

Monday, November 7, 1955.

Council met in regular session. Present 7; Battin, Goering, Hooker, Humiston, Perdue, Stojack, Tollefson. Absent 2; Bratrud, Jensen.

It was moved by Dr. Battin, seconded by Mr. Perdue that the minutes of the previous meeting, copies of which had been mailed by the Clerk to each Councilmember, be approved and the reading thereof be dispensed with. Motion carried unanimously on voice vote.

PETITIONS:

Arthur D. DeCaro, et al., for rezoning from an R-2 District to a C-1 District the easterly 10' of Lot 26, all of Lot 27, Block 27, Glendale Addition, located adjacent to N. E. corner of South 12th and Proctor. Referred to City Planning Commission.

RESOLUTIONS:

Resolution No. 14438. L I D 1947.

BY BATTIN:

Stating intention of Council to order laying of sanitary or local sewers in alley between Verde and Stevens Streets from the north to the south boundary of Puget Sound First Addition; also in Stevens Street from the north to the south boundary of said Addition; also on the south line of said addition from Stevens Street west approximately 450 feet; creating L I D 1947 and fixing December 6th, 1955 as the date for hearing. It was moved by Col. Hooker, 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. 260 x

Adopted on roll call November 7, 1955.  
Ayes 7; Nays 0; Absent 2; Bratrud, Jensen.

Resolution No. 14439. L. I. D. 4578 x

By BATTIN:

Stating intention of Council to order grading to the established subgrade and placing thereon an asphaltic concrete pavement with cement concrete curb and gutter, together with necessary storm drainage on M Street from South 56th Street to South 58th Street; creating L I D 4578 and fixing December 6, 1955 as the date for hearing thereon. It was moved by Col. Hooker, 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. 260

Adopted on roll call November 7, 1955.  
Ayes 7; Nays 0; Absent 2; Bratrud, Jensen.

Resolution No. 14440.

By PERDUE:

Authorizing the proper officers of the City to purchase one graphotype No. 6341 for the sum of \$1400.95 plus sales tax, and to trade in its present 1929 model graphotype No. 209194 and accept an allowance of \$75.00 for the same to apply on the purchase price of the new equipment, to be used in the office of the City Treasurer.

Adopted on roll call November 7, 1955.  
Ayes 7; Nays 0; Absent 2; Bratrud, Jensen.

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Resolution No. 14441.

BY GOERING:

Authorizing private sale for sum of \$20.00 in cash and directing execution and delivery to James T. Smith, of a local improvement assessment deed covering Lots 26 to 29 inc., Block 27, Glendale Addition (to clear the cloud on the title due to L I D foreclosure proceedings) (located at 3829 South 12th Street). It was moved by Col. Hooker, 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 November 7, 1955.  
Ayes 7; Nays 0; Absent 2; Bratrud, Jensen.

Resolution No. 14442.

By BATTIN:

Authorizing execution and delivery of a conditional sale contract for sale of Lots 6 and 7, Block 2115, Barlows Addition to Hugo Hartnack for sum of \$300.00 (vacant land lying north of 2109 South Yakima). It was moved by Mr. Perdue, seconded by Col. Hooker 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 November 7, 1955.  
Ayes 7; Nays 0; Absent 2; Bratrud, Jensen.

Resolution No. 14443.

By BATTIN:

Authorizing execution and delivery of a conditional sale contract for sale of Lots 5 to 12, inc. Block 5 and Lots 1 to 12 inc., Block 6, Parkview Addition, to Harold and Dagmar Wick and Arne and Edna Reyler for the sum of \$3300. (located between North 44th and 45th and between Visscher and Pearl). It was moved by Col. Hooker, 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 November 7, 1955.  
Ayes 7; Nays 0; Absent 2; Bratrud, Jensen.

Resolution No. 14444.

By BATTIN:

Authorizing execution and delivery of a conditional sale contract for the sale of Lots 1 to 12 inc. Block 5, Crowwell and Fritchard's Addition for sum of \$1850 to Michael V and Dorothy S. Manza (vacant land located between South 16th and 17th on Pearl Street). It was moved by Dr. Humiston 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 November 7, 1955.  
Ayes 7; Nays 0; Absent 2; Bratrud, Jensen.

Resolution No. 14445.

By BATTIN:

Authorizing and directing execution and delivery of a conditional sale contract for sale of Lot 1 to 4 inc., Block 5, Carmichaels Addition and Lots 1 to 12 inc. Block 48, Fractional Lot 11 and all of Lot 12, Block 32, and Lots 1 to 6 inc. Block 64, the Highland Park Addition, for the sum of \$2500.00 to Le Roy W. Walton Jr. (vacant land

between South 13th and 15th on Pearl Street). It was moved by Dr. Humiston to suspend Rule 9, 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 November 7, 1955.  
Ayes 7; Nays 0; Absent 2; Bratrud, Jensen.

Resolution No. 14446.

BY BATTIN:

Authorizing execution and delivery of a conditional sale contract for the sale of certain unplatted property described herein located at South 17th and State Street, to Hugo Hartmack, for the sum of \$790.00. It was moved by Col. Hooker, seconded by Dr. Battin, 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 November 7, 1955.  
Ayes 7; Nays 0; Absent 2; Bratrud, Jensen.

Resolution No. 14447.

By STOJACK:

Fixing Monday, the 5th day of December, 1955 at 7:30 P. M. as the time for hearing on petition to vacate Campbell Street from Ruston Way extending in an easterly direction approximately 257.042 feet to the government bulkhead line and Edwards Street from Ruston Way in an easterly direction approximately 404.144 feet to the government bulkhead line (Petition American Smelting and Refining Co.). 249

Adopted on roll call November 7, 1955.  
Ayes 7; Nays 0; Absent 2; Bratrud, Jensen.

It was moved by Dr. Humiston, that Rule 7 (relative to filing of new matter for Council's consideration) be suspended in order to give consideration to a resolution which was not on tonight's agenda. Motion seconded by Mr. Perdue and carried unanimously on voice vote. Dr. Humiston then presented copies of the following resolution to Council members for their consideration:

Resolution No. 14448.

By HUMISTON:

Amending Rule 9 of the City Council (Ordinances) established by Resolution No. 13657, and amended by Resolution No. 13674. Dr. Humiston stated that the reading of ordinances and resolutions in full or as an alternative the suspension of the rule by motion of the Council, was not a common practice. In order to expedite the procedure, this amendment proposes that the reading of a brief synopsis of the title of the ordinance or the purport of the resolution shall be deemed sufficient, and the reading in full of same shall not be required, unless the same be requested by any member of the Council, in which event said request shall be complied with. Dr. Humiston moved that this paragraph be amended by adding after the words "complied with" the phrase "if a majority of the Council members present concur in the request." Motion seconded by Dr. Battin and carried on roll call: Ayes 7; Nays 0; Absent 2; Bratrud, Jensen. Dr. Humiston referred to the last paragraph of Rule 9, which reads "No ordinance can be reconsidered after passage except by the same number of votes by which the same was passed." He felt this was rather stringent and suggested that this point could just as well be covered by Roberts Rules of Order. It was moved by Dr. Humiston, seconded by Dr. Battin that the last paragraph of Rule 9 be deleted. Motion carried on roll call: Ayes 7; Nays 0; Absent 2; Bratrud, Jensen. The resolution was then laid over for one week to November 14th for final action in accordance with Rule 10 of the Council Rules.

**FIRST READING OF ORDINANCES:**

Ordinance No. 15469.      L I D 1929.

Approving and confirming assessment and assessment roll for cost of the improvement in L I D 1929. Read by title and placed in order of final reading.

Ordinance No. 15470.      L I D 2211.

Approving and confirming assessment and assessment roll for cost of the improvement in L I D 2211. Read by title and placed in order of final reading.

Ordinance No. 15472.      L I D 2236.

Providing for grading and placing gravel and crushed rock oil mat surface, together with storm sewer, on East C Street from East 46th Street to East 48th Street; creating L I D 2236. Read by title and placed in order of final reading.

Ordinance No. 15473.      L I D 4586.

Providing for the improvement of North 8th Street from Alder Street to Cedar Street by grading and placing thereon an asphaltic concrete pavement, together with concrete curbs and gutters; creating L I D No. 4586. Read by title and placed in order of final reading.

Ordinance No. 15474.      L I D 5259.

Providing for the construction of a 6-inch cast iron water main in Ferry Street from South 19th Street to a point approximately 362 feet south of the South line of South 25th Street and in South 25th Street from State Street to Sprague Avenue; creating L I D 5259. The Clerk reported that since the date of hearing on November 1st, two additional remonstrances had been filed, which brought the total remonstrance to 60.73%, making it mandatory under the provisions of the State Law on the part of the Council to abandon the district. The ordinance was read by title and placed in order of final reading on November 14th, at which time Council will take action to abandon the district.

Ordinance No. 15475.

Creating in the treasury of the City of Tacoma a special fund to be known and designated as "Public Works Revolving Fund" for the operation of Public Works asphalt plant, gravel pit, local improvement district engineering and billable jobs (general shops); directing that all assets, liabilities and operating accounts belonging to said activities heretofore operated under special accounts in the General Fund, be transferred to said Public Works Revolving Fund, said transfer to be effective as of January 1, 1956; and authorizing a temporary loan in the sum of \$30,000.00 from the General Fund to said Public Works Revolving Fund. Read by title and placed in order of final reading.

Ordinance No. 15476.

Creating in the Treasury of the City of Tacoma a special fund to be known and designated as "Municipal Shops Revolving Fund" for the operation of the Municipal Shops; directing that all assets, liabilities and operating accounts belonging to said Shops, heretofore operated under a special account in the General Fund, be transferred to said Municipal Shops Revolving Fund, said transfer to be effective as of January 1, 1956; and authorizing a temporary loan in the sum of \$30,000.00 to said fund. Read by title and placed in order of final reading.

Ordinance No. 15477.

Making it unlawful for any child under the age of seventeen years to be on public streets and other places in the City of Tacoma between certain hours; providing for exceptions; prescribing a penalty therefor; and repealing Ordinances Nos. 1347, 5121 and 7351. Read by title. Although this was only the first reading on this ordinance, Mayor Tollefson asked for comments, first from Council members and then from the audience. Col. Hooker reported that he had talked with a number of juvenile officers, and they had expressed themselves as being satisfied with the proposed ordinance. Dr. Humiston said he was not satisfied with the provision and questioned the legality of imposing the fine and sentence for the second offense when no provision had been made for the first conviction. He also pointed out that no provision had been made for the judge to suspend sentence if he saw fit, and said he favored leaving the amount of the fine and suspension of sentence to the discretion of the judge. Attorney Boyle advised him that the judge has the power to suspend sentence if he wishes. Lt. Peterson of the Juvenile Division explained the purpose of the ordinance and the method they plan to use to enforce it. Jerome Davis, 1116 South 61st, who gave his age as 23 years, spoke at length in opposition to the curfew law, on the grounds that it encroached on the constitutional rights of teenagers and young Americans. In his opinion, those who have committed no crime should not be restricted. Marcus Cook, 2130 South Sprague, and Frank Yaconetti, 2248 South 17th, spoke in favor of the ordinance, and urged that the curfew hour be set at 9:30 P. M. instead of 10:30 P. M. At the conclusion of the discussion, the Mayor asked for a show of hands of those in the audience who favored the curfew ordinance, and a number of hands were raised. On the other hand, Mr. Davis was the only one present who did not favor the ordinance. The ordinance was then placed in order of final reading.

Ordinance No. 15478.

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 condemnation and acquisition in fee simple of certain tracts or parcels of land for the purpose of widening and improving North Frace Street from North 40th to North 42nd Street, said property being situated in Tuxedo Park Addition to Tacoma, Washington; and assessing the cost of said acquisition against Local Improvement District No. 2225. Read by title and placed in order of final reading.

FINAL READING OF ORDINANCES:Ordinance No. 15463.

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, etc." (ZONING ORDINANCE) by adding thereto a new section to be known as Section 8J. (reclassifying property located at Northeast corner of South 38th and Sheridan to a C-1 Commercial District). Read in full and passed.

Roll call: Ayes 7; Nays 0; Absent 2; Bratrud, Jensen.

Ordinance No. 15464.

Authorizing the City Manager of the City of Tacoma to enter into and execute an agreement with the Town of Fircrest providing for the installation and maintenance of traffic signals; and fixing the duties and liabilities of each of said municipalities. Read by title. It was moved by Dr. Humiston to suspend Rule 9, seconded by Mr. Perdue and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

Roll call: Ayes 7; Nays 0; Absent 2; Bratrud, Jensen.

Ordinance No. 15465.

Increasing the working fund advance in the Department of Public Works for use in payment of small purchases and of minor incidental service charges from \$115. to \$150; and authorizing the Director of Finance to issue warrants on the General Fund in the total sum of \$35.00 for the purpose of increasing said advance. Read by title. It was moved by Col. Hooker, seconded by Dr. Battin to suspend Rule 9 and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

Roll call: Ayes 7; Nays 0; Absent 2; Bratrud, Jensen.

Ordinance No. 15466.

Amending Ordinance No. 13931 entitled: "An ordinance increasing and establishing certain revolving fund advances for use in the payment of current and incidental expenses in connection with the operation of various offices in the Department of Public Utilities; and authorizing the Director of Finance to issue a warrant or warrants on the Light Fund for the purpose of so increasing and establishing said funds to a total of \$1215.00" by decreasing the Revolving Fund Advance of the Light Division, Chief Accountant, to a total of \$4,000.00; establishing a Revolving Fund Advance for the Light Division, Cashier's Working Fund, and authorizing the Director of Finance to issue a warrant or warrants on the Light Fund in the sum of \$1,000.00 for said purpose. Read by title. It was moved by Col. Hooker to suspend Rule 9, seconded by Dr. Battin and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

Roll call: Ayes 7; Nays 0; Absent 2; Bratrud, Jensen.

Ordinance No. 15467.

Amending Sections 6, 10 and 14 of Ordinance No. 14980 entitled: "An ordinance relating to the Municipal Water Supply System of the City of Tacoma; regulating the use of water therefrom; providing for the sale of same; fixing the price therefor; providing penalties for violations of this ordinance and repealing Ordinances No. 12399, etc." (Shoestring watermains). Read by title. It was moved by Col. Hooker, seconded by Dr. Battin to suspend Rule 9 and carried unanimously on voice vote. It was moved by Dr. Humiston, seconded by Mr. Perdue to amend Section 3 by striking the following words from the 11th and 12th lines of paragraph 6 "to be held and disbursed as herein provided" and substituting therefor the following words "to be disbursed as hereafter provided by the Council of the City of Tacoma" and to further amend Section 3 by striking therefrom all of the next to the last paragraph. Motion carried on roll call: Ayes 7; Nays 0; Absent 2; Bratrud, Jensen. Mr. Stojack pointed out that the person having a "shoestring water service" did not put it in from choice, but rather as a last resort since he was unable to get water to his premises any other way. The cost of a 500' shoestring runs roughly as high as \$600.00, and now we are penalizing him by charging him \$200.00 additional, and in many cases, Mr. Stojack said, this would be a hardship on the property owner. To lessen this hardship, it was moved by Mr. Stojack that Section 3 be amended by adding thereto the following paragraph: "The \$200.00 payment herein provided may be paid in cash or upon such terms as may be agreed between the customer and the Water Division with the approval of the Director of Utilities, but in no event shall the monthly payments be less than \$3.00 per month, nor the interest on the unpaid balance thereof be less than 3% per annum". Motion seconded by Dr. Humiston. The amendment was discussed at length. Mr. Stojack said this amendment had been prepared by Director of Utilities Barline and had been delivered to his house by an employe of the Water Department. The majority of the Council members were of the opinion that the amendment would create a great deal of difficulty, and also many bookkeeping problems over the years. The legal possibilities of making the charge a lien against the property was also discussed at length. Roll was called on Mr. Stojack's amendment, resulting as follows: Ayes 1; Stojack. Nays 6; Absent 2; Bratrud, Jensen. Motion lost on roll call. Roll was then called on the ordinance as amended.

Roll call: Ayes 5; Battin, Goering, Humiston, Perdue, Tollefson; Nays 2; Hooker, Stojack. Absent 2; Bratrud, Jensen.

Ordinance No. 15468.

Regulating the use of street banners; providing for the issuance of special temporary street banner permits; and providing a penalty for the violation hereof. Read by title. It was moved by Dr. Humiston, seconded by Dr. Battin to suspend Rule 9 and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

Roll call: Ayes 7; Nays 0; Absent 2; Bratrud, Jensen.

Ordinance No. 15471.

Amending Section 1 of Ordinance No. 15451 entitled: "An ordinance to adopt the annual budget of the City of Tacoma for the fiscal year 1956; and declaring emergency, etc." correcting a clerical error occurring therein; and declaring an emergency making necessary the emergency passage of this ordinance and it taking effect immediately after publication. Read by title. It was moved by Dr. Humiston, seconded by Mr. Perdue to suspend Rule 9 and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

Roll call: Ayes 7; Nays 0; Absent 2; Bratrud, Jensen.

UNFINISHED BUSINESS:

The L. I. D. Committee reports that hearing was held by the Committee on November 1, 1955 for L I D 1944, for sanitary sewers on East N Street from Fairbanks south for 500 feet and on Lennox Place from East N west 275', and at said meeting it was reported that a remonstrance of 59% had been filed against the improvement. As the majority of the remonstrances came from property owners on Lennox Place, it is the recommendation of the Committee that the district as originally set up be abandoned and that the Council initiate a resolution providing for sewers in East N Street only. It was moved by Dr. Humiston, seconded by Col. Hooker to concur in the recommendation of the L I D Committee and carried on roll call: Ayes 7; Nays 0; Absent 2; Bratrud, Jensen. 175

NEW BUSINESS:

The Mayor read a letter from Dan Thorpe, President of "Council for Greater Tacoma Inc.", advising their group has launched a drive which they hope will result in reconstruction of Tacoma's famous Stadium, and asking for Council's support of the program. The Mayor said that the citizens feel that insufficient study has been made to determine the feasibility of reconstructing the Stadium. He asked if it would be possible for the City to designate an engineer to make a brief survey for the purpose of furnishing a rough estimate of the costs involved, as he felt that if the public knew the cost, they would be more likely to vote favorably on the proposition. Mr. Backstrom pointed out that both the Rotary Club and Chamber of Commerce had already made such studies. The letter was handed to Mr. Backstrom with the request that he obtain these reports if possible from the Rotary Club and Chamber of Commerce, and transmit them to the "Council for Greater Tacoma."

Referring to Ordinance No. 15458- providing for hiring Brown and Caldwell to make a comprehensive sewer survey at a cost of \$35,000.00, Mayor Tollefson reported that a lengthy letter, stating his views on this matter, had been received from C. S. Seabrook, former City Sanitary Engineer, copies of which had been handed each Council member. He referred also to C. M. 76, dated November 7, 1955 and submitted by City Manager Backstrom on the subject of Ordinance 15458, copies of which had been handed each Council member. The Mayor read in full a letter from E. F. Eldridge, Director of Washington Pollution Control Commission, stressing the importance of a comprehensive plan for the ultimate development of the sewer system and treatment facilities of any city, and stating that only by complete 264

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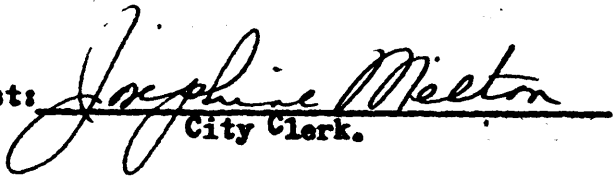
planning and adoption of a suitable plan by the Council can the City of Tacoma be assured of reasonable and economical development of its sewer utility. At the conclusion of the reading of the above letter, Mayor Tollefson asked Dr. Humiston if he wished to move to reconsider Ordinance No. 15458. Dr. Humiston replied that he had not had an opportunity to familiarize himself with the contents of Mr. Seabrook's communication of C.M. 76, but after hearing the letter from Mr. Eldridge, he felt there was no reason to reconsider the ordinance.

Mr. Perdue presented "Annual Report upon Running Audit-1955" for the City of Tacoma, prepared by Lybrand, Ross Bros. & Montgomery, Certified Public Accountants.

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

  
President of City Council.

Attest:

  
City Clerk.