr. Perdue and carried on roll call: Ayes 8; Nays 0; Absent 1; Jensen.

RESOLUTIONS:

Initial Resolution No. 14371. L. I. D. 6746.

By BRATRUD:

Stating intention of Council to order installation of ornamental street lights with underground wiring, on Rochester Street from 6th Avenue to North 9th Street; creating L I D 6746 and Fixing September 20th, 1955 as the date for hearing thereon. It was moved by Mr. Bratrud, seconded by Col. Hooker to suspend Rule 9 and carried unanimously on voice vote. The resolution was then adopted without having been read in full. 17

Adopted on roll call August 22, 1955.
Ayes 8; Nays 0; Absent 1; Jensen.

Resolution No. 14372.

By HOOKER:

Approving participation agreements between Director of Public Works and abutting property owners for repair of sidewalks, gutters, curbs along and driveways across sidewalks, hereinafter set forth, on a contribution basis, pursuant to authority of Ordinance No. 14972. It was moved by Col. Hooker, seconded by Dr. Humiston to suspend Rule 9 and carried unanimously on voice vote. The resolution was then adopted without having been read in full.

Adopted on roll call August 22, 1955.
Ayes 8; Nays 0; Absent 1; Jensen.

Resolution No. 14373.

By PERDUE:

Authorizing proper officers to execute and deliver to Raleigh-Mann Co., a corporation, a local improvement assessment deed to Lots 1 to 4, Block 17, Grigg's and Hewitt's Addition (vacant property located at the N.W. corner of South 25th and Steele Streets) (Raleigh-Mann Co. have paid to City of Tacoma the sum of \$116.46.) Moved by Col. Hooker, seconded by Dr. Humiston to suspend Rule 9, and

carried unanimously on voice vote. The resolution was then adopted without having been read in full.

Adopted on roll call August 22, 1955.
Ayes 8; Nays 0; Absent 1; Jensen.

Resolution No. 14374.

By STOJACK:

Approving recommendation of the Director of Public Works and Board of Contracts and Awards and awarding contract for L. I. D. No. 4556 (resurfacing Puyallup Avenue from Winthrop Avenue to East G, Ainsworth Avenue from 6th Avenue to Division Avenue and South 13th Street from Broadway to South K Street) to Woodworth & Co. Inc. on its bid of \$46,420.00. It was moved by Dr. Humiston to suspend Rule 9, seconded by Dr. Battin and carried unanimously on voice vote. The resolution was then adopted without having been read in full.

Adopted on roll call August 22, 1955.
Ayes 8; Nays 0; Absent 1; Jensen,

Resolution No. 14375.

By JENSEN:

Approving recommendation of the Director of Public Works and Board of Contracts and Awards and awarding contract for the relocation and construction of a 48" sanitary sewer, construction of a 72" culvert, removal of existing bridge structure, and necessary clearing at East 34th Street between East R Street and East T Street, designated as W O #6060, to Rodney E. Kendall and Frank R. Kendall, co-partners, doing business as Kendall Construction Co., as specified in Alternate Proposal "B" and Supplemental Item 1. It was moved by Col. Hooker, seconded by Dr. Humiston to suspend Rule 9 and carried unanimously on voice vote. The resolution was then adopted without having been read in full.

Adopted on roll call August 22, 1955.
Ayes 8; Nays 0; Absent 1; Jensen.

Resolution No. 14376.

By JENSEN:

Approving recommendation of the Director of Public Works and Board of Contracts and Awards and Awarding contract for grading and surfacing North 26th Street from Jackson Street to Pearl Street, L I D 2210, to Kendall Construction Co., on their low bid of \$31,206.50. It was moved by Col. Hooker, seconded by Dr. Humiston to suspend Rule 9 and carried unanimously on voice vote. The resolution was then adopted without having been read in full.

Adopted on roll call August 22, 1955.
Ayes 8; Nays 0; Absent 1; Jensen.

It was moved by Mr. Perdue, seconded by Dr. Humiston, to suspend Rule 7, relative to filing of new matter for Council's consideration, in order to take action on Resolution No. 14377. Motion carried on roll call: Ayes 8; Nays 0; Absent 1; Jensen.

RESOLUTION NO. 14377.

By GOERING:

Authorizing the Investment Board of the City of Tacoma to invest

the sum of \$100,000 of the moneys in the Bonneville Power Administration Exchange Loan Account in United States Government securities.

Adopted on roll call August 22, 1955.
Ayes 9; Nays 0; Absent 0.

FIRST READING OF ORDINANCES:

Ordinance No. 15413. L. I. D. 2238.

Providing for improvement of the south side of South 17th Street from Adams St. to Washington Street, the west side of Washington Street from South 17th Street to South 18th Street and the north side of South 18th Street from Adams Street to Washington Street by construction of cement concrete sidewalks thereon; creating L I D No. 2238. Read by title and placed in order of final reading.

Ordinance No. 15414. L. I. D. 4558.

Providing for improvement of South Bell Street from South 56th Street to South 60th Street by grading, laying asphaltic concrete surface with concrete curbs and gutters, also constructing concrete walks on South Bell Street from South 58th Street to South 60th Street; creating L I D 4558. Read by title and placed in order of final reading.

Ordinance No. 15415. L. I. D. 4569.

Providing for improvement of North 28th Street from Cheyenne Street to Stevens Street by grading, laying asphaltic concrete paving and constructing cement concrete curbs and gutters, together with storm drainage; creating L I D No. 4569. Read by title and placed in order of final reading.

Ordinance No. 15416. L. I. D. 4570.

Providing for improvement of North 7th Street from Alder Street to Lawrence Street by grading, construction of asphaltic concrete paving and cement concrete curbs and gutters, together with storm drainage; creating L I D 4570. Read by title and placed in order of final reading.

Ordinance No. 15417. L. I. D. 5250 .

Providing for construction of an 8-inch cast iron water main in Frace Avenue from North 38th Street to North 46th Street and a 6-inch cast iron water main in North 43rd Street from Lexington Street to Frace Avenue; creating L I D 5250. Read by title and placed in order of final reading.

Ordinance No. 15418. L. I. D. 5254.

Providing for construction of a 6-inch cast iron water main in Orchard Street, from North 21st Street to North 25th Street and in North 22nd Street from Orchard Street to Huson Street; creating L. I. D. No. 5254. Read by title and placed in order of final reading.

Ordinance No. 15419. L I D 5193.

Approving and confirming the assessment and assessment roll for cost of improvement in L I D 5193. Read by title and placed in order of final reading.

Ordinance No. 15420. L I D 5241.

Approving and confirming the assessment and assessment roll for cost of improvement in L I D 5241. Read by title and placed in order of final reading.

Ordinance No. 15421. L. I. D. 5242.

Approving and confirming assessment and assessment roll for cost of improvement in L. I. D. 5242. Read by title and placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 15404.

Amending Section 28 of Ordinance No. 15106, entitled: "An ordinance adopting the pay or compensation plan as contemplated by Section 6.9 of the City Charter; prescribing the salaries to be paid to nonelective officers and employees of the City; establishing the positions of the various departments of the City government; etc." (Pay or Compensation Plan) (by adding Zoning Administrator- City Planning Department). Read by title. It was moved by Col. Hooker, seconded by Dr. Humiston to suspend Rule 9 and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

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

Ordinance No. 15405.

Amending Ordinance No. 14811, entitled: "An ordinance creating a working fund advance in the office of the Chief Accountant, Water Division, Utilities Department, for use in the payment of petty office and incidental expenses in connection with the operation of said office; and authorizing the Director of Finance to issue a warrant on the Water Fund in the sum of \$25.00 for the purpose of creating said advance." by increasing the working fund advance of the Chief Accountant, Water Division, to a total of \$1,000.00; establishing a working fund advance in the amount of \$100.00 for the Storekeeper, Water Division; and authorizing the Director of Finance to issue a warrant or warrants on the Water Fund in the sum of \$1,075.00 for said purposes. Read by title. It was moved by Col. Hooker to suspend Rule 9, seconded by Dr. Humiston and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

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

Ordinance No. 15406.

Authorizing and directing the City Attorney of the City of Tacoma to purchase certain property for the protection of the water supply of the City of Tacoma in the Green River Watershed. Read by title. It was moved by Col. Hooker to suspend Rule 9, seconded by Dr. Humiston and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

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

Ordinance No. 15407. L. I. D. 4561.

Providing for improvement of North 7th Street from Union Avenue to Puget Sound Avenue by grading and placing thereon an asphaltic concrete pavement, cement concrete curbs and gutters; and necessary storm drainage; creating L I D 4561. Read by title. It was moved by Col. Hooker, seconded by Mr. Perdue to suspend Rule 9, and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

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

Ordinance No. 15408. L I D 4555

Providing for improvement of North 11th Street from Proctor Street to Madison Street by grading and paving and curbs; creating L I D No. 4555. Read by title. It was moved by Mr. Perdue, seconded by Dr. Humiston to suspend Rule 9, and carried unanimously on voice vote. The ordinance was then passed without having been read in full. 111
48:83

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

Ordinance No. 15409. L I D 4554.

Providing for improvement of North 22nd Street from Puget Sound Avenue to Warner Street, also North 22nd Street from Lawrence Street east for 155 feet more or less, by grading and placing thereon an asphaltic concrete pavement with concrete curb and gutter, including storm drainage; also paving alley between North 22nd and North 24th Streets from Lawrence Street to Warner Street; creating L I D No. 4554. Read by title. It was moved by Dr. Humiston, seconded by Mr. Perdue to suspend Rule 9 and carried unanimously on voice vote. The ordinance was then passed without having been read in full. 110

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

Ordinance No. 15410. L I D 4562.

Providing for improvement of South J Street from South 37th Street to South 38th Street by grading and placing thereon a 40-foot asphalt concrete pavement, with cement concrete curbs and gutters, and storm drainage; creating L I D 4562. Read by title. It was moved by Col. Hooker, seconded by Dr. Humiston to suspend Rule 9, and carried unanimously on voice vote. The ordinance was then passed without having been read in full. 111
476

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

Ordinance No. 15411.

Amending Section 7 of Ordinance No. 11075, entitled: "An ordinance relating to intoxicating liquors; prohibiting the manufacture, possession, sale or other disposition thereof in the City of Tacoma except in certain cases; providing for the licensing of cabarets and the revocation of licenses; providing penalties for the violation thereof, etc." (Relative to persons under 21 years of age acquiring or having in his possession intoxicating liquor). Read by title. It was moved by Dr. Humiston, seconded by Mr. Perdue to suspend Rule 9 and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

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

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

Providing for improvement of North 8th Street from Alder Street to Lawrence Street by grading and constructing cement concrete pavement, with concrete curbs and gutters thereon; creating L I D 4565. Read by title. It was moved by Mr. Bratrud, seconded by Dr. Humiston to suspend Rule 9 and carried unanimously on voice vote. The ordinance was then passed without having been read in full. 117
48:83

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

Ordinance No. 15377. (laid over to this date on August 8th).

Vacating that portion of North 17th Street lying between North Lawrence Street and a point 151 feet east on said North 17th Street, or to the east boundary line of the College of Puget Sound, described as follows: The north 15 feet and the south 15 feet of North 17th Street lying between North Lawrence Street and a point 151 feet east therefrom; and retaining and reserving to the City of Tacoma certain easements therein for the construction, repair and maintenance of public utilities and services. Read by title. Moved by Dr. Humiston, seconded by Dr. Battin to suspend Rule 9 and carried unanimously on voice vote. Mr. Backstrom reported that the portion of the street vacated by this ordinance is not satisfactory to the College, and for this reason the staff recommends the vacation be abandoned. A satisfactory agreement has been worked out with the Utilities Department and in the near future another petition will be presented, he added. Roll was called on the ordinance as follows:

Roll call: Ayes 0; Nays 9; Absent 0. Declared lost on roll call.

It was moved by Dr. Humiston, seconded by Mr. Stojack, that if another petition is filed by C. P. S., the filing fee be waived and the College be credited with the fee paid on the original petition. Motion carried on roll call: Ayes 9; Nays 0; Absent 0.

Ordinance No. 15398. (laid over to this date on August 8th).

Amending Ordinance No. 14793, entitled: "An ordinance to regulate the location and use of buildings and the use of land within the City of Tacoma; to limit the height of buildings; to prescribe building areas and lines, and the size of yards and other open spaces and for these purposes to divide the City into districts (ZONING ORDINANCE) by adding thereto a new section to be known as Section 8I (C-1 Commercial District, property located on either side of 6th Avenue from Proctor to Madison). Read by title. The Clerk read a communication from the City Planning Commission, requesting the Council to postpone this ordinance until after the Commission's September 20th meeting in order to enable further and more detailed study to be made of this matter. It was moved by Mr. Bratrud, seconded by Mr. Stojack to lay the ordinance over to September 26, 1955. Motion carried on roll call: Ayes 9; Nays 0; Absent 0.

Ordinance No. 15403. (laid over to this date on August 15th).

Amending Sections 15, 30 and 32 of Ordinance No. 14793 entitled: "An ordinance to regulate the location and use of buildings and the use of land within the City of Tacoma; to limit the height of buildings; to prescribe building areas and lines, and the size of yards and other open spaces and for these purposes to divide the City into districts." (ZONING ORDINANCE). Read by title. It was moved by Dr. Humiston, seconded by Mr. Stojack to suspend Rule 9 and carried unanimously on voice vote. The City Attorney presented a revision of Section 32 A, as requested by Council at the last meeting in order to clarify the language, which was read for Council's information. Dr. Humiston said he felt the effective date of the establishment of the Board of Adjustment should be included, and it was decided to begin the paragraph with "Effective October 1, 1955". The expiration date of the terms of office was also important, some of the Councilmen felt, and the expiration date of September 30th was also included. It was moved by Dr. Humiston, seconded by Mr. Perdue that Section 32A be amended to read as submitted by the City Attorney, with the effective date of the establishment of the board and the expiration date of terms of office included. Motion carried on roll call: Ayes 9; Nays 0; Absent 0. Roll was then called on the ordinance as amended, resulting as follows:

Ayes 9; Nays 0; Absent 0.

UNFINISHED BUSINESS:

The L. I. D. Committee reported that a hearing was held by the Committee on L I D 4567 on August 16th, for asphaltic concrete pavement with cement concrete curbs and gutters on East 50th Street from East B Street east for 600 feet, at which time the remonstrance was reported as 44.3%. At the hearing it was brought out that a district is being created for a water improvement here and it was felt by the Committee that action on the paving should be deferred until after the outcome of the Water Improvement is ascertained. Therefore the L I D Committee abandoned the district with the proviso that if watermains go in, the Public Works Department can re-initiate a new L I D in the area, and makes this recommendation to the Council. It was moved by Dr. Humiston, seconded by Col. Hooker to concur in the recommendation of the L I D Committee. Motion carried on roll call: Ayes 0; Nays 0; Absent 0. 119

The L. I. D. Committee reported that a hearing was held by the Committee on L I D 5252 on August 16th, for cast iron water main in East 63rd Street from "B" Street to "F" Street and in "B" Street and "F" Street from East 63rd to East 64th, at which time the remonstrance was reported as 58.31%. In view of the large remonstrance, the L I D Committee abandoned the district, and makes this recommendation to the City Council. It was moved by Dr. Humiston, seconded by Col. Hooker to concur in the recommendation of the L I D Committee. Motion carried on roll call: Ayes 9; Nays 0; Absent 0. 110

At this time Mrs. Goering moved that Rule 7 be suspended in order to give consideration to L I D 4564, Motion seconded by Mr. Bratrud and carried unanimously on voice vote.

Mrs. Goering, Chairman of the L I D Committee, reported that hearing was held on August 9th by the Committee on L I D 4564, for asphaltic concrete paving with curbs and gutters and storm drainage on Cedar Street from 6th Avenue to North 8th Street and on North 7th from Alder to Junett. She read for Council's information a report of the hearing, which stated that the remonstrance was 46.5% and that the remonstrances were overruled by the Committee and the district created with the reservation that if additional remonstrances are filed to raise the percentage to between 50 and 60% the L I D Committee will recommend that the district be abandoned. The remonstrance is now 57% and in accordance with the Committee's promise they have no alternative but to recommend that the district be abandoned, she added. It was moved by Mr. Bratrud, seconded by Mrs. Goering that the remonstrances be sustained and the district abandoned. Motion carried on roll call: Ayes 9; Nays 0; Absent 0. 111

This being the date fixed by Resolution No. 14347, adopted July 25, 1955 for hearing on petition of A. F. Gratzler (6-27-55) for vacation of South 40th Street from South Union Avenue to South Tacoma Way, the Clerk reported the posting of the notices required by law and the filing of an affidavit of such posting. Also reported that the filing fee of \$80.00 had been paid under a previous vacation proceeding on May 7, 1954 and that no remonstrances had been filed against the proposed vacation. The Clerk read a recommendation from the Public Works Dept. (dated July 19, 1955) that since there are indications that South 40th Street may be required in several of the proposed plans to alleviate traffic congestion at the intersection of South 38th and South Tacoma Way and Union Avenue, it is their recommendation that South 40th Street should not be vacated at this time. A letter was read by the Clerk from the City Planning Commission advising that at its meeting of August 2nd, at the request of the Public Works Department, they recommended that the petition for the vacation of South 40th Street from Union Avenue to South Tacoma Way be denied and at the same meeting passed a motion to recommend that in so far as the present condition of South 40th Street is concerned, maintenance of the status quo would be in the best interests of the City. A letter from the Director of Utilities was read, (dated July 18, 1955) stating that department would approve 120

148 AUG 22 1955

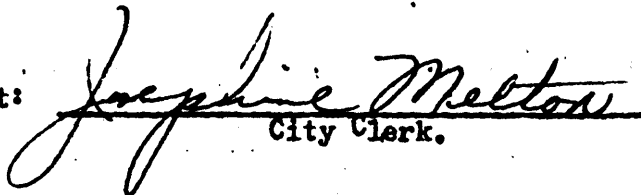
the requested vacation subject to reservation of an easement as set forth above and subject to the agreement of the petitioner to pay the cost of rerouting the electric distribution line as specified. Mr. Gratzler claimed that he had shown by photographs at the Commission meeting on August 2nd that regardless of future needs for interchange at So. 38th and South Tacoma Way, there could be no conceivable use for 40th Street for this purpose. He has had the street in question black-topped at considerable cost, and he is asking the City Council in this case to overrule the recommendation of the Planning Commission and grant his petition, he added. Myron Wilkins, City Engineer, presented maps showing 5 systems to alleviate traffic congestion at South 38th Street, 3 of which contemplate use of South 40th Street for this purpose. As long as there is a good chance that 40th Street might be used, they must recommend that it be not vacated, he said. After looking the sketches over, Mr. Jensen said in his estimation they were impractical and the plans submitted would in no way alleviate the traffic problem at South 38th Street. Dr. Humiston inquired as to the status of 40th Street, since it was blacktopped by Mr. Gratzler. Mr. Backstrom replied that it is a city street, but was not graded according to city specifications and it has no curbs and gutters, and that the grade is dangerous. The City can barricade the street if it is dangerous, he added. If an accident occurs on this street because the grade is too steep, Mr. Boyle advised, in reply to a question from Mr. Perdue, that the City would be held liable, and that Mr. Gratzler might also be held liable. Mr. Marshall Riconosciuto, a member of the Planning Commission explained the history of the 40th Street situation, and pointed out that a year ago the Public Works Department and the City Planning Commission had recommended the vacation be granted, and he felt in order to justify the present reversal in recommendation, definite explanation and reasons should be given and plans for the use of the street should be submitted. Dr. Humiston said he was ready to vote on the question, and moved that the petition of A. F. Gratzler for vacation of South 40th Street from South Union Avenue to South Tacoma Way be denied. Motion seconded by Mr. Stojack and carried on roll call: Ayes 7; Battin, Goering, Hooker, Humiston, Perdue, Stojack, Tollefson; Nays 2; Bratrud, and Jensen (not voting). Absent 0. Mr. Backstrom then asked for Council's instructions on the next step. After a discussion, the Mayor suggested that Mr. Backstrom meet with Mr. Gratzler and endeavor to iron out the difficulty and then make a report to the Council of the solution.

Upon motion, duly seconded and Carried, Council then adjourned at 9:25

A. M.


President of City Council

Attest:


City Clerk.