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Council Chambers, 4:00 P. M.  
Monday, July 13, 1959

Council met in regular session. Present on roll call 8: Anderson, Easterday, Goering, Humiston, Perdue, Porter, Price and Mayor Hanson. Absent 1, Bratrud.

Mr. Anderson moved that the minutes of the meeting held July 6, 1959, be approved as submitted. Seconded by Mr. Easterday. Roll call: Ayes 8; Nays 0; Absent 1, Mr. Bratrud.

HEARINGS AND APPEALS:

This is the date set for hearing on the appeal filed by Byron F. Anderson for the rezoning of property on Jackson Avenue between Lief Erickson Drive and 19th Street, from an R-1 District to an R-3 District. 146  
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Mr. Byron F. Anderson, the petitioner, explained he felt there is a need for housing in the area, and that the \$20,000 brick duplex he desires to build will be an asset to the district.

Mr. John Prins of the Opie Company, who negotiated the sale of property for Mr. Anderson, said they are in receipt of a letter from the Planning Commission stating the reasons for denying the petition for rezoning the property from an R-1 to an R-3 District. The letter states that "This commercial district should remain in its present size as the adjoining county area is zoned residential and a neighborhood shopping center is planned at South 27th and Bridgeport Way. Mr. Prins explained that Mr. Anderson has no idea of building a shopping center. He is only interested in a duplex as he feels it will be good zoning for the City and will act as a buffer between the commercial present area and the residential R-1 area, and that a \$20,000 duplex will be an asset to the neighborhood.

Mr. Anderson's appeal brings out that the area south of 19th Street is County. At the S. E. corner of 19th Street and Jackson Avenue is a large lumber company and the County has rezoned the area adjoining this to R-3 for duplex construction to act as a buffer between the commercial and R-1 Residential in the County. Mr. Anderson's letter also stated that the proposed site is separated from the residential area on the north by Lief Erickson Drive, which borders a service station on the south on Jackson Avenue. He feels that a beautiful duplex replacing the growth of weeds and brush would be a much more desirable setting for the property.

Mr. Allan Billett, Attorney representing the property owners protesting the rezoning said they are still strongly opposed to this rezoning. The area is continually building up into one-family residences for which it is zoned. It certainly appears that the Planning Commission is correct in denying the petition. There is no proof that the existing overall zoning plan is incorrect so as to warrant any change. His clients feel a duplex will not create a buffer zone because the area is still developing as an R-1 District, and to change it now would only enlarge the area which is zoned other than that which is now being developed and enlarged.

Mr. Alskog, Chairman of the Planning Commission, said this district is new and it should not be down graded from an R-1 to an R-3. The Planning Commission objects to downgrading, as this is one of the few R-1 areas left in the City.

From the standpoint of good planning, the area should remain as it is.

It is also felt that the property will become more in demand when other view property disappears from the market. There are instances when homes and service stations are built side by side with adequate screening, making the property attractive.

Mr. Buehler, Planning Director explained that a duplex district is used for the buffering of low density residential areas from high density residential area, shopping districts and light industrial districts. The opinion of the Planning Commission is that the adjacent commercial zone is not of a sufficient size to warrant the need for a buffer zoning district.

Mayor Hanson asked if they felt it was just as objectionable to build an expensive home next to a duplex of this type as it would be next to a service station.

Mr. Buehler replied that duplexes are strictly rental property which can, after a period of years, begin to run down, and as experienced in other cities, they can definitely blight and ruin a city; whereas a small commercial operation does not seem to hinder a city as much.

Mayor Hanson said he would like to view the property in question before voting on it at this time.

Dr. Humiston agreed with Mayor Hanson and moved that action on Mr. Byron F. Anderson's appeal be postponed for one week, until July 20, 1959. Seconded by Mr. Easterday. Motion carried: Ayes 8; Nays 0; Absent 1, Bratrud.

This is the date set for hearing on the denial of the petition of Neil Skelton for the vacation of Huson Street between Center and South 30th Streets.

Mr. Buehler, explained the Planning Commission has recommended that this petition be denied as they feel this is premature in that the general area to the south of the proposed vacation is as yet unplatted and its means of access undetermined. Also, no definite plans could be shown indicating to what use the entire street right of way would be made if it were to be vacated. It was also shown that a portion of the property abutting the street is zoned residentially and would be left without access by the vacation of this street.

Dr. Humiston moved that the Council concur in the recommendation of the Planning Commission that the petition be denied. Motion seconded by Mr. Anderson. Motion carried: Ayes 8; Nays 0; Absent 1, Bratrud.

#### RESOLUTIONS:

##### Resolution No. 15805:

##### By Price:

Rejecting all bids submitted for Improvement No. 2286-C and W.O. 90019 since the engineer's estimate was lower than any bid received.

It was moved by Mr. Easterday that the Resolution be adopted. Seconded by Mrs. Price.

Adopted on roll call July 13, 1959  
Ayes 8; Nays 0; Absent 1, Bratrud.

Resolution No. 15806:

By Porter:

Awarding contract to Truck Welding and Equipment Company for the furnishing of three special truck bodies for the sum of \$5,961.00 plus sales tax.

It was moved by Mr. Anderson that the Resolution be adopted. Motion seconded by Mr. Easterday and

Adopted on roll call July 13, 1959  
Ayes 8; Nays 0; Absent 1, Bratrud.

Resolution No. 15807:

By Hanson:

Creating a Citizen's Relocation Advisory Committee.

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It was moved by Mr. Anderson that the Resolution be adopted. Seconded by Mr. Easterday.

Adopted on roll call July 13, 1959  
Ayes 8; Nays 0; Absent 1, Bratrud.

Resolution No. 15808:

By Bratrud:

Authorizing and directing the proper officers of the City to execute and deliver to Nick and Irene Zvolis a local improvement assessment deed in the amount of \$10.00 for property located at the southwest corner of So. 11th and Tacoma Ave.

It was moved by Dr. Humiston that the Resolution be adopted. Seconded by Mr. Anderson.

Adopted on roll call July 13, 1959.  
Ayes 8; Nays 0; Absent 1. Bratrud.

Resolution No. 15809:

By Porter:

Authorizing the proper officers of the City to execute the approval of a contract sale of property located at North 29th and Starr Streets to Arthur and Helen Schafer. (Northwest Bible Schools)

It was moved by Dr. Humiston that the Resolution be adopted. Seconded by Mr. Anderson.

Adopted on roll call July 13, 1959  
Ayes 8; Nays 0; Absent 1, Bratrud.

**Resolution No. 15810:**

By Perdue:

Authorizing the proper officers of the City to enter into an agreement with the State of Washington, Director of Fisheries, for the construction, operation and maintenance of a fish hatchery in lieu of fishways on the North Fork of the Skokomish River.

It was moved by Mr. Anderson that the Resolution be adopted. Seconded by Mr. Easterday.

Mr. Paul, Nolan, Attorney from the Utilities, explained that the execution of this agreement would be the culmination of a problem the City has had since the construction of the Cushman project in 1926. Tentative plans had been made for an agreement prior to World War II but were dropped after the outbreak of the war. In 1948, a contract was worked out which the City Council authorized and which was signed by the Director of Fisheries, but was not executed by the City. Due to the passage of time, and the fact that costs have risen since that agreement, it was felt it would be better to prepare a new agreement in order to adjust the dollar value but to maintain the terms of the 1948 agreement. This agreement includes the transfer of the 30 acre hatchery site on Purdy Creek, which will require the City to pay to the Fisheries Department \$200,000 for a portion of the cost of a hatchery; the City will pay for the maintenance and operation of the hatchery up to, but not to exceed the sum of \$15,000 a year; and that if a dam is constructed on the South Fork of the Skokomish River, the City will provide such fish passing devices as required by law and will further pass by the dam a minimum flow of 50 c. f. s. into the river channel for fisheries purposes. He added that both parties were satisfied with the agreement.

Adopted on roll call July 13, 1959  
Ayes 8; Nays 0; Absent 1, Bratrud.

Resolution No. 15811: moved to suspend the Council Rules in order to take up Resolutions, Numbers 15811 and 15812 which were not on the agenda. Motion seconded by Mr. Perdue and carried, Ayes 8; Nays 0; Absent 1, Bratrud.

**Resolution No. 15811:**

By Goering:

Appointing a Relocation Advisory Committee consisting of 12 members.

It was moved by Dr. Humiston that the Resolution be adopted. Seconded by Mr. Easterday.

Adopted on roll call July 13, 1959  
Ayes 8; Nays 0; Absent 1, Bratrud.

Resolution No. 15812:

By Anderson:

Appointing a "Housing Board of Appeals" consisting of seven members.

It was moved by Mr. Anderson to adopt the Resolution; Seconded by Mr. Porter.

Adopted on roll call July 13, 1959  
 Ayes 8; Nays 0; Absent 1, Bratrud.

FINAL READING OF ORDINANCES:

Ordinance No. 16386:

Amending Chapter 6.28 of the Official Code of the City by adding 10 new sections to be known as Sections 6.28.050 to 6.28.140 inclusive, and amending sections 6.28.020, 6.28.030 and 6.28.040 - Relating to licenses and taxes - Music Machines. Read by title. 190  
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Dr. Humiston said inasmuch as this is an amended copy of the original ordinance he moved that Section 6.28.060, Section 6.28.090 and the third paragraph in Section 6.28.100 be amended as submitted. Motion seconded by Mr. Perdue and carried. Ayes 8; Nays 0; Absent 1, Bratrud.

Mr. Robert Comfort, Attorney, representing eight local Music Machine Operators said the purpose of this Ordinance is to eliminate gamblers and people engaged in gambling, from the Music Machine business. Tacoma does not want syndicates moving in and taking locations away from the operators. At present there is no protection in the existing ordinance protecting the music machine operators. Mr. Comfort read affidavits from several tavern owners stating they had been threatened when they refused to change their music machine operators. He urged the passage of this Ordinance which would require City Manager approval of location transfers and would also prohibit music machine operator license holders from dealing in gambling devices.

Mr. Floyd Reichling, Seattle Attorney representing Operator William Greco and Seeburg Co., a Music Box Manufacturer, saying his clients are very much opposed to the passage of this Ordinance. He pointed out, at present there are laws against gambling, malicious destruction of property and coercion. He said the Council would be outlawing healthy competition if this Ordinance were passed. He said he is concerned that the Ordinance would be unconstitutional and therefore unenforceable. He said he plans to challenge a similar Seattle Ordinance in Federal Court within the next 2 weeks. This Ordinance was not proposed by the Police Department or by a Councilman, but, by eight local Operators who are attempting to obtain a monopoly in this field.

Mr. Wm. Greco, Music Machine Operator, said in attempting to gain locations for his machines he has used no coercion or threats. He is not afraid to have any of his location owners testify for their reason in changing to his machines. He said he is relatively new in this business and just wants the right to operate and the right to grow. He feels that this proposed ordinance discourages healthy competition.

Dr. Humiston said he could see no justification in Section 6.28.110, "Limitation of Number of Operator's Licenses" therefore he moved that the section be deleted. Seconded by Mr. Perdue. Roll call: Ayes 8; Nays 0; Absent 1, Bratrud. Motion carried.

Mr. Porter moved that Section 6.28.040 be amended to change Distributor's Music Machine Licenses from \$25.00 to \$250.00. Motion seconded by Mr. Easterday.

Dr. Humiston said he would like an explanation of what the difference is between an operator and a distributor.

Mr. Greco said a distributor was one who sold the machines. An operator is a person like himself, who services the machines after locating them. He said there was only one distributor in Tacoma and about three in Seattle.

Dr. Humiston asked how would the City of Tacoma collect this license fee from the Seattle firms.

Mr. McCormick, City Attorney, explained if the Seattle firms have an agency in Tacoma, then a license fee will be required. The danger is that the transaction could be made entirely in Seattle, thus no license fee could be collected.

Mr. Anderson said it seemed obvious to him that a \$250. license fee would not be collectable whether a company had an agency here or not, as it would be avoided somehow.

Vote was taken on Mr. Porter's motion to change the distributors license fee from \$25.00 to \$250.00. Ayes 3, Perdue, Porter and Price; Nays 5, Anderson, Easterday, Goering, Humiston and Mayor Hanson. Absent 1, Bratrud. The motion was declared lost.

Mr. Porter moved that Section 6.28.090, 10th line, be amended so as to read "upon payment of an additional fee of \$8.00 therefor, be granted a mechanical or location music machine license and need not obtain an operator's music machine license." Motion seconded by Mrs. Price. Motion carried. Ayes 8; Nays 0; Absent 1, Bratrud.

Mr. Porter moved that Section 6.28.100, paragraph 3 on top of page 4 be amended by deleting the words "or without" in the 4th line. Motion seconded by Mr. Easterday.

Mr. Anderson said it seemed to him that one of the reasons for this Ordinance is to control this field by keeping those engaged in gambling out of the music machine business, therefore he felt that the words "or without" should be left in the paragraph.

Mr. Porter agreed that they will have jurisdiction inside the City but he did not think the City should attempt to control businesses outside the City.

Mr. Greco said he could not see why an operator should be penalized for something which is legally licensed outside the City of Tacoma.

Dr. Humiston said perhaps the wording should be changed so as to read that a license will be forfeited if an operator were "convicted of gambling" rather than "owning a gambling device."

Mr. Perdue said he believed by leaving these words "in" simply means the City can choose the type of operators it thought to be proper within the City.

Mr. Easterday said he did not believe it was up to the Council to discriminate against any person in business for which he is properly licensed.

Mr. Perdue pointed out that the ordinance refers to gambling devices.

Mr. Reischling said the State Supreme Court has never ruled on whether the present type of pinball machine is a gambling device.

Dr. Humiston requested that the City Attorney bring in for next week's Council meeting a modification of that language which would require a conviction for gambling outside the City.

Mayor Hanson said in light of all the discussion and all the amendments and also because some interested parties have not had an opportunity to examine the Ordinance he thought it only fair to set the matter over one week to re-examine the entire subject.

Mr. Anderson then moved to postpone the Ordinance until July 20th, 1959. Motion seconded by Dr. Humiston and carried on roll call: Ayes 8; Nays 0; Absent 1, Bratrud.

Ordinance No. 16387:

Granting to the Washington Natural Gas Company the right to engage in the business of selling, distributing and supplying gas to consumers within the City of Tacoma. Read by title and passed.

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Roll Call: Ayes 8; Nays 0; Absent 1, Bratrud.

Ordinance No. 16391:

Vacating property on North 15th Street from Pearl to Shirley, North 16th Street from Pearl to Shirley, the alley between North Pearl and North Woodlawn from North 14th to North 18th and the westerly 10 feet of Woodlawn from North 14th to North 18th Street. (Petition of Westgate, Inc.) Read by title and passed.

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

Ordinance No. 16392:

Amending Section 3 of Ordinance No. 16286 in reference to L I D 1993. Read by title and passed.

49:602  
51:63

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

UNFINISHED BUSINESS:

The Director of Public Works presents the assessment roll for the cost of the improvement of L I D 6761 for ornamental street lights on the existing wooden poles on Brown's Point Boulevard from the north end of Blossom Drive to the South end of Blossom Drive.

49:576  
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It was moved by Mr. Easterday, seconded by Mr. Anderson that August 11th, 1959 be fixed as the date for hearing. Motion carried; Ayes 8; Nays 0; Absent 1, Bratrud.

NEW BUSINESS:

Communication from F. Gaines Sutherlin, President of the Association of Washington Cities in reference to House Bill 640 - Sec. 38(4).

Mr. Rowlands explained that the committee is working very diligently on this trying to point out in unmistakable terms that the Cities plight is real, and that additional financial assistance should be given to the cities for the street and highway program.

Mr. Easterday suggested that the cities of the state undertake a statewide initiative to provide more revenue for municipal services. He said they have not met with much success at the Legislature, and should go directly to the people.

ITEMS FOR FILING IN THE OFFICE OF THE CITY CLERK:

Report from the Fire Department for the month of June, 1959.

Report from the Police Department for the month of June, 1959.

Report from the Police Traffic Division for the month of June, 1959.

Report from the Municipal Court for the month of June, 1959.

Report from the Finance Department for the month of June, 1959.

Mr. Rowlands pointed out that two years ago the Telephone Company filed a petition before the Public Service Commission for a rate increase and the City of Tacoma was represented at the hearing at that time. They again have filed a petition for a rate increase and thought that the City of Tacoma should be represented.

Dr. Humiston moved that the City of Tacoma be represented by our Attorney, before the Public Service Commission hearing, so that the City will be properly protected. Motion seconded by Mr. Anderson. Motion carried: Ayes 8; Nays 0; Absent 1, Bratrud.

Mr. Rowlands informed the Council that there has been some repercussions in the area concerning the tentative plan of the Department of Public Welfare, to cut off from the contributions the amount previously paid for Utility Services, etc..

In discussing this with the Welfare Director, it was their feeling that some reconsideration may be given to this matter.

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Mr. Rowlands said two weeks ago the Council requested a letter be directed to the General Services Administration with regard to purchasing an area in Salishan and, asking for an extension of time. Their reply was that they would grant a 30 day extension after the appraisal has been presented to the Board of Park Commissioners.

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Mr. Rowlands explained that representatives of the Skating Rinks had appealed to Council last week in reference to being exempt from paying City Admission taxes on the first 50¢ of any admission charge, and they were to make a report on the matter at this meeting. He said the City's financial plight is serious and unless there is a motion from the Council to amend the Ordinance to exclude skating rinks from paying this tax, the matter will be postponed and discussed at the 1960 Budget Hearings in October.

Mr. Adams of the Roller Bowl said the tax relief was needed now. He said in the past theatres and skating rinks have been classed in the same category and said that it should continue that way. He said the theatres were given tax relief-- why shouldn't the skating rinks be given the same consideration.



Mr. Anderson said in order to clarify the issue, he asked that Mr. Rowlands make a notation that this subject be discussed at the Budget Hearings.

Mr. Rowlands said Mr. Schuster, Public Works Director, had informed him that Brown and Caldwell have completed their plans on the new Pumping Station and that the Public Works Department would be calling for bids shortly.

Mr. Schuster said they would like to advertise this week for bids to be opened the third of August. This is part of a Bond Issue program that passed in March of 1958. The Bond issue was in the amount of \$240,000 and said it is estimated that the project will cost close to that amount.

Mr. Rowlands said the Metropolitan Park Commissioners have invited the Council members for a tour of their recreational program and major projects, and Wednesday, July 29th, 1959 at 10:00 A. M. has been suggested. If the Councilmembers are able to make this tour, his office should be notified.

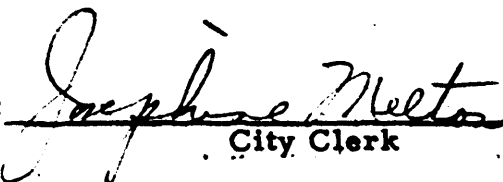
Mr. Rowlands said several weeks ago a number of industries requested that an investigation be made in reference to the sewer service charge and the water rate as they are being charged for water that does not empty into the sewer system. 160

He said investigations have been made by the Public Works Department and it was found that some of the water is emptied into the sewers and in other instances adjustments have been made.

Mr. Anderson informed the Council that a luncheon was planned for this Thursday at 12:00 o'clock at the Winthrop Hotel for visiting Japanese Industrialists from Kokura, as part of the Sister City Program. The complete schedule is not yet set up but arrangements have been made for the dignitaries to visit some Tacoma businesses and also for a gift to be presented to them. A council member has offered to take the Japanese on a boat ride. Mr. Anderson said it was important that Tacoma show these visitors the same courtesy and treatment received by Mayor Hanson in Kokura. He asked that all the Councilmembers attend the luncheon. The Sister City Committee has also been invited. 200  
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There being no further business to come before the meeting, upon motion duly seconded and carried, the meeting was adjourned at 8:00 p. m.

  
 \_\_\_\_\_  
 President of the City Council

Attest:   
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 City Clerk