

Monday, December 12, 1955

Council met in regular session. Present 8: Battin, Bratrud, Hooker, Humiston, Jensen, Perdue, Stojack, Tollefson. Absent 1; Goering, taking her seat at 7:40 P. M.

It was moved by Dr. Battin, seconded by Mr. Bratrud, 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 unanimously on voice vote.

PETITIONS:

Harry G. Johns, requesting a reclassification from an "R-2" District to a "C-2" district of the east side of Pacific Avenue from South 86th to South 87th Street. Referred to City Planning Commission.

OFFICIAL COMMUNICATIONS:

Frank H. Backstrom, City Manager, advising that he has earned vacation allowance of 12 days for 1955, but due to the pressure of work this summer, he took only five days vacation during the first week in August, and requesting that he be permitted to carry over the remaining seven days and to utilize this vacation time during the year 1956. It was moved by Dr. Humiston, seconded by Mr. Perdue that the request be granted. Motion carried on roll call: Ayes 8; Nays 0; Absent 1; Goering.

RESOLUTIONS:

Resolution No. 14474.

By GOERING:

Authorizing the Board of Contracts and Awards to properly publish a Call for Bids for furnishing a one-year health service or indemnity plan coverage for the City Employees, all as set forth in the forms for same attached hereto, the return date on said Call for Bids to be Wednesday, December 28, 1955 at 11:00 A. M.

Adopted on roll call December 12, 1955.

Ayes 9; Nays 0; Absent 0.

The City Manager reported that Mr. Arthur Jordan and Mr. Marshall Perrow of the City Planning Commission were present on behalf of two matters listed on the Agenda under Unfinished Business, and suggested that these items be considered at this time, as Mr. Jordan was anxious to leave as soon as possible.

It was moved by Dr. Humiston, seconded by Mr. Stojack that Rule 5 (pertaining to Order of Business) be suspended. Motion carried unanimously on voice vote.

UNFINISHED BUSINESS:

This being the date fixed by Council for hearing of the appeal (11-14-55) of M. Kronlund (Radiant Fuel Oil Co.) from the decision handed down by the Planning Commission in not allowing him to put in fuel oil storage tanks on his property near the intersection of 64th and McKinley, the matter was brought up at this time and the Clerk reported that Mr. Kronlund had made a telephone request last week that the hearing be continued to January 9th, as his attorney was out of the City, and had confirmed this request in writing, dated December 9th, in accordance with instructions from her office. Mr. Bratrud expressed the opinion that the request for continuance of the hearing date had been filed rather late, and since the members of the Planning Commission were not aware of this and were present tonight, they should be permitted to present their side of the case at this time. It was moved by Mr. Brat-

rud, seconded by Col. Hooker that the Council proceed with the hearing of the Kronlund appeal. Motion carried unanimously. Mr. Arthur Jordan advised the Council that the Planning Commission had given the case careful consideration and made every effort to solve the problem. He read from the report of the Planning Commission on this case, which stated in part that the 1954 amendment to the Zoning Ordinance requires that fuel oil storage be located in an "M-1" Light Industrial District, while the location involved was actually at the time in an "R-2" Residential District. This report also contained the statement that since the Courts generally hold "spot zoning" illegal, the Commission felt it could not recommend rezoning only the two lots adjacent to the Standpipe to "M-1" Light Industrial District. Mr. Jordan pointed out that the applicant in this particular case had not acquired any "vested rights" as a non-conforming use on the property in question, according to the conclusion of the City Attorney's Office, and that there is no provision in the Zoning Ordinance for the issuance of a special permit for the use of this property for fuel oil storage. Mr. Perrow also spoke along the same lines, and said the only other thing they could have done would have been illegal "spot zoning." Mr. Stojack stated that this property has since been rezoned to a "C-2" Commercial District by Council on recommendation of the Planning Commission, which still does not allow fuel oil business to be operated there. At the conclusion of the discussion, it was moved by Mr. Bratrud, seconded by Dr. Humiston, that the Council accept the decision of the City Planning Commission and deny the appeal of Mr. Kronlund. Motion carried on roll call: Ayes 7; Nays 2; Tollefson, Jensen. (both not voting).

This being the date to which Council continued the hearing on the petition of American Smelting and Refining Co. (7-21-54) for vacation of Campbell Street and Edwards Street from Kuston Way easterly to the Government bulkhead line, the matter was brought up at this time to hear from Mr. Hugo Metzler, Jr., attorney for the petitioners. Mr. Metzler advised Council that the Smelter had purchased the property of the old Defiance Mill, and were planning on dumping slag there for a fill for future expansion, but could not do this until the two streets are vacated. The Smelter is giving Lot 17 and half of Campbell Street to the City for a future scenic roadway and the deed has been filed with the City Attorney and they have paid for title insurance. The deed will be in effect as soon as the vacation ordinance is passed, Mr. Metzler added. Mr. Jordan and Mr. Perrow of the Planning Commission said the Commission concurred in the granting of the petition. Mr. Buehler, Chief Planning Engineer for the City, pointed out that the City of Tacoma is receiving the same amount of waterfront property as they are giving to the Smelter and that the vacation will consolidate the City's holdings as well as the Smelter's. City Attorney Boyls reported that the deed had been filed in his office. It was moved by Dr. Humiston, seconded by Mr. Perdue that the petition be granted and the City Attorney be instructed to draw an ordinance vacating the property as requested. Motion carried on roll call: Ayes 9, Nays 0; Absent 0. 248

Mr. Backstrom advised that Mr. Eldon Barker had called him this morning and said he would like to appear before the City Council on an L. I. D., and Mr. Backstrom suggested that the Council hear Mr. Barker at this time. Mr. Barker spoke against the continuance of South 70th Street from a dead-end on L Street to another dead-end on Sheridan Avenue as proposed by L I D 2239. He said he could see no advantage in opening this street and opening two more intersections which go nowhere. Mr. Perdue reviewed the history of the L I D for Council's information, stating that the L I D Committee at the hearing had originally denied the district with the understanding that it would be re-initiated by the Public Works Department with 70th Street eliminated, as requested by those appearing at the hearing. The demonstrators had inferred that the majority of the property owners opposed the improvement of South 70th Street but at a subsequent Council meeting, Mr. Oscar Hokold, a building contractor, stated that he had circulated the petition with 70th Street included and he needed to have this street opened in order to utilize property for building sites. After Mr. Hokold's appearance the Council overruled the L I D Committee's recommendation, and approved the creation of the district as petitioned.

Mr. Arthur C. Theimer also spoke against the improvement of 70th Street, as did another property owner. Col. Hooker said he was not in favor of including 70th Street

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After he viewed the terrain, and asked if any other Council member had inspected the district Mr. Jensen said he had, and he felt that the opening of this street was in line with good City planning. Dr. Battin, who likewise had viewed the district, said he felt that leaving 70th Street unopened would stand in the way of progress. Mr. Staman, Director of Public Works, said the Public Works Department was desirous of having South 70th Street included, as they felt that if it was not made a part of this district, it would never be opened and the abutting property owners would eventually ask to have it vacated. After further discussion, the Mayor asked several times if anyone who had voted in favor of the ordinance providing for the improvement wished to make a motion to reconsider. Mr. Bratrud moved to reconsider L I D 2239, saying he wanted to look at the area. Motion seconded by Mrs. Goering. Lost on roll call: Ayes 3; Bratrud, Goering, Hooker. Nays 6. Battin, Humiston, Jensen, Perdue, Stojack, Tollefson. In view of this vote, the Mayor declared the former action of the Council in this matter valid.

ORDER OF BUSINESS reverted to

RESOLUTIONS:

Resolution No. 14475.

By PERDUE:

Approving recommendations of the Director of Public Works and Board of Contracts and Awards and awarding to the Mallon Motors, Inc. the contract for furnishing of 12 Standard 2-Door Sedans, 2 Standard 4-Door Sedans, 1 Standard Panel Truck, one-half ton, 1 Standard Carryall 8 passenger, and 2 Standard one-half ton Pickup Trucks, with allowances for trade-in of used equipment owned by the City.

Adopted on roll call December 12, 1955.

Ayes 9; Nays 0; Absent 0.

Resolution No. 14476.

By GOERING:

Authorizing the proper officers of the City to purchase for the Department of Public Works two salt spreaders for an amount not in excess of \$1350.00 and that the cost of said purchase be paid from Cumulative Reserve Fund Capital Outlay.

Adopted on roll call December 12, 1955.

Ayes 9; Nays 0; Absent 0.

Resolution No. 14477.

By PERDUE:

Approving recommendations of the Chief of Police and Board of Contracts and Awards and awarding to W. E. Montgomery, d/b/a Montgomery Motorcycle Co. on his bid of \$35,973.33 the contract for the purchase of 16 Solo Motorcycles and 3 Servicars for the Police Department.

Adopted on roll call December 12, 1955.

Ayes 9; Nays 0; Absent 0.

FIRST READING OF ORDINANCES:

Ordinance No. 15497.      L. I. D. 2186.

Approving and confirming the assessment and assessment roll for cost of improvement in L I D No. 2186-- grading to established subgrade and placing thereon a gravel and crushed rock oil mat surface on South M Street from South 64th Street to South 68th Street. Read by title and placed in order of final reading.

Ordinance No. 15498.      L I D 5245.

Approving and confirming the assessment and assessment roll for cost of the improvement in L I D 5245 (Construction of a six-inch cast iron water main in South State Street from South 15th Street to South 19th Street and in South 18th Street from South Sprague Street to South State Street. Read by title and placed in order of final reading.

Ordinance No. 15499.

Amending Ordinance No. 14892- entitled: "An ordinance to provide for licensing and regulating the operation of certain devices, vehicles and things, and the carrying on of certain businesses, callings, professions, trades, occupations and activities in the City of Tacoma, etc." GENERAL LICENSE ORDINANCE by adding thereto a new section to be known as Section 25i. (Providing for the appointment of a Charitable Solicitations Advisory Board by the City Manager, subject to ratification of the City Council.) Read by title and placed in order of final reading.

Ordinance No. 15500.      L I D 1947.

Providing for the construction of sewers along the lines described as follows: In the 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 No. 1947. Read by title and placed in order of final reading.

Ordinance No. 15501.      L I D 4578.

Providing for the improvement of M Street from South 56th Street to South 58th Street by grading and placing thereon an asphaltic concrete pavement with cement concrete curb and gutter, together with necessary storm drainage; creating L I D No. 4578. Read by title and placed in order of final reading.

Ordinance No. 15502.      L I D 5260.

Providing for the construction of a 6-inch cast iron water main in South M Street from South 56th Street to South 58th Street; creating L I D 5260. Read by title and placed in order of final reading.

Ordinance No. 15503.      L I D 5262.

Providing for the construction of a 6-inch cast iron water main in East 67th Street from A Street to East B Street; creating L I D 5262. Read by title and placed in order of final reading.

Ordinance No. 15504.      L I D 5265.

Providing for the construction of an 8-inch cast iron water main in North Shirley Street from North 27th Street to North 31st Street; creating L I D 5265. Read by title and placed in order of final reading.

Ordinance No. 15505.      L I D 5266.

Providing for the construction of a 12-inch cast iron water main in South 56th Street from South Adams Street to Durango Street; a 6-inch cast iron water main in South Adams Street from South 56th Street to South 64th Street; in South Durango Street from South 56th to South 58th Street; and in South 58th Street from Adams Street to Durango Street; creating L I D 5266. Read by title and placed in order of final reading.

Ordinance No. 15506.

L I D 1950.

Providing for the construction of sewers in Sheridan Avenue from approximately South 63rd Street to a point approximately 340 feet south of South 64th Street; creating L I D No. 1950. Read by title and placed in order of final reading.

Ordinance No. 15507.

L I D 2243.

Providing for the improvement of the alley between North 24th and North 25th Streets from Huson Street to Ferdinand Street by grading, graveling and oil mat, also acquisition of right of way; creating L I D No. 2243.

FINAL READING OF ORDINANCES:

Ordinance No. 15496.

Amending Ordinance No. 15106 entitled: "An ordinance adopting the pay or compensation plan as contemplated by Section 6.9 of the City Charter; prescribing the salaries to be paid to nonelective officers and employees of the City; establishing the positions of the various departments of the City Government, etc." by amending Section 3, 15, 17, 18, 20, 21, 22, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37, 38, 39, 40, 47, 48, 49, 50, and 56; repealing Section 53; and adding to said ordinance a new section to be known as Section 58. Read by title. Dr. Humiston reported that an amendment fixing the effective date of the ordinance was necessary, as this had been omitted through oversight. It was moved by Dr. Humiston to amend the title by adding "following" and declaring the effective date of this ordinance," and that the ordinance be further amended by adding another section to read as follows: "Section 30. This ordinance shall take effect and be in force from and after January 1, 1956." Motion seconded by Mr. Jensen and carried on roll call: Ayes 9; Nays 0; Absent 0. Mr. Backstrom stated that the majority of the changes are for the purpose of putting into effect the recommendations of the Finance Committee and Council action at the Budget hearings. He went through the ordinance section by section, pointing out the changes and giving the reasons for each, for Council's information. Before calling roll on the passage of the ordinance, the Mayor asked if anyone in the audience wished to speak on the ordinance. Don Turner, representing the I. B. E. W., Local 483, said his organization is now negotiating their contract for next year and for this reason he objected to the following words in the third paragraph of Sec. 47: "that in no event shall more than double time be paid." The phrase was discussed and Dr. Humiston pointed out that in the event it should conflict with any provisions of the new contract of the electrical workers, there was nothing to prevent an amendment at a later date. D. H. Ketler, representing the Civil Service League, said he felt Section 3, paragraph (b) was discriminating against City employees who were appointed on a promotional examination by not allowing them the six month probationary period within-range increase while a person appointed on an open examination is given this increase. The question was discussed at length and numerous instances cited, and at the conclusion of the discussion Dr. Humiston said he felt Mr. Ketler had a good point. An amendment to take care of this was discussed and Dr. Humiston made the following motion: "That paragraph (b) on page 1 be amended by adding after the word "appointments" in the third line the words "starting at the second step or above". Motion seconded by Mr. Stojack and carried on roll call: Ayes 9; Nays 0. Absent 0. Roll was then called on the passage of the ordinance, resulting as follows:

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

Mayor Tollefson expressed the appreciation of the Council to the various Union representatives and to Mr. Ketler of the Civil Service League and to the Finance Committee of the Council for the splendid work performed in formulating the amendments to the compensation ordinance.

Ordinance No. 15491. (laid over to this date on December 5th)

Authorizing the proper officers of the City of Tacoma to enter into an amending agreement with the United States of America, Department of Interior, acting by and

through the Bonneville Power Administration, for and on behalf of its Department of Public Utilities, Light Division. Read by title. Mr. Boyle explained that he is submitting a substitute ordinance in place of the ordinance originally drawn by the Utilities Department. The substitute ordinance incorporates the "Amendatory Agreement" in full in the body of the ordinance, instead of by reference, he said, and this is the common legal procedure, since the amendatory agreement must be published as a part of the Ordinance. It was moved by Dr. Humiston, seconded by Dr. Battin to amend the ordinance by substituting the new ordinance now in the Clerk's hand and which has been distributed to Council members. (Making the amendatory agreement a part of the body of the ordinance). ~~Motion seconded by Dr. Battin and~~ Carried on roll call: Ayes 9; Nays 0; Absent 0. Roll was then called on the passage of the substitute ordinance, resulting as follows:

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

Ordinance No. 15486. L I D 4579. (laid over to this date on November 28th).

Providing for the improvement of Chandler Street from Center Street to South Tacoma Way by grading and paving with cement concrete pavement, with curbs; creating L I D 4579. Read by title. Mr. Staman reported that this ordinance had been postponed for two weeks with the hopes that the problem of the old 2" watermain in Chandler Street would be solved in the meantime. The Public Works Department is in favor of the 20 pavement, which was initiated by a petition of the property owners, Mr. Staman said, 271 but they prefer to have the watermain condition remedied first, as it is an expensive proposition to tear up the pavement to make repairs or install a new main. Mr. Kunigk has notified him by letter that the Water Department will initiate an L I D for the watermain in the near future, and in the event this fails to carry, the Public Works Department hopes to show that a new main can be laid in the right-of-way on the side of the street instead of under the pavement, he advised. Rather than to indefinitely postpone the ordinance, which would necessitate starting at the beginning again with a new hearing date, Mr. Backstrom suggested that the ordinance be postponed for a month, at which time progress on the Watermain L I D can be checked. Moved by Dr. Battin, seconded by Mr. Perdue to postpone Ordinance No. 15486 for four weeks to January 9, 1956 and carried on roll call: Ayes 9; Nays 0; Absent 0.

Ordinance No. 15495 (laid over to this date on December 5th)

Adopting a plan for co-ordinating the benefits accruing to members of the Tacoma Employees' Retirement System with the basic protection of the Federal Old Age and Survivors Insurance embodied in the Federal Social Security Act; amending Sections 5, 8, 14 and 16 of Ordinance No. 14039, passed December 6, 1950, in connection therewith; and requesting the Governor of the State of Washington to approve said plan and authorize a referendum thereon by the eligible employees of the City of Tacoma. Read by title. Dr. Humiston stated that the ordinance had been postponed last week at his request so that he would have an opportunity to study it, and that during the interim he has done this, and he is convinced that the ordinance is a comprehensive document and accomplishes what the Finance Committee desired. He had intended to submit an amendment to Section 6, but since protests against this amendment have been received from representatives of both I. B. E. W. Local 483, and the Municipal Civil Service League, he is not going to introduce it in view of the feeling expressed by these organizations, Dr. Humiston said. Roll was then called on the passage of the ordinance, resulting as follows:

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

#### NEW BUSINESS:

MR. Jensen advised the Council that Mr. J. W. Silvers had contacted him about appearing before the Council to present a matter, and that Mr. Silvers was present. The Mayor called upon Mr. Silvers, who presented to the Council an invention he has perfected, which he claims will make it possible to develop all the electric power

Tacoma needs, using dams no higher than 25 feet, and he illustrated his invention with a scale model. The Mayor advised Mr. Silvers that none of the Council were qualified to pass judgment on his invention, and suggested that he contact Mr. Cole, Superintendent of Light, and submit his ideas to him.

UNFINISHED BUSINESS:

Mr. Backstrom again brought up the matter of printing the proposed City Charter in the News Tribune, and advised that since last Monday the three Tacoma radio stations have made an offer to give three complete readings of the Charter on all three stations for \$582.00. He suggested perhaps it could be printed twice instead of five times in large print, and also given the complete readings on the radio. Mr. Bratrud said he was in favor of merely complying with the State law requirements and publishing the Charter in the News Tribune in small print. Moved by Dr. Humiston that the proposed Charter be published for five days in large type and twenty-five days in small type. No second. Moved by Mr. Bratrud that the Charter be published once in large type and twenty-nine times in small type. Motion seconded by Mr. Perdue. Dr. Battin said he was reluctant to completely ignore the offer of the radio stations and said he was willing to go along with Mr. Bratrud's motion if they will have a later motion to have three readings on the Radio. Mrs. Goering questioned the authority of the Council to spend the public's money for anything more than to meet the State's requirement and said she did not feel justified in even having it printed once in larger type. It was moved by Dr. Battin, seconded by Col. Hooker to amend the motion to provide that we have three readings over the radio stations at a cost of \$582. Lost on roll call: Ayes 3; Battin, Bratrud, Hooker. Nays 6. Roll was called on Mr. Bratrud's original motion that the Charter be published once in large type and twenty-nine times in small type, which carried, Ayes 8; Nays 1; Goering. It was moved by Dr. Battin that the Charter be broadcast three times on three Tacoma Radio stations at \$582.00, seconded by Mr. Bratrud. Motion lost on roll call: Ayes 4; Battin, Bratrud, Goering, Stojack. Nays 5; Hooker, Humiston, Jensen, Perdue, Tollefson.

Mr. Backstrom reported that the street lighting installations are moving along on Tacoma Avenue. Next Monday at 7 P. M. the lights will be turned on from Division Avenue to South 13th, and there is to be a ceremony for this event. He said he would make arrangements for Council members to participate in this ceremony, and will notify them of the arrangements.

Upon motion, duly seconded and carried, Council then adjourned at 11:15 P. M.

Attest: Josephine Merton  
City Clerk

W. M. Tollefson  
President of City Council.