

COUNCIL CHAMBER ; 7:45 P. M.

Monday, May 3, 1954.

Council met in regular session. Present 9; Battin, Bratrud, Goering, Hooker, Humiston, Jensen, Perdue, Stojack, Tollefson. Absent 0. Clerk. Hooker was excused at 8:00 P. M. to catch a train for Spokane.

It was moved by Mr. Stojack, seconded by Dr. Battin 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 9; Nays 0; Absent 0.

COMMUNICATIONS:

James Wiley Cook, expressing appreciation for the courtesy extended by the City Council at the last meeting to Mr. Gordon Peters and representatives of Tacoma Bakery Local #126. Placed on file. 209

George Nyland, congratulating and thanking Council for the wonderful response and consideration given the critical problem facing the bakers of Tacoma, and expressing the hope that some worthy and fair solution can be attained. Placed on file. 209

OFFICIAL COMMUNICATIONS:

Director of Public Utilities, advising that the Proposed Personnel Rules now written are satisfactory to the Public Utility Board; and requesting that they be immediately advised if it should be determined by the Civil Service Board or any other parties that any subsequent amendments or changes be made in order that they may consider the same prior to presentation to the City Council. Placed on file.

RESOLUTIONS:

Resolution No. 13905.

BY PERDUE:

Authorizing and directing purchase of one Develop Combi (Photostat Machine) for use of all General Fund Departments of the City at the estimated cost of \$440.00; and that the cost of purchasing said equipment be paid from Cumulative Reserve Fund-Capital Outlay.

Adopted on roll call May 3, 1954.
Ayes 9; Nays 0; Absent 0.

Resolution No. 13906.

BY PERDUE:

Accepting bid of Kirby P. Hickey, for purchase of Lots 10 to 12 inc., Block 12, Orchard's Second Addition for \$950.00 cash and authorizing execution of a local improvement assessment deed in favor of said purchaser. (located at 2421-2423 South Melrose.)

Adopted on roll call May 3, 1954.
Ayes 9; Nays 0; Absent 0.

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Resolution No. 13907.

By PERDUE:

Authorizing private sale of all right, title and interest of City of Tacoma acquired by and through the local improvement district assessments and the proceedings for foreclosure thereof for the sum of \$10.00 in cash and authorizing and directing execution and delivery to David J. Dickson and Mary J. Dickson, of a local improvement assessment deed to Lots 1 to 11 inc. Block 2, Park View Addition (located on east side of Visscher Street between North 46th and North 45th); and Lots 11 and 12, Block 6 and Lots 16 and 17, Block 7, Brettenwood's Addition (located on Visscher Street between North 46th and North 48th) (in order to clear the cloud on their title). It was moved by Col. Hooker to suspend Rule 9, motion 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 May 3, 1954.
Ayes 9; Nays 0; Absent 0.

FIRST READING OF ORDINANCES:

Ordinance No. 15017.

Appropriating the sum of \$17,000.00, or so much thereof as may be necessary, from the City Street Fund for the purpose of paying for the acquisition of necessary property, property rights and privileges on South 12th Street between Proctor and Orchard Streets within the City of Tacoma. Read by title and placed in order of final reading.

Ordinance No. 15016.

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 line, and the size of yards and other open spaces and for these purposes to divide the City into districts; and repealing Ordinances Nos. 12703, 9389 and 9598 and all amendments thereto." by adding thereto two new sections to be known as Section 8D and Section 5B (Sec. 8D- Class C-1 Commercial District- Lots 1, 2, 3 and 4 and N. 20' of Lot 5, Block 8829, Tacoma Land Co.'s. 6th Add., and that portion of alley between South Sheridan and South "M" Street which abuts these lots (located at South 38th and Sheridan); and Blocks 4318 and 4319 & alley, Map of New Tacoma, located at North 13th and I. Sec. 5B- R-3 Two family dwelling District at South 39th and Tacoma Avenue). Read by title and placed in order of final reading.

Col. Hooker was excused at this time. (8:00 P. M.)

FINAL READING OF ORDINANCES:

Ordinance No. 15011.

Providing for the construction of a trunk storm sewer in Thorne Road from Ross Way to approximately 400 feet north of Lincoln Avenue, and lateral storm sewers in Ross Way from Thorne Road east 930 feet, between Ross Way and Ashton Way from Thorne Road west 800 feet, between Ashton Way and Maxwell Way from Thorne Road east 1035 feet and west 600 feet, between Maxwell Way and Lincoln Avenue from Thorne Road east 320 feet and west 500 feet, in Maxwell Way from Thorne Road east 680 feet; creating Local Improvement District No. 1924. Read by title. It was moved by Dr. Huniston to suspend Rule 9. Motion seconded by Mr. Jensen and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

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

Ordinance No. 15012.

Authorizing and directing the City Attorney of the City of Tacoma to purchase and/or institute and prosecute an action in the Superior Court of the State of Washington, for Pierce County, under the right of eminent domain, for the purpose of providing a site for the location of a low service reservoir and to provide a right-of-way for an inter-connecting main to the present Tideflats main. Read by title. It was moved by Dr. Humiston, Seconded by Mr. Perdue to suspend Rule 9, and carried unanimously on voice vote. Mr. Stojack, ex-officio member of the City Planning Commission, raised the question as to whether or not this project had been approved by the City Planning Commission, and stated he felt that for sound City Planning projects such as the above should be cleared by the Commission. In view of the fact that the Planning Commission is holding a meeting tomorrow, it was moved by Dr. Humiston to postpone passage of the ordinance for one week (May 10th). Motion seconded by Mr. Stojack and carried on roll call: Ayes 8; Nays 0. Absent 1; Hooker.

Ordinance No. 15014.

Prohibiting the placing or exposing of poisonous substances within the limits of the City of Tacoma; providing for exemptions; and providing a penalty for the violation thereof. Read by title. It was moved by Mr. Jensen, seconded by Mr. Bratrud, to suspend Rule 9 and carried unanimously on voice vote. It was pointed out by the Clerk that Section 2 of the Ordinance had been clarified by Paul J. Nolan, Assistant City Attorney, by the addition of the words "by reason of the performance of such authorized work". This change was discussed by the Council at length and Mayor Tollefson expressed the opinion that the language in this section was still not as clear as it should be. It was moved by Mr. Bratrud that the ordinance be laid over for one week to May 10th. Motion seconded by Dr. Humiston and carried on roll call: Ayes 5; Battin, Bratrud, Humiston, Perdue, Tollefson; Nays 3; Goering, Jensen, Stojack, Absent 1; Hooker.

Ordinance No. 15015

Appropriating the sum of \$194,000.00 from the Port Industrial Waterway Bridge Construction Fund for the purpose of paying the balance of the cost of the construction of the Port Industrial Waterway Bridge from moneys loaned to said fund from the Local Improvement Guaranty Fund and the General Fund, pursuant to Resolution No. 13825 adopted December 21, 1953; directing that the sum of \$160,000.00, loaned from the Local Improvement Guaranty Fund to the General Fund and deposited in the Industrial Waterway Bridge Construction Fund, pursuant to said resolution, be repaid from the General Fund over a period of not to exceed seven years, in annual installments of not less than \$22,500.00, each, plus interest at the rate of 2½ per cent upon unpaid balances from funds to be provided in the annual budgets each year, until said loan is amortized; and declaring a public emergency making necessary the passage of this ordinance, the appropriation herein contained and the taking effect hereof immediately after publication. Read by title. It was moved by Dr. Humiston, seconded by Mr. Stojack to suspend rule 9, and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

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

Ordinance No. 15003 (laid over to this date on April 26th)

Amending Sections 25 and 26 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; etc." (ZONING ORDINANCE) (Sec. 25- "M-1" light Industrial Districts, add 14, agencies engaged in the storage and distribution of stove and fuel oils, other than liquefied petroleum gas and natural gas, subject to the City Fire Prevention Ordinances. Section 26. Change #23 to read petroleum and petroleum products above ground storage in excess of 1,000 gallons). Read by title. It was moved by Dr. Humiston to suspend Rule

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seconded by Mr. Perdue and carried unanimously on voice vote. The Mayor read a letter from Cliff Olson, Exec. Sec. of Tacoma Fuel Dealers Inc., stating that his organization wants to cooperate in anyway that will make for a better Tacoma, but they also have their own investments to consider, and it seems to him that a blanket prohibition of the development of investments stated in what are now non-conforming districts long before this ordinance was thought of, is not entirely fair. Mr. Olson, Stan Sather and J. P. Myers were given an opportunity to speak, and they all felt that curtailing expansion of businesses which were started years ago on a small scale was not fair. Mr. Stojack explained that the oil business was not included in the zoning ordinance and the City Planning Commission felt that to include this type of business in an "M-1" district was the best solution. In response to a question as to whether special permits for expansion could be granted to businesses, which have been operated for a number of years, Mr. Backstrom expressed the opinion that it would be necessary to change the section governing non-conforming use to provide any flexibility, and if this were done he was afraid it would break down the non-conforming provisions. After considerable discussion, roll was called on the passage of the ordinance, resulting as follows:

Roll call: Ayes 5; Bratrud, Humiston, Jensen, Perdue, Stojack; Nays 3; Battin, Goering, Tellefson (not voting); absent 1; Hooker.

FINISHED BUSINESS:

This being the date fixed by Resolution No. 13880, adopted on April 5, 1954, for hearing on petition of Alfred Kvalheim, et al (6-23-53) requesting the City of Tacoma to vacate the south 6 feet of East 53rd Street from East D Street to the alley between East D and East E Streets, said portion of said street being adjacent to Lot 1 in Block 5, Station's First Addition, the Clerk reported the posting of the notices required by law and the filing of an affidavit of such posting. Also reported that the fee had been paid, and inasmuch as this is an exchange of property, no appraisal fee is required, and that no remonstrances had been filed against the proposed vacation. She also reported that approval of this vacation had been given by the Public Utility Department, Public Works Department and City Planning Commission. No remonstrators appearing, it was moved by Dr. Humiston that the vacation be granted and the City Attorney instructed to draw the necessary ordinance. Motion seconded by Dr. Battin and carried on roll call: Ayes 8; Nays 0; Absent 1; Hooker.

This being the date to which Council continued the hearing on the petition of B. W. Nash (2-29-53) for vacation of that portion of South 34th Street abutting Lots 1 to 5 inc. and a part of Lot 6, Block 24, Junett's Addition and lying between the west line of Pine Street and the southeasterly line of Former Montgomery Street, the Clerk reported that Mr. Wilcox, Chief Planning Engineer, has asked that this hearing be continued again until May 10th, at the request of E. K. Murray, Attorney for B. W. Nash, deceased. It was moved by Mr. Bratrud to continue the hearing to May 10th, 1954. Motion seconded by Dr. Humiston and carried on roll call: Ayes 8; Nays 0; Absent 1; Hooker.

The Mayor advised that Revised "Rules and Regulations for Motor Vehicle Wrecker and Towing Operator Licensees engaging in Authorized Police Towing", as authorized by Ord. No. 15009, passed April 26th, 1954, had been compiled by Paul Nolan, Assistant City Attorney; that a copy thereof had been given to each Councilman, and that this revision could be discussed and considered at this time. Rule 1, which requires a minimum storage space for 30 cars-- 12 inside spaces and 18 outside spaces; outside storage lots to be within 600 feet of the towing company building, was discussed at length. Mayor Tellefson said he felt that 600 feet was much too far from the main building to give adequate protection to the public against theft, and for accessibility to a persons car, and concluded that the outside space should be adjacent to the main building for convenience and protection to the public. Mrs. Goering was of the opinion that the minimum requirement of 30 spaces was meaningless as these spaces might all be rented, while a firm with less space might have a number of vacancies. Rule 10, as rewritten, was apparently satisfactory to the Council. Part III- Rates- was considered at length. Ralph L. Jackson of Del's Service, James Farmer of Farmer's Towing Service, and Geo. R. Turner

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Turner Towing, explained in detail the present rates charged for towing various types of wrecked cars. The Mayor suggested that a flat fee of \$10.00 minimum be fixed for towing a wrecked car, which would average out satisfactorily to cover even complicated wrecks, requiring more time and more equipment to handle. Mrs. Goering felt this minimum would bring a protest from public especially when a car is only slightly damaged and could be towed away by an unlicensed wrecker for a much smaller fee. No action was taken on the adoption of the rules at this meeting.

Upon motion, duly seconded and carried, Council then adjourned at 10:30 P. M.

H. M. TOLLISON
President of City Council

Attest: Josephine Mector
City Clerk.