

Council Chambers, 4:00 P.M.
Monday, April 6, 1959

Council met in regular session. Present on roll call 9: Anderson, Bratrud, Easterday, Goering, Humiston, Perdue, Porter, Price and Mayor Hanson.

Mr. Anderson moved that the minutes of the meeting of March 30, 1959 be approved as submitted. Seconded by Mr. Bratrud. Roll call: Ayes 9; Nays 0; Absent 0

HEARINGS AND APPEALS:

The City Planning Commission recommending the denial of the petition of Charles G. Hoffman for reclassification of property located at the S. W. corner of So. 74th and Pacific Avenue from an R-4-L District to a C-2 District.

Mayor Hanson explained that the time for filing an appeal has elapsed and no appeal has been filed.

Dr. Humiston moved to concur in the recommendation of the Planning Commission to deny the petition. Seconded by Mr. Bratrud. Roll call: Ayes 9; Nays 0; Absent 0.

PETITIONS:

171 Petition from James H. McMenamain requesting the rezoning of property located at the SW corner of Pacific Avenue and So. 37th Street from an R-3 to a C-1 District.

174 Petition from Gerald W. Phillips requesting the rezoning of property located near 64th and Pipeline Road from an R-2 to a R-4-L District.

176 Petition from Frank Risalvato requesting the rezoning of property located near 8822 Pacific Ave. from an R-2 and C-1 to a C-2 District.

219 Petition from Tacoma Freeway Mart. Inc. requesting the rezoning of property located in the area lying between So. 43rd and So. 48th Streets; and between Pine and the proposed new Freeway, from an R-2 and R-3 to a C-P-R- Regional Shopping Center.

Referred to the Planning Department.

RESOLUTIONS

Resolution No. 15702

BY REQUEST OF CLARA GOERING:

Amending the Rules for the government of the City Council in reference to changing the Council meeting time from 4:00 P.M. to 7:30 P.M.

It was moved by Mrs. Goering to adopt the Resolution, seconded by Mr. Easterday.

Mr. Bratrud said that he intended to vote "no" on the Resolution for the main reason that at the 4 P.M. meetings the entire staff was at the disposal of the

Council in the event that any question should arise, whereby the staff would be needed. He felt that asking the staff to stay over until 7:30 P.M. was not "good business" on the Council's part. He said he has not had one call protesting the 4:00 P.M. meetings.

Mr. Porter said he has done some investigation on the matter himself and found that those persons working the night shift can attend the first part of the 4 P.M. meetings while those working days can attend the latter part of the meeting. Therefore, because of this and also because of the remarks that Mr. Bratrud made, he was inclined to feel that the 4 P.M. meetings time was satisfactory.

Mr. Anderson said several months ago when this matter came up, he called the Labor Temple and spoke with Mr. Mc Illvaigh who said the Legislative Committee would be meeting soon and would at that time discuss the matter of the 7:30 P.M. meeting being more convenient; and the Committee would in turn notify Mr. Anderson if they felt the meeting time should be changed. No further word was received. Mr. Anderson said he also agreed with Mr. Bratrud's remark that the staff was available at the 4 P.M. meetings in the event that any problem should arise, therefore he would also vote "no" on the Resolution.

Mayor Hanson presented a letter from Mr. Darrel E. Newhouse, Business Manager of the International Union of Operating Engineers, in which Mr. Newhouse stated that although the Central Labor Council has never taken a stand on the time of the City Council meetings, many members have found the afternoon meetings very convenient. Mr. Newhouse said personally he would like to have the afternoon meetings continue.

Mayor Hanson said he had intended to vote for the meeting change as he was under the impression the present time was inconvenient for many, but since the introduction of this Resolution, he has received no calls in support of the change.

Mr. Easterday said since he has previously endorsed the 7:30 P.M. meeting time he would again do so.

Vote was then taken on the Resolution.

Roll call April 6, 1959

Ayes 2, Nays 7, Anderson, Bratrud, Humiston, Perdue, Porter, Price and Hanson;
Absent 0.

Resolution No. 15703

BY BRATRUD:

Fixing Tuesday, April 28, 1959 as the date for hearing on L I D 2296 for grading and placing a gravel ballast on Darien Drive from No. 46th to No. Frace and on No. Frace from Darien Drive to No. 46th Street. 101

It was moved by Mr. Anderson to adopt the Resolution, seconded by Mr. Bratrud.

Resolution No. 15704

BY ANDERSON:

Awarding contract to Bona Fide Builders, Inc. on their bid of \$43,378.00 for

Adopted on roll call April 6, 1959

Ayes 9; Nays 0; Absent 0

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the construction of W. O. No. 73.58, Units i through 360 and Improvements 1 through 19, which was determined to be the lowest and best bid.

***** It was moved by Mr. Perdue to adopt the Resolution, seconded by Mr. Easterday

Resolution No. 15705

BY HUMISTON:

Authorizing the proper officers of the City to expend the sum of \$945.00 plus sales tax, from the Equipment Rental Fund Account "B" for the purchase of 39 amber lights.

It was moved by Mr. Anderson to adopt the Resolution, seconded by Mr. Bratton

Mr. Rowlands said it was very essential to have the heavy city trucks equipped with amber beacon lights as it will help to maintain a better safety record for the City.

Vote was then taken on the Resolution.

Adopted on roll call April 6, 1959

Ayes 9; Nays 0; Absent 0

Resolution No. 15706

BY EASTERDAY:

Authorizing the proper officers of the City to execute a written lease to the Glaser Beverages Company, a piece of property consisting of approx. 15 square feet on the S. E. corner of Center and Pine Streets for the sum of \$8.00 per month.

It was moved by Mr. Anderson to adopt the Resolution, seconded by Mr. Bratton

Mr. Rowlands said this property would be used for the erection of a directional sign. The legal department has looked into the matter and advised it would be proper to rent the property for such purposes. The sign will in no way interfere with traffic or traffic safety.

Dr. Humiston asked why the property was not sold to Glaser Beverage Co.

Mr. Schuster, Director of Public Works explained that there was a possibility that Pine Street would be widened in the future from Center Street to So. 48th and the property in question would then be needed for this project.

Vote was then taken on the Resolution.

Adopted on roll call April 6, 1959

Ayes 9; Nays 0; Absent 0

Adopted on roll call April 6, 1959

Ayes 9; Nays 0; Absent 0

Resolution No. 15707

BY GOERING:

Authorizing the removal of garbage and debris on the property located at 1821 East George Street, which constitutes a menace to public health, safety and welfare and which is a harborage and breeding place for rats.

It was moved by Mr. Anderson, seconded by Mrs. Goering to adopt the Resolution.

Mr. Rowlands said they had hoped that this would more or less set the pattern for future similar problems that might occur. Each year there has been quite a problem with this situation of garbage and debris collecting on property which constitutes a menace to health and welfare. Under the present state law there are several courses of action that can be followed, but the staff feels that this method is the most effective. Five days notice must be given to the property owner to abate the nuisance. If the nuisance is not abated, then under State Law, notice is served that a hearing be held. At the time of hearing if no action is taken to improve the situation the City has the right to have the City remove said garbage and debris and charge the property owner for the cost of doing this. Mr. Rowlands said this is the normal procedure in many states.

Mr. L. Sharley, Rodent Control officer, said this garbage and debris is on property that is not vacant. There have been numerous contacts with the owner, a Mrs. Ruth Murray, to clean up the property, but she persists in maintaining old cars on her property and filling them with garbage and debris. The Rodent control officers have caught 104 rats upon the premises. Inasmuch as Mrs. Murray has ignored any warning in reference to cleaning up the property, the City has taken steps to clean it up themselves.

Vote was then taken on the Resolution.

Adopted on roll call April 6, 1959
Ayes 9; Nays 0; Absent 0

Dr. Humiston moved to suspend the rules in order to take up two Resolutions on the agenda. Seconded by Mr. Anderson. Roll call: Ayes 9; Nays 0; Absent 0.

Resolution No. 15708

BY PRICE:

Directing the proper officers of the City to purchase one A.B. Dick Offset machine for the Finance Department in the estimated sum of \$3,145.00; additional desks, chairs and office equipment for various departments in the estimated sum of \$6,855.00; funds to be appropriated from Cumulative Reserve Fund for M and O and Capital Outlay.

It was moved by Mr. Anderson to adopt the Resolution, seconded by Mr. Bratrud.

Adopted on roll call April 6, 1959
Ayes 9; Nays 0; Absent 0

Resolution No. 15709

BY REQUEST OF HANSON:

Appointing a conference committee of three members each from the City Council and Utility Board to meet and study the historical and factual background of the applicable statutory and charter provisions relating to taxation of the City's public Utilities and related matters.

It was moved by Mr. Anderson to adopt the Resolution, seconded by Mr. Bratr

Mayor Hanson said this would be a committee appointed specifically for the purpose of studying the questions that have arisen concerning the interpretation and application of certain provisions of the State Statutes and the City Charter relating to the Utilities.

Vote was then taken on the Resolution.

Adopted on roll call April 6, 1959
Ayes 9; Nays 0; Absent 0

FIRST READING OF ORDINANCES:

Ordinance No. 16325

Amending Ordinance No. 16310 by adding a new section to be known as Sec. 4, that the payment to Pierce County for the benefit of certain taxing districts provided for, shall be paid in full on or before April 30, 1959 out of the current Light funds of the Light Dept. and 50% of the amount so paid shall be charged against the 8% gross earnings tax, now imposed upon the Light Utility for General Government and shall be deducted therefrom. Read by title.

Dr. Humiston said at the meeting held with the Utility Board, he was left with the impression that the decision on this particular matter was going to await further study by a committee as provided for in Resolution No. 15709.

Mayor Hanson said he was under the impression that half of the amount was to be paid by the General Government and half from the Utility Funds pending the outcome of further study.

Mrs. Goering said she would very definitely vote against this kind of a provision unless it specifically stated that the arrangement was pending the result of an investigation of the Committee and that this Ordinance says nothing to that effect so she would vote against it as it is now worded.

Dr. Humiston asked what the point was of having a study, if next week they were going to vote on one of the more important aspects of the study.

Mrs. Goering said the way the Ordinance is written disposes of the problem and sets a precedent for future similar situations.

Mayor Hanson said if the Council so desires the Ordinance could be amended at the next meeting.

Mrs. Goering asked that an amendment be brought in for next week's Council meeting amending the Ordinance to provide that payment would not be made until such time as a report and recommendation is made to the City Council and Utility Board by the Special Conference Committee, as provided in Resolution No. 15709.

Council

Mr. Anderson suggested that some of the members of the Utility Board should serve on this new committee because of their years of experience.

Mayor Hanson said that he would appoint Dr. Humiston, Mr. Porter and himself on the committee. The Ordinance was then placed in order of final reading.

Ordinance No. 16326

Amending Section 1.34.200 of the Official Code of the City by increasing the Working Fund Advance of the Director of Public Works Garbage and Refuse Utility from \$25.00 to \$50.00. Read by title and placed in order of final reading.

Ordinance No. 16327

Vacating Shirley Street between No. 43rd and No. 44th Street, together with the westerly 75 feet of the alley between No. 43rd and No. 44th Street and from Shirley to Bennett. (Petition of the Holy Cross Parish) Read by title and placed in order of final reading. 40
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FINAL READING OF ORDINANCES:

Ordinance No. 16319

Repealing Ordinance No. 15930 entitled "License Deposits Fund." Read by title and passed.

Roll call: Ayes 9; Nays 0; Absent 0

Ordinance No. 16321

Authorizing the proper officers of the City to purchase or proceed by eminent domain for the acquisition of certain land abutting the Eatonville-Alder farm to Market Road, necessary for the construction, repairing and stabilizing of a portion of said road. - Second Nisqually Power Development Project. Read by title.

Mr. Bob Comfort, Assistant City Attorney, explained that the Title Company informed Mr. Henriot, Attorney at the Utility Department, that they did not like the description they now had in the Ordinance. Although it was technically accurate, it was difficult to follow. The Title Co. rewrote the description of the property and asked that Sec. 2 of the Ordinance be amended to include this description.

Mr. Easterday moved that Sec. 2 of the Ordinance be amended to include the description of the property submitted by the title company. Seconded by Mr. Anderson.
Roll call: Ayes 9; Nays 0; Absent 0.

Roll was then taken on the Ordinance as amended.

Roll call: Ayes 9; Nays 0; Absent 0

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Ordinance No. 16322

Amending Chapter 13.06 of the Official Code of the City relating to zoning by deleting certain described property from Sec. 13.06.040 and by adding a new section to be known as Sec. 13.06.120 (9) - property located at So. 30th and Orchard. Read by title.

Mr. Perdue said he is dubious as to whether it would be correct to rezone this property. He said in looking around the City he has noticed that there seems to be too many service stations and many of them have been vacant since the time they were built. Within a block of the area in question there are two large service stations and he wondered if this additional station is needed or if it will result in one of them going out of business and becoming a blight situation.

Mr. Buehler said the Planning Commission notified Fircrest what was propose in this general vicinity - a C-1 zoning - and the Fircrest Planning Commission said they had no objections to the C-1 District, but did point out the fact that there were two stations in that area already. The question then became the best land use of this ground. The topography and the deep swamp across the street was taken into consideration. The general thinking was not on the lines of another service station but the consideration was of the little land use problem that exists in that area. After weighing this information, the Planning Commission voted to approve this petition for rezoning.

Mr. Perdue said he realized there was a land use problem here but he still felt there wasn't enough business to warrant another station.

Dr. Humiston said he was not in favor of "ghost stations" either but if the City Council or the Planning Commission examine these zoning problems from the standpoint of whether or not a business will succeed or fail, they are getting into an area of trying to run the other persons business. He felt they had to "stick to the land use formula zoning."

Vote was then taken on the Ordinance.

Roll call: Ayes 8; Nays 1, Perdue; Absent 0

Ordinance No. 16323

Amending Sec. 13.06 of the Official Code of the City relating to zoning by deleting certain described property from Sec. 13.06.065 and adding a new section to be known as Sec. 13.06.130 (6) - property located at the northwest corner of So. D and South 71st Street extended. Read by title.

Dr. Humiston said after looking at the area in question he was going to vote "no" on this Ordinance, as he felt the purpose of the zoning Ordinance is to protect the existing residences against encroachment of businesses such as bowling alleys, et which are considered undesirable by the residents in the area; and he felt this was an example of that.

Mr. Easterday said he also would vote "no" on the Ordinance as he feels that a bowling alley would take materially away from the value of the area as there were many beautiful homes on "D" Street that would be affected by this rezoning.

Mrs. Price said she also looked at the property in question and felt that the people were justified in objecting to a bowling alley in the area.

Mr. Porter said a short time before this application was submitted to the Planning Commission there was a similar application for the rezoning of a site near 74th and Pacific from the same party. It seemed to him that the site at 74th and Pacific would not present the problems that this one at 71st and D Street presents, and he suggested that this matter be referred back to the Planning Commission for further study.

Dr. Humiston asked if this were referred back to the Planning Commission would it be possible for them to take up the two sites and possibly change their mind.

Mr. Buehler said if this were referred back to the Planning Commission and they desired to consider this other site they could do this by setting up a date for a hearing. Of course, it would be up to the Planning Commission, he added.

Mr. A. G. Paulson, residing at 7424 Pacific in the area that was first mentioned to be rezoned and was denied by the Planning Commission, said there was no one party objecting to a bowling alley in this area. He explained that this area is comprised mostly of business firms and there are very few homes in the immediate area.

Mr. Hoffman, the petitioner, said in looking for an area to construct a bowling alley, the first site chosen was 74th and Pacific. The Planning Commission turned it down due to strip zoning. The site at 71st and D was then chosen and given the unanimous consent of the Planning Commission. He said he was not present at last week's meeting but understands that the main objection was to the traffic on "D" Street. Upon hearing this, he contacted the owners of the property on 72nd and "D" Street and they assured him that he could have an easement of 35 feet for an entrance from 72nd Street which would be behind Albertson's Food Store. This would take care of the traffic on "D" Street.

Mr. Hoffman added that they have been attempting to obtain the rezoning of this property since January and the deadline for the building of the bowling alley is September. Therefore, they are very desirous of having this approved as soon as possible.

Mr. Buehler said it would be at least April 21st before the Planning Commission could rehear this if the Commission so desired.

Dr. Humiston said he believed the Council could by motion initiate a rezoning from a R-40L to a C-2 District of the SW corner of 74th and Pacific and ask the Planning Commission to hold a hearing on it at the earliest possible date.

Mr. Buehler said this could be done but it should be tied into the other C-2 District so that it would not constitute a spot zoning.

Dr. Humiston then moved that the Council initiate the rezoning of the westerly 125 feet of lot 3 and the north 230 feet of the east 300 feet of Lot 6 of the 5 acre tract from an R-4-L to a C-2 District, and that the Ordinance 16324 be postponed until April 27, 1950 until such time as a recommendation is received from the Planning Commission on the rezoning petition. Seconded by Mr. Anderson. Roll call: Ayes 9; Nays 0; Absent 0.

Ordinance No. 16324

Amending Chapter 13.06 of the Official Code relating to zoning by deleting certain described property from Sec. 13.06.040 and adding a new section to be known as Sec. 13.06.065 (3) - property located on the west side of So. 66th and Sprague. Read by title and passed. (Petition - Edwin R. Farrington)

Roll call: Ayes 9; Nays 0; Absent 0

UNFINISHED BUSINESS:

The Director of Public Works presents the Assessment roll for the cost of the Improvement in L I D 4626 for concrete pavement, curbs and gutters and storm drainage on So. 50th from M to Thompson; So. 52nd from M to J; J from So. 48th to So. 50th; I from So. 48th to So. 52nd; Thompson from So. 48th to So. 50th; L from So. 50th to So. 52nd Streets.


It was moved by Dr. Humiston that May 12, 1959 be set as the date for hearing on the Assessment roll for L I D 4626. Seconded by Mr. Perdue. Roll call: Ayes 9; Nays 0; Absent 0

ITEMS FOR FILING IN THE OFFICE OF THE CITY CLERK:

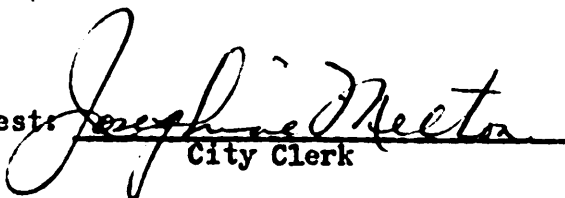
Report from the Municipal Court for the month of March 1959.

Mr. Rowlands said the County-City Building will be opened Friday night until 9:00 P.M., Saturday from 1:00 P.M. to 9:00 P.M. and Sunday, 1:00 P.M. to 5:00 P.M. for the dedication of the building.

There being no further business to come before the meeting, upon motion duly made and seconded, the meeting was adjourned at 5:30 P.M.


 President of the City Council

Attest:


 City Clerk