

15 FEB 25 1957

Council Chamber, 7:30 P. M.

Monday, February 25, 1957

Council met in regular session. Present on roll call 9. Battin, Bratrud, Goering, Humiston, Jensen, Perdue, Stojack, Tollefson and Mayor Anderson. Absent 0.

It was moved by Mr. Stojack, seconded by Mr. Perdue that the minutes of the previous meeting, copies of which had been mailed by the Clerk to each Council member, be approved and the reading thereof be dispensed with. Motion carried on roll call: Ayes 9; Nays 0; Absent 0.

RESOLUTIONS:

Resolution No. 14909:

By GOERING:

Recognizing appropriations listed herein in the amounts and for the purposes herein as proper carry-over appropriations and authorizing same to be paid during the year 1957 (in General Fund, Public Works Revolving Fund, Sewer Fund and City Street Fund).

Adopted on roll call: February 25, 1957
Ayes 9; Nays 0; Absent 0.

Resolution No. 14910:

By ANDERSON:

Approving grades as shown on Sheets 4 of 14 (Unit 1) and Sheets 3 and 4 of 4 (Unit 2) of the plans entitled "City Waterway Bridge No. 1-V/106" (on route of Secondary State Highway No. 1-V).

Adopted on roll call February 25, 1957
Ayes 9; Nays 0; Absent 0.

Resolution No. 14911:

By BATTIN:

Agreeing with Department of Highways of the State and Bureau of Public Roads of the United States that the City will not in the future permit encroachments on the right of way of East 11th Street Waterway Bridge approach and other certain intersecting streets.

Adopted on roll call February 25, 1957
Ayes 9; Nays 0; Absent 0.

Resolution No. 14912:By BRATRUD: 149

Submitting to qualified voters at a Special Municipal election on May _____, 1957 for their rejection or approval a proposition to amend Section 6.11 of the City Charter (to provide for direct election of Civil Service Board). City Attorney McCormick advised that the four Resolutions pertaining to Charter Amendments cannot be adopted by Council until such time as the date for the election is actually set. The Resolutions can be discussed, and the wording changed at this time, he added. Mr. Bratrud said that since this is his Resolution, he would like to have it postponed for one week in order to have certain changes made in wording. It was moved by Mr. Bratrud to lay Resolution No. 14912 over for one week to March 4, 1957. Motion seconded by Mr. Stojack and carried on roll call: Ayes 5; Bratrud, Humiston, Jensen, Stojack, Mayor Anderson. Nays 4; Battin, Goering, Perdue and Tollefson. 174

Resolution No. 14913:By BRATRUD: 443

Submitting to qualified voters at a Special Municipal election on May _____, 1957 for their rejection or approval a proposition to amend Sections 4.8 and 4.9 of the City Charter (providing for election of members of the Utilities Board, reducing the membership to three; and providing compensation).

Dr. Humiston said he felt the Council should accept the recommendations of the two Charter Committees, as both Charters, although entirely different, contained the same provisions for the Utility Board. He also stated that he felt the Council should go on record as being receptive to Charter changes, setting a deadline in October for these changes to be submitted, and hearings should be held by the Council in order to determine whether an amendment should be submitted to the vote of the people. He suggested that if any changes were made, that they be put on the ballot a year from this coming March.

Mr. Bratrud opposed this time for the election, saying he felt it would be very confusing to have these propositions on the same ballot as candidates for City Council positions.

Mr. Perdue favored Dr. Humiston's suggestions.

Mr. Bratrud asked the City Attorney if he would be in order if he inserted a date for the election to be held in the Resolution, and Mr. McCormick replied in the affirmative. It was moved by Mr. Bratrud, seconded by Mr. Jensen that May 14, 1957 be inserted in Resolution No. 14913 as the date for the election. (No roll call was taken, as substitute motion took precedence).

Dr. Humiston said he felt it was much more important for the Council to take time to deliberate on any amendments, as did the Freeholders, than to submit Charter changes to the voters. He then made a substitute motion that Resolution No. 14913 be postponed until October 14th, for consideration. Motion seconded by Dr. Battin.

Mr. Bratrud said that he felt unless the Council makes some effort to satisfy the 45% of the voters who favored a change in the form of government at the last election, the City Manager form of government will be thrown out. Dr. Humiston advocated that Council publicize that beginning October 14th it will hold hearings for

Amended on March 4, 1957 by adding: "I understand the signatures on the petitions (166) are coming in pretty good."

those interested in Charter amendments. Mr. Jensen said he believed that Council should consider holding the election in conjunction with the School Board, as they will pay part of the election costs. He also stated there has been enough discussion on the Charter that the Council is duty bound to give the citizens a chance to vote on the changes.

Dr. Battin pointed out that the Charter is the people's Charter and not the Council's. He felt any suggestions for changes should come from the citizens, and that hearings should be held for this purpose instead of having changes come up as emergency matters with no opportunity for discussion, Dr. Battin stated. He was opposed to amending the Charter unless the suggestions or requests for changes come from the voters, he added.

Mr. Tollefson asked Mr. Bratrud what abuses there have been to cause this change to be brought to Council. Mr. Bratrud replied there have been no abuses, but that this was one of the controversial points with the last Freeholders and that many of the voters who were against the City Manager form, wanted an elected Utility Board.

Mr. Tollefson expressed the desire to speak again, and Mayor Anderson ruled that each Council member could speak only twice on the Resolution. Dr. Battin moved to appeal from the decision of the chair, which motion was seconded by Mr. Bratrud. A check of the Council rules disclosed that Rule 4 states: "No member shall speak more than twice to the same subject except, by consent" Thereupon Dr. Battin agreed that his motion to appeal was out of order and he withdrew it.

It was moved by Mr. Bratrud, seconded by Mr. Tollefson that Rule 4 be suspended insofar as discussion of Resolution No. 14913 is concerned. Roll was called on the motion, resulting as follows: Ayes 4; Battin, Bratrud, Goering, Tollefson; Nays 5; Humiston, Jensen, Perdue, Stojack and Mayor Anderson. The motion was declared lost.

Mr. Tollefson was granted permission by the Chair to speak again. He said the real controversial question before the Freeholders was whether the Charter should or should not set up a Utility Board, and not whether it should be elected or appointed. He felt that an elected Utility Board would cause the Utility Department to be farther removed from General Government than it is at present, and he would strongly oppose placing this amendment on the ballot.

Dr. Battin said the men on the present Board are able business men, and he felt it would be difficult to obtain qualified members if they were elected by popular vote. He asked the present members if they would be willing to submit their names to an election, and they all said "no", Dr. Battin added. *

Mayor Anderson said he believed the idea of holding hearings was good, and that a few months' postponement would not make any difference. Mr. Bratrud agreed with Mayor Anderson except that he felt the hearings should be held long before this fall.

Dr. Battin favored holding meetings in different parts of the City at which these matters could be discussed. Mr. Jensen said he felt it should be officially stated that these changes will be on the ballot, in order to arouse any interest in the hearings.

Mr. Stojack made a substitute motion that the Charter amendment as provided in Resolution No. 14913 be set for hearing on March 18th. Motion seconded by Mr. Bratrud. Discussing this motion, Dr. Battin expressed the opinion that these meetings should be spotted throughout the City, i.e., Stewart School, Geiger School and South Tacoma, in order to cover the entire City.

After further discussion roll was called on Mr. Stojack's motion to

* Amended by Council on March 4, 1957. For full text of amendment, see page 165.

set Resolution No. 14913 for public hearing on March 18th, which lost: Ayes 2; Nays 7, Battin, Goering, Humiston, Jensen, Perdue, Tollefson, and Mayor Anderson. The motion was declared lost.

Roll was then called on Dr. Humiston's motion to postpone consideration of Resolution No. 14913 to October 14th, which carried: Ayes 5; Battin, Goering, Humiston, Perdue, Tollefson. Nays 4; Bratrud, Jensen, Stojack and Mayor Anderson.

Resolution No. 14914:

By ANDERSON:

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Submitting to qualified voters at a Special Municipal election on May _____, 1957 for their rejection or approval a proposition to amend Sections 2.1 and 2.4 of the City Charter (to provide for direct election of Mayor for four-year term.

Mayor Anderson, who sponsored the Resolution said he would like to have it postponed for one week. Moved by Dr. Humiston to postpone Resolution No. 14914 for one week to March 4th. Motion seconded by Mr. Stojack. Roll call: Ayes 3; Nays 6; Battin, Goering, Humiston, Perdue, Tollefson and Mayor Anderson. The motion was declared lost.

Mr. Tollefson said he felt this resolution should also be laid over to October 14th. Mr. Jensen said that, if all these Charter changes are postponed to October 14th, it will give the public the impression Council is "passing the buck". He urged Council to face the issue and give the people an opportunity to vote on the amendments.

Mayor Anderson read a letter from Gerrit VanderEnde, favoring the idea of an elected full time Mayor.

Dr. Battin advised that in order to have the hearings on the Charter Amendments in proper form, he had asked the Legal Department to draw a resolution, and he distributed copies to Council members. Moved by Dr. Battin to suspend the Council rules for consideration of a resolution not on the agenda. Upon protest of Mr. Bratrud, the Chair ruled Dr. Battin was out of order in submitting the resolution at this time.

It was moved by Dr. Humiston, seconded by Mr. Perdue to postpone Resolution No. 14914 to October 21st for a public hearing. Motion carried: Ayes 6; Battin, Goering, Humiston, Perdue, Tollefson and Mayor Anderson. Nays 3; Bratrud, Jensen and Stojack. Resolution No. 14915:

By BRATRUD:

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Submitting to qualified voters at a Special Municipal Election on May _____, 1957 for their rejection or approval a proposition to amend Sections 2.1 and 2.4 of the City Charter (to provide for election of Mayor, to provide his compensation and to reduce the Council to seven members). It was moved by Dr. Humiston, seconded by Dr. Battin to postpone Resolution No. 14915 to October 21st for a public hearing. Motion carried: Ayes 6; Battin, Goering, Humiston, Perdue, Tollefson and Mayor Anderson. Nays 3; Bratrud, Jensen and Stojack. Absent 0.

Resolution No. 14916:

By ANDERSON:

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Declaring it to be the policy of the Council of the City of Tacoma that the

City will not extend or furnish to any incorporated areas outside the City limits of Tacoma any of its water or water facilities or sanitary sewers or disposal system facilities.

Mr. Rowlands advised that they would like to have this resolution postponed for one week to allow the Utility Board, which meets tomorrow night an opportunity to study it. Dr. Humiston suggested the City Manager furnish the Board with copies of the proposed resolution. It was moved by Mr. Bratrud, seconded by Mr. Jensen to set the resolution for a public hearing on October 21st. Mayor Anderson ruled Mr. Bratrud's motion out of order. Mr. Bratrud said he did not believe this motion out of order in view of the similar action taken on the four preceding resolutions. It was moved by Mr. Bratrud, seconded by Mr. Jensen, to appeal from the decision of the Chair. Dr. Battin assumed the Chair, and briefed the Council on the procedure, saying that an Aye vote sustains the Chair, while a Nay vote supports the appeal. Roll was called on the motion to appeal from the decision of the Chair, resulting as follows: Ayes 5; Nays 4; Bratrud, Humiston, Jensen, Stojack. The decision of the Chair was declared sustained.

It was moved by Dr. Humiston, seconded by Mr. Perdue, to lay Resolution No. 14916 over for one week to March 4, 1957. Motion carried: Ayes 9; Nays 0; Absent 0.

Mr. Tollefson pointed out this resolution was submitted in view of the recent move to incorporate "Tide Haven City". He advised Council that up to the present time the City has been prohibited by State Law from initiating the annexation adjacent areas. However there is now a bill before the Legislature to permit a city to initiate an annexation, Mr. Tollefson said.

A discussion was held on the effect the incorporation of Tide Haven City which will include a portion of the proposed Port Industrial District, would have on the financial structure and utilities of the City of Tacoma.

FIRST READING OF ORDINANCES:

Ordinance No. 15825:

Repealing Ordinance No. 15513, entitled "An ordinance providing for improvement of Melrose Street from Prospect Street to State Street, also State Street from South 14th to South 15th Streets, by grading and placing thereon an asphalt concrete pavement, etc.; creating L I D 4584 (passed January 3, 1956).
Read by title.

The City Manager explained that after the providing ordinance had been passed by Council on January 3rd, 1956, at the request of the property owners the bids were not called for pending a meeting between the property owners and representatives of the Public Works Department. It appears that the two sides have not come to an agreement, and the Public Works Department would like to have the ordinance repealed so the project can be abandoned.

Mr. Jack S. Bloomquist, advised that the majority of property owners are still opposed to the improvement and would like to have it voted down by Council.

Mr. Vane M. Walters, who is in favor of the improvement, said that at the request of some property owners who were in financial difficulties, at the time, it was agreed to postpone it for one year, which has been done, and he feels the City should now proceed with the L. I. D. Mayor Anderson advised Mr. Bloomquist and Mr. Walters that final action on the Ordinance will not be taken until next Monday, as it is merely being given first reading tonight. The Ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:Ordinance No. 15810:

Authorizing the City Attorney to purchase, or condemn certain property, property rights and privileges for purpose of extending and improving North 30th Street from Highland Street to Pearl Street. Read by title and passed.

Roll call: Ayes 8; Nays 0; Absent 1, Humiston (temporarily)

Ordinance No. 15811:

Authorizing the City Attorney to purchase or condemn certain property, property rights and privileges, immediately to the south of the Town of Fircrest on Leach Creek, for the purpose of erecting constructing and maintaining a storage basin for surface water, storm waters and drainage; and providing for the payment thereof. Read by title and passed.

Roll call: Ayes 8; Nays 0; Absent 1, Humiston (temporarily)

Ordinance No. 15812:

Authorizing the Director of Utilities to enter into a modification of the contract between the City of Tacoma on behalf of the Department of Public Utilities, Light Division, and the Ohio Ferro Alloys Corporation, a corporation. Read by title and passed.

Roll call: Ayes 8; Nays 0; Absent 1, Humiston (temporarily)

Ordinance No. 15813:

Amending Section 1 of Ordinance No. 10407, entitled: "An ordinance providing for the payment of the cost of private automobiles used upon City business;" (raising mileage allowance from 7¢ to 9¢ per mile.) Read by title.

Mr. Tollefson asked about the savings as a result of the motor pool. Mr. Rowlands advised that he had reported on February 11th, when Mr. Tollefson was absent, that during the month of December there had been a saving of 260 gallons in gasoline consumption. It is hoped to make it more attractive to City Employees to drive their own cars on City business now that the mileage allowance is increased, and eventually to be able to dispose of a number of cars. Mr. Tollefson asked whether or not the Utility Department was cooperating in the plan, and Mr. Barline advised his department has been operating a motor pool for approximately two years. In reply to a question as to how many cars were being taken home in the Utility Department, Mr. Barline stated there are 14 in the Light Department and 11 in the water Department which are for the most part radio equipped and are on emergency call. He also stated that employees who drive City cars home are not permitted to carry passengers. Mr. Jensen asked if anything was being done to survey the condition of City trucks, saying that he has observed many city trucks over 10 years old on the streets. He felt some action should be taken to replace these, Mr. Rowlands advised that this is being done.

Roll call: Ayes 8; Nays 0; Absent 1, Humiston (temporarily)

Ordinance No. 15814:

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Vacating South 20th Street extending east from the east property line of the alley between South I Street and South J Street to the west line of Lots 1 and 2 of South 20th and I Street replat to Tacoma, Pierce County, Washington; and retaining and reserving easements for the construction, repair and maintenance of Public Utilities and Services. Read by title.

City Manager Rowlands requested that Ordinance No. 15814 be postponed for one week. It was moved by Dr. Battin, seconded by Mr. Perdue to lay Ordinance No. 15814 over for one week (to March 4, 1957). Motion carried, Ayes 9; Nays 0; Absent 0.

Ordinance No. 15815:

L I D 1934:

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Approving and confirming assessment roll for L I D 1934 - constructing sanitary sewers from South 70th Street to the City limits, from 250 feet to 340 feet west of South Tacoma Way. Read by title and passed.

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

Ordinance No. 15816:

L I D 5266:

Approving and confirming assessment roll for L I D 5266 - cast iron water main in South 56th Street from South Adams to Durango, in South Adams from South 56th to South 58th and in South 58th from Adams to Durango. Read by title and passed.

Roll call: Ayes 8; Nays 1, Stojack, Absent 0.

Ordinance No. 15817:

L I D 5271:

Approving and confirming assessment roll for L I D 5271 - cast iron water main in South Proctor from South 54th produced, to South 56th Street; in South 56th from Proctor to Durango. Read by title and passed.

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

Ordinance No. 15818:

L I D 5272:

Approving and confirming assessment roll for L I D 5272 - cast iron water main in South 19th Street from Lawrence Street to Adams Street. Read by title and passed.

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

Ordinance No. 15819:

L I D 5274:

Approving and confirming assessment roll for cost of L I D 5274 - cast iron water main in I Street from South 76th Street to South 78th Street and in South 78th Street from I Street to Thompson Avenue. Read by title and passed.

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

Ordinance No. 15820: L. I. D. 2260. 132

Providing for improvement of South 13th Street from Cedar Street to Alder Street, South Grant Avenue from 17th Street north to existing walk on west side and from 15th Street to 16th Street on east side, the north side of South 17th Street from the alley east of Grant Avenue to the alley west of Ridgewood Avenue, the south side of South 17th Street from the existing walk between Ridgewood and Grant to existing walk at alley west of Ridgewood, also Ridgewood from South 17th Street north to existing walks by construction of sidewalks; creating L I D 2260: Read by title and passed.

Roll call: Ayes 8; Nays 0; Absent 1, Humiston (Temporarily)

Ordinance No. 15821: L I D 2275. 132

Providing for improvement of South Thompson Avenue from South 59th Street to South 61st Street by reshaping the existing roadway and making two applications of MC-3 oil mat and crushed rock; creating L I D 2275. Read by title and passed.

Roll call: Ayes 8; Nays 0; Absent 1, Humiston (Temporarily)

Ordinance No. 15822: L I D 4609. 124

Providing for improvement of alley between North 28th and North 29th from Junett Street to Cedar Street by grading and paving; creating L I D 4609. Read by title and passed. 424

Roll call: Ayes 8; Nays 0; Absent 1, Humiston (Temporarily)

Ordinance No. 15823: L I D 4616 132

Providing for improvement of the alley between Union Avenue and Puget Sound Avenue from North 18th Street to North 19th Street by grading and constructing concrete surface thereon; creating L I D 4616. Read by title and passed.

Roll call: Ayes 8; Nays 0; Absent 1, Humiston (Temporarily)

Ordinance No. 15824: L I D 6750. 133

Providing for improvement of South 18th Street from Pine Street to Cedar Street by installation of ornamental street lights and standards; creating L I D 6750. Read by title and passed. 459

Roll call: Ayes 8; Nays 0; Absent 1, Humiston (Temporarily)

UNFINISHED BUSINESS:

This being the date fixed by Resolution No. 14874, adopted by the City Council on January 28, 1957, for hearing on petition of Oscar Hokold, et al,

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(11-28-56) for vacation of the south 50 feet of the east 35 feet of South K Street at its intersection with South 65th Street, the hearing was held at this time. The Clerk reported the posting of the notices required by law and the filing of an affidavit of such posting. Also reported that a fee of \$50.00 had been paid by the petitioners, and no remonstrances had been filed against the proposed vacation. Mr. Buehler explained that this right of way is no longer needed for a turn-around since South K Street and South 67th Street have been dedicated to provide a complete loop street. The Public Works Department has no objections to the vacation and the Public Utilities Department approves it, providing an easement is retained for existing electric distribution lines, Mr. Buehler advised. The City Planning Commission recommends approval of the vacation on condition that the easement requested by the Utilities Department is retained, Mr. Buehler added. It was moved by Mr. Stojack, seconded by Dr. Battin to concur in the recommendation of the City Planning Commission, and that the City Attorney be instructed to draw the necessary ordinance to vacate the strip of land as requested. Motion carried on roll call: Ayes 9; Nays 0; Absent 0.

This being the date to which Council continued the hearing on the petition of Wm. M. Busch (4-19-54) for vacation of the alley between Sixth Avenue and South 7th Street from South Orchard Street to South Shirley Street, the matter was considered at this time. The Clerk reported the posting of the notices required by law and the filing of an affidavit of such posting. Also reported that a fee of \$80.00 had been paid by the petitioner, and no remonstrances had been filed against the proposed vacation. Mr. Buehler of the Planning Staff explained that this entire block is zoned commercial and that the petitioner intends to develop it in such a way that the alley will not be required. The Planning Commission recommends that this alley be vacated subject to the granting to the City by the petitioner of certain sewer easements which have been requested by the Public Works Department, Mr. Buehler stated. It was moved by Mr. Stojack, seconded by Mr. Jensen that the Council concur in the recommendation of the City Planning Commission and that the City Attorney be instructed to draw the necessary ordinance to vacate the alley as requested. Motion carried on roll call: Ayes 9; Nays 0; Absent 0.

M. C. - 123: Report on Demolition of Sixth Avenue Ferry Dock, which was laid over to this date on February 18th, was brought up at this time. Mr. Rowlands advised that House Bill #500, now before the Legislature provides for an appropriation of \$3,000 from the Toll Bridge Authority for the removal of the Ferry Dock. In reply to a question from Mayor Anderson, Mr. Rowlands reported that construction of a new dock would cost between \$50,000 or \$60,000. Mr. Rowlands also stated that, although they have had several inquiries, the City could not legally lease the Ferry Dock for the establishment of a marina, since this is a part of a city street. It is his recommendation that the City do not accept the dock from the County and that the County should be directed to proceed with the demolition of same.

Mrs. Edward Byrne said if the dock is torn down, the residents on Wilton Road will be cut off from their homes. Mr. Rowlands explained in detail how it would still be possible to negotiate the turn into Wilton Road by crossing some privately owned property. Mr. W. T. Sherman said that they have been forced to run on private property since the City barricaded the dock. He felt the City should make some provision for access to Wilton Road, Mr. Sherman said. The City Manager suggested that some member of the Public Works staff meet with the property owners to demonstrate how access to Wilton Road can be negoti-

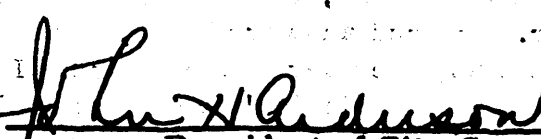
ated. Mr. W. A. Leith suggested a solution by allowing the owner of the adjoining boat house to use the State Dock if he would maintain same. City Attorney McCormick said this dock is on a City street and the City could not enter into an agreement with a private party for use of a City street. Final disposition of the matter was left up to the City Manager.

M. C. 124 - "Report on Leach Creek Impounding Area below Fircrest" which had been laid over to this date on February 18th, was not discussed at this time as this matter had been taken care of by the passage of Ordinance No. 15811 earlier in the meeting. 161


ITEMS RECEIVED FOR FILING IN THE OFFICE OF THE CITY CLERK:

Director of Finance - Report for the month of January, 1957.

Upon motion, duly seconded and carried Council adjourned at 10:45 P. M.



 President of City Council

Attest: 

 City Clerk

* Full text of amendment on page 158.

Dr. Battin asked Mr. Bratrud: "Has the present appointed Utility Board done anything that was unsound business practice, has this Board been inefficient, has this Board done anything against the best interests of Tacoma?" Mr. Bratrud answered, "No, the Board has done a very good job. I have nothing against any member of the Board. I think the Board has given us very fine service, but some people don't want an appointed Board, they want to elect the Board, and I want to give them a chance to vote on it."