

COUNCIL CHAMBER, 7:40 P. M.

Monday, February 21, 1955.

Council met in regular session. Present 9; Battin, Bratrud, Goering, Hooker, Humiston, Jensen, Perdue, Stojack, Tollefson. Absent 0.

It was moved by Dr. Battin, Seconded by Mr. Bratrud, that the minutes of the Council meeting of February 14th, 1955, copies of which had been mailed by the Clerk to each Councilman, be approved and the reading thereof be dispensed with. Motion carried: Ayes 9; Nays 0; Absent 0.

It was moved by Dr. Humiston, seconded by Mr. Perdue, that the minutes of the Special meeting of February 15th, 1955, copies of which had been mailed by the Clerk to each Councilman, be approved and the reading thereof be dispensed with. Motion carried: Ayes 9; Nays 0; Absent 0.

REPORTS OF OFFICERS:

The City Planning Commission reported back on the petition of Takeshi Ikeda, et al., (1-10-55) requesting that Lot s 8-12, Block 814 and Lots 8 to 12, Block 813, ^{and} Map of New Tacoma be rezoned from "R-5-T" District to "6-3" District (located at the northwest corner of South 9th and G Streets), and advised that they have denied the above petition and recommend that the City Council concur in this action, and setting forth reasons for denying this petition. Mr. Stojack reported that South J Street from South 11th to South 9th has been recently rezoned by the Planning Commission, and confirmed by the Council by Ordinance No. 15245, and it is his understanding that Mr. Ikeda has found a location in this newly rezoned district and does not now want the property at South 9th and G. It was moved by Mr. Jensen to concur in the recommendation of the City Planning Commission. Motion seconded by Dr. Battin and carried on roll call: Ayes 9; Nays 0; Absent 0.

RESOLUTIONS:Resolution No. 14175.By GOERING:

Authorizing the Investment Board of the City of Tacoma to invest the sum of \$75,000 of the moneys in the City Street Fund in United States Government 91-Day Bills.

Adopted on roll call February 21, 1955.

Ayes 9; Nays 0; Absent 0.

Resolution No. 14176.By PERDUE:

Authorizing and directing execution and delivery of a conditional sale contract for sale of Lots 17, 18 and N $\frac{1}{2}$ of 19, Block 1709, Map of New Tacoma to Josephine Nicolai for \$516.50 (located at 1735 South Fawcett Avenue)

Adopted on roll call February 21, 1955.

Ayes 9; Nays 0; Absent 0.

Initial Resolution No. 14177- L I D 2190.By PERDUE:

Stating intention of Council to order grading and gravelling and storm drainage on Columbia Avenue from Portland Avenue for approximately 1000 feet east; Creating L I D 2190 and fixing March 15th, 1955 as the date for hearing thereon.

It was moved by Dr. Battin to suspend Rule 9, seconded by Mr. Perdue and carried unanimously on voice vote. The resolution was then adopted without having been read in full.

Adopted on roll call February 21, 1955.
Ayes 9; Nays 0; Absent 0.

Resolution No. 14178.

By JENSEN:

Approving recommendation of the Director of Public Works and Board of Contracts and Awards and awarding contract for furnishing requirements of City for first line tires and tubes from March 1 to August 31, 1955, to Matt Herried Tire Company on their low bid of \$9,532.53, plus sales tax. It was moved by Dr. Battin to suspend Rule 9, seconded by Mr. Bratrud and carried unanimously on voice vote. The resolution was then adopted without having been read in full.

Adopted on roll call February 21, 1955.
Ayes 8; Nays 1; Tollefson (not voting) absent 0.

Resolution No. 14179. L. I. D. 1941.

BY PERDUE:

Stating intention of Council to order installation of sanitary sewers on Alaska Street from South 72nd Street north for approximately 900 feet; creating L I D 1941, fixing March 15, 1955 as the date for hearing thereon. It was moved by Dr. Battin, seconded by Mr. Perdue 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 February 21, 1955.
Ayes 9; Nays 0; Absent 0.

Resolution No. 14180.

By HUMISTON:

Agreeing to acquire by purchase and/or condemnation without cost to the Department of Public Utilities (for use by the Water Division for enlarging the site of the Wapato Hill Reservoir) certain property in Wapato Hills Addition described herein, and to take all legal steps to cause West Approach Street and that portion of Summit Street extending from South 64th Street northerly to its present termination to be vacated without cost to the Department of Public Utilities, same to be in exchange for certain other property in Wapato Hills Addition, more fully described herein (to be used for street purposes as a part of South 56th Street). It was moved by Dr. Battin to suspend Rule 9, Seconded by Col. Hooker and carried unanimously on voice vote. The resolution was then adopted without having been read in full.

Adopted on roll call February 21, 1955.
Ayes 9; Nays 0; Absent 0.

FIRST READING OF ORDINANCES:

Ordinance No. 15255.

Authorizing the proper officers of the City of Tacoma to enter into a renewal of the lease between the City of Tacoma and Western Steel Casting Company, a corporation; and setting out the terms and provisions thereof. Read by title and placed in order of final reading.

Ordinance No. 15256- L I D 5237.

Approving and confirming assessment and assessment roll for cost of improvement in L I D 5237. Read by title and placed in order of final reading.

Ordinance No. 15257. L I D 1936.

Providing for construction of sewers in alley between Winnifred and Highland Streets from Sixth Avenue to Bantz Boulevard, thence in Sixth Avenue from said alley to Pearl Street; also in Pearl Street from North 7th Street to approximately 100 feet south of Sixth Avenue; creating L. I. D. 1936. Read by title and placed in order of final reading.

Ordinance No. 15258.

Regulating travel and traffic on the streets of the City of Tacoma; providing a penalty for the violation thereof; repealing Ordinances Nos. 10598, 11054, 11385, 11417, 11701 and 11965, and all ordinances and parts of ordinances in conflict herewith; and declaring that this ordinance shall take effect immediately after publication. Read by title and placed in order of final reading. Mr. Backstrom stated that the staff, consisting of City Attorney, Traffic Engineer and representative from the Police Department would be present at next week's Council meeting to explain the ordinance and answer questions of the Council members.

FINAL READING OF ORDINANCES:

Ordinance No. 15252.

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 Lewis County or the United States District Court, Western District of Washington, Southern Division, under the right of eminent domain, for the purpose of providing a site for the location for the Mayfield transmission line, Mayfield reservoir and Mossyrock reservoir. Read by title. It was moved by Dr. Battin to suspend Rule 9, seconded by Mr. Bratrud 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. 15253.

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; etc." by adding thereto a new section to be known as Section 13A. Read by title. It was moved by Dr. Humiston, seconded by Dr. Battin to suspend Rule 9, and carried unanimously on voice vote. (M-2 Heavy Industrial District- area located in the South Tacoma Swamp area east of Tyler Way from South 40th to South 58th). The Mayor reported he had received a letter from the Northern Pacific Railway Company, which owns a portion of the property to be rezoned, stating they believe this property should be rezoned to M-2 because the property they now occupy and the property occupied by the Griffin Wheel Works is now used for heavy industry and they think these industries should attract similar heavy industries; and requesting that the area be rezoned M-2. The ordinance was then passed without having been read in full.

Roll call: Ayes 7; Nays 2; Jensen, Stojack, Not voting, Absent 0.

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Ordinance No. 15254.

Vacating the portion, hereinafter described, of the alley between South D Street and Pacific Avenue, extending from South 37th Street to South 38th Street, to-wit, a portion thereof 0.25 feet in width abutting the west 65.009 feet of the east 178.009 feet of the south 100 feet of Block 80, Amended Map of First School Land Addition to the City of Tacoma. Read by title. It was moved by Dr. Humiston, seconded by Col. Hooker 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. 15248 - L I D 2195- (laid over to this date on February 14th)

Approving and confirming assessment and assessment roll for cost of improvement in L I D 2195. Read by title. It was moved by Dr. Humiston, seconded by Dr. Battin to suspend Rule 9 and carried unanimously on voice vote. Mr. Backstrom reported that the ordinance was laid over last week to correct the engineering costs and that this cost has been reduced by the Public Works Department in the amount of \$79.25, making a reduction of \$3.30 in the assessment against each lot. It was moved by Dr. Humiston that the ordinance be amended as follows: "That the "Whereas" clause be amended by deleting therefrom that portion of lines 10 and 11 commencing after the word "that" on line 10 and continuing to and including the word "confirmed" on line 11, and substituting therefor the following: "assessments numbered 1 to 12 inclusive, being all the assessments contained in said roll, be reduced to the sum of \$110.05 each and that the roll be changed to make such correction, and that upon the accomplishment of the same any other objections presented at said hearing be overruled and that the assessment and assessment roll, after the making of said reductions, be confirmed." That said ordinance be amended by striking the first line and part of the second line of Section 1, down to and including the word "overruled", and substituting therefor the following: "That assessments numbered 1 to 12 inclusive, appearing on said assessment and assessment roll, being all of the assessments contained therein, be and are hereby reduced to \$110.05 each, and that any other objections to said assessment or assessment roll are overruled." and that there be inserted in line 4 of said section, after the figure "1954", the following: "and revised and amended as aforesaid". Motion seconded by Mr. Jensen and carried on roll call: Ayes 9; Nays 0; Absent 0. The ordinance, as amended, was then passed without having been read in full.

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

UNFINISHED BUSINESS:

The Director of Public Utilities submitted the assessment and assessment roll for the cost of the improvement in Local Improvement District No. 5239. It was moved by Mr. Stojack, seconded by Mr. Bratrud that April 5, 1955 be fixed as the date for hearing on said assessment roll. Carried on roll call: Ayes 9; Nays 0; Absent 0.

The Director of Public Works submitted the assessments and assessment rolls for the cost of the improvement in Local Improvement Districts Nos. 2158 and 2203. It was moved by Mr. Stojack, seconded by Mr. Bratrud that April 5, 1955 be fixed as the date for hearing on said assessment rolls. Carried on roll call: Ayes 9; Nays 0; Absent 0.

The Clerk advised that a resolution, which the City Manager and Director of Public Works desire to have adopted at tonight's meeting, was presented too late to place on the Agenda.

It was moved by Mr. Jensen, seconded by Mr. Perdue to suspend Rule 7, relative to filing of new matter for Council's consideration, in order to consider Resolution No. 14181, and carried on roll call: Ayes 9; Nays 0; Absent 0.

Resolution No. 14181.

GOERING:

Declaring that it is not practicable for the City to perform the maintenance work of cleaning and painting the steel ramp beneath the west approach of the Eleventh Street Bridge by call for bids and letting of a contract in the customary manner set forth in the Charter and Administrative Code and authorizing and directing the proper officers of the City to accept the offer of the State of Washington to include said work in the main contract for the painting and cleaning of said structure to be let by the State of Washington upon competitive bidding and that the cost be paid by the City from funds appropriated in the annual budget for the year 1955.

Adopted on roll call February 21, 1955.

Ayes 9; Nays 0; Absent 0.

Reporting on petition of Evelyn B. Warren, et al (2-14-55) requesting that North 15th Street lying between North Vassault and North Lexington remain open and continue to be repaired and maintained by City of Tacoma as one of its City Streets, Mr. Backstrom called for Council's information a lengthy legal opinion from City Attorney Boyle, which included with the recommendation that the City take no part in the controversy, as it appears to involve a private controversy, and that relief, if any, for the petitioners should be obtained by negotiation or litigation with the present owners of the tract. It was moved by Mr. Bratrud, seconded by Dr. Battin to concur in the recommendation of the City Attorney and carried on roll call: Ayes 9; Nays 0; Absent 0. The City Manager agreed to send a copy of Mr. Boyle's opinion to Mrs. Warren.

Mr. Backstrom read a letter from Clinton S. Reynolds, Secretary-Treasurer of the Tacoma Transit Co., calling attention to House Bill No. 526 in the Legislature, exempting transit systems from payment of the state gasoline tax, which is set for hearing on Wednesday Evening, February 23rd. The passage of this measure would relieve the Transit Co. of paying approximately \$52,000 but would also cost the City of Tacoma about \$1,333 a year in reduced revenues. The bill was discussed and it was the opinion of Mr. Humiston that the City Council should take positive action to approve this bill and thus decrease the tax load of the Transit Company. It was moved by Dr. Humiston, seconded by Mr. Bratrud that the Mayor address a communication to members of the legislature endorsing House Bill #526. In discussing the motion, the Mayor said he did not feel qualified to vote on the motion until he knew what effect it would have on the Council "policy-wise". Dr. Battin agreed with the Mayor, saying this introduces a question of policy and might start a series of demands of a similar nature and felt further consideration should be given the question. The time element was pointed out, as the bill is up for hearing in the Committee Wednesday night. After further discussion, roll call was called on Dr. Humiston's motion, resulting as follows: Ayes 9; Nays 0; Absent 0. The Manager was instructed to draft this letter.

Upon motion, duly seconded and carried, Council then adjourned at 8:58 P. M.

J. M. Jollyson
President of City Council.

Attest: Josephine Nelson
City Clerk.