

Council Chambers, 4:00 P.M.
Monday, September 14, 1959.

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

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

Mr. Reading, representing the Tacoma Pierce County Safety Council, asked if it would be possible for the City to share in the expense of the training program for juveniles stopped for traffic offenses. The Safety Council is willing to underwrite half the amount which would be \$1000 if the County and City donate \$500 each. This will enable the capacity of the juvenile Attitude School to be doubled.

Mayor Hanson thanked Mr. Reading for his explanation and said the Council would study the proposal.

HEARINGS AND APPEALS:

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This is the date set for the hearing on the vacation of the north and south 10 feet of No. 33rd St. from Orchard westerly to its terminus 280 feet east of Pearl Street. (Petition of Frank J. Brennan)

Mr. Buehler, Planning Director, explained that the City Planning Commission at its regular meeting of July 21, 1959, recommended approval of the vacation of this area.

No objections being raised from the audience, Mr. Easterday moved that the Council concur in the recommendation of the Planning Commission, and that the proper Ordinance be drawn vacating the area. Seconded by Mr. Anderson. Roll call: Ayes 8; Nays 0; Absent 1, Dr. Humiston.

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This is the date set for the hearing on the vacation of the west 20 feet of Madison Street between No. 32nd and the alley between No. 32nd and No. 31st Streets. (Petition of Ann Johnson et al.)

Mr. Buehler explained that the City Planning Commission recommended approval of this vacation provided that an easement be retained to string distribution and light wires. Also it was agreeable that the right be retained to trim and keep trimmed any trees located on said 20 feet which might endanger said wires.

No one present to object to the vacation, Mr. Anderson moved that the City Council concur in the recommendation of the Planning Commission and that the proper Ordinance be drawn vacating this area. Seconded by Mr. Porter. Roll call: Ayes 8; Nays 0; Absent 1, Dr. Humiston.

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This is the date set for the hearing on the vacation of the new So. Tacoma High School site - area bounded by So. 58th, So. 66th, Adams and the Pacific Traction Co; right-of-way known as Tyler Street (petition of Tacoma School Dist. #10.)

Mr. Buehler, City Planner, said the Planning Commission recommends the approval of the vacation under certain conditions that easements be obtained in connection with possible fills and cuts, for improving streets, sewers etc. This was agreeable to the petitioner, he added.

It was then moved by Mr. Anderson that the vacation be approved pending the filing of certain easements and that the proper Ordinance be drawn vacating this area. Seconded by Mr. Bratrud. Ayes 8; Nays 0; Absent 1, Dr. Humiston.

RESOLUTIONS:Resolution No. 15875:

BY PERDUE:

Accepting the bid of Dean A. Biggs in the amount of \$9,500.00 for the sale of surplus land near the Hillsdale Substation at East 60th and B Streets, which was determined to be the highest and best bid.

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

Adopted on roll call September 14, 1959
Ayes 8; Nays 0; Absent 1, Humiston.

FIRST READING OF ORDINANCES:Ordinance No. 16420:

Adopting a program of "safe driver awards" in recognition of the safe operation of the City-owned motor vehicles by employees of the City. Read by title.

Mr. Rowlands said much has been accomplished by the Personnel Department in reference to this matter. Regular monthly meetings to review all accidents which have occurred among City drivers are being held attempting to reduce accidents.

Mr. Julian of the Personnel Department, said the purpose of this Ordinance is to balance the scale. With the "tightened-up" program there is the possibility of discipline for repeated carelessness and on the opposite end of the scale the "Safe Driver Awards" to offer an added incentive for careful driving.

Mr. Rowlands said many firms have been following this policy for many years. The Ordinance was then placed in order of final reading.

Ordinance No. 16421:

Amending the Official Code of the City relating to zoning by adding a new section to be known as Sec. 13.06.130 (8) to include the S.E. corner of So. 9th and K Streets in the "C-2" Commercial Districts. Read by title. 225
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Mr. Baehler explained that the Planning Commission recommended approval of the reclassification of this property. The location is proposed, in part, for use as a small drive-in cleaning establishment. At first there was some opposition to the rezoning by property owners in the vicinity as they feared a tavern might be located in the given area. However, the opposition was withdrawn upon the Liquor Board's confirmation that there would not be a liquor store in this location because of the existence of a church within 800 feet of the site. The Ordinance was then placed in order of final reading.

Ordinance No. 16422:

Amending the Official Code of the City relating to zoning by adding a new section to be known as Sec. 13.06.120 (11) to include the S. E. corner of So. 38th and J Streets in the "C-1" Commercial District. Read by title. 186
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Mr. Baehler said the Planning Commission recommended approval of the reclassification of this property as the need for a savings & loan bank with drive-in facilities is warranted in this general area. No opposition was made to the rezoning. The Ordinance was then placed in order of final reading.

Ordinance No. 16423:

Amending Section 6.68.010, 220, 270 and 280 of the Official Code of the City relating to Business and Occupation Taxes. Read by title.

Mayor Hanson said that he has had many requests from citizens who were interested in this Ordinance and asked that it be held over until next week to be given first reading so that more information can be gathered on the matter.

It was then moved by Mr. Bratrud that the Ordinance be brought in on September 21, 1959 for first reading. Seconded by Mr. Anderson. Ayes 8; Nays 0; Absent 1, Hunt

FINAL READING OF ORDINANCES:

Ordinance No. 16415:

Creating a new fund in the Treasury of the City of Tacoma to be known as "Athletic and Recreational Field Construction Fund." Read by title.

Mayor Hanson said he felt it would be appropriate to take up the matter of the location of the baseball field at this time.

Mr. Rowlands said at last week's meeting more specific information was requested on the Cheney Field proposition. An offer was submitted by Mr. Cheney to grant to the City of Tacoma, as a gift, all of the property held by Cheney interests, known as Cheney Field, except that portion of the property which constitutes approximately 426 feet fronting on So. 38th Street. The chief concern has been to obtain at least 2000 parking spaces. This plan provides for approximately 100 parking spaces along So. 38th Street; 270 parking spaces along the right field fence and for the parking of cars to the rear of the grandstand. Approximately two and one-half acres in this area belong to the School Board. They have agreed to lease this to the City for 99 years as long as the City, continuing this joint use proposition, could prepare a playfield in this area west of Madison School. This will give an additional 375 parking spaces making a total of 1945.

Mr. Rowlands said Mr. Cheney also offers to remove all present structures, lights, fences, etc. and do all site survey and engineering by either agreed or competitive bids. The estimated cost thereof, according to the City's figures, will not exceed \$5,000, to be initially paid by the undersigned, subject to reimbursement for actual outlay. Reimbursement shall be made immediately upon rendition of proper accounts showing the amount due.

The third point in Mr. Cheney's offer is that he agrees to allow the City and County to use the property retained by the Cheney interests for the purpose of providing additional parking facilities without any additional costs for the 1960 Baseball season. Mr. Rowlands added that it is estimated the development of this site would be \$553,

Mr. Anderson asked if the Traffic Engineer had made any study in reference to the traffic problem.

Mr. Rowlands said the studies are not yet complete but realizes this is a major problem and would probably involve manual control of some kind.

Mr. Perdue said he felt the traffic problem would be almost insurmountable in the area of 38th Street and South Tacoma Way. Also, it came to a point where this baseball program fails eventually, what can this isolated Cheney Field be used for in comparison with the Snake Lake site which could easily be integrated into the Park system.

Mayor Hanson said in adding up the various factors and recognizing that each site has its advantages and disadvantages, in considering the extremely pressing ones, he felt the Cheney Field site would be the one to choose.

Mr. Porter thought the Snake Lake site was the better site for long range planning for access of traffic and maintenance. Also, it would not take any property off of the tax rolls.

Mr. Anderson asked if the Snake Lake site could be ready by April.

Mr. Mills said it would be a difficult proposition, but with the cooperation of everyone concerned and good weather conditions, he was sure it could be done.

Several members of the audience expressed their opinions on the best site for the baseball park and also on the advisability of having such a park.

Mr. Bratrud said Mr. Cheney made the statement that it made no difference to him whether the Ball Field was built on the Cheney site or the Snake Lake site. His main interest was that it be in Tacoma. He said Mr. Cheney made a very generous offer and left it entirely up to the Council members to pick which site they felt was best for the future of Tacoma. He said in order to bring this matter to a close, he moved that the site for the new baseball park be in the Snake lake area. Seconded by Mr. Porter.

Mr. Anderson moved to amend Mr. Bratrud's motion that the baseball field at the Snake Lake area be named Cheney Field. Seconded by Mr. Eastaday. Roll call: Ayes 8; Nays 0; Absent 1, Humiston.

Roll call on Mr. Bratrud's motion as amended resulted as follows: Ayes 6; Nays 2, Goring and Mayor Hanson; Absent 1, Humiston. Motion carried.

Mayor Hanson said he would convey the Council's thanks to Mr. Cheney for his very fine offer.

Roll call was then taken on Ordinance No. 16415 which creates the new fund to be known as "Athletic and Recreational Field Construction Fund." and resulted as follows: Ayes 8; Nays 0; Absent 1, Humiston.

Ordinance No. 16416:

Authorizing the issuance and sale of General Obligation Bonds of the City in the sum of \$590,000 for the purpose of providing funds to construct an Athletic and Recreational Field. Read by title.

Mr. McCormick explained that since the introduction of this Ordinance some changes have been made and new copies were distributed to the Council members. He added that this Ordinance was drawn up with the Cheney Field in mind and inasmuch as the Snake Lake site was chosen that change would also be necessary.

It was moved by Mr. Anderson, seconded by Mr. Porter, that Ordinance No. 16416, as first submitted, be amended as follows:

That the words "and creating a fund for the payment" be deleted from the title thereof.

That Section 1. be amended to read as follows:

"It is hereby found and declared that the public welfare and benefit require the City to acquire property within the Snake Lake area within the City of Tacoma as are necessary for an athletic and recreational field with all necessary facilities, and shall improve said properties by the construction and installation of grandstand and bleacher seats, locker rooms and showers, field lighting, fencing, paving, parking lot facilities, playing field, drainage and sewage facilities, an access road or roads and other facilities and utilities, all as may be found necessary for an adequate and proper athletic and recreational field."

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That the first sentence in the 6th paragraph of Section 4, (bottom of page 3 and top of page 4 of original draft) beginning with the words "IN WITNESS WHEREOF" be amended to read as follows:

"IN WITNESS WHEREOF, The City of Tacoma, Washington, has caused this bond to be signed by the printed or lithographed signature of its Mayor, to be attested by its Clerk, the official seal of the City to be impressed hereon, and the interest coupons attached hereto to be signed with the facsimile signatures of said officials, this first day of November, 1959."

That section 5 be amended to read as follows:

"Said bonds shall be signed on behalf of the City by the printed or lithographed signature of its Mayor, shall be attested by the City Clerk, and shall have the corporate seal of the City impressed thereon. Each of the interest coupons attached thereto shall be signed with the facsimile signatures of said officials."

That the first paragraph of Section 7 be amended to read as follows:

"The City hereby covenants that for as long as any of the bonds authorized herein are outstanding the corporate authorities of the City of Tacoma will include in each City budget and levy an ad valorem tax each year upon all the property within the City subject to taxation that will produce amounts sufficient to pay the principal of and interest on said bonds as the same shall become due and payable."

Vote was taken on the motion to amend Ord No. 16416 resulting as follows: Ayes 8; Nays 0; Absent 1, Humiston.

Mrs. Coering repeated her stand on this subject. She said the State has been most reluctant to delegate authority to local City Fathers. It has in this instance given the City Officials authority to use certain tax funds without the vote of the people. Apparently they have given the City Fathers that authority trusting to their better judgment that they would never misappropriate such funds or misuse such authority. She said she was in favor of a baseball League in Tacoma and did not vote against the establishment of the fund created by Ordinance No. 16415, but she will not agree that this is the proper method of financing the Field, therefore she will vote "no" on the Ordinance. She still feels it can be question/by the taxpayer

Roll call on the Ordinance as amended resulted as follows: Ayes 7; Nays 1, Coering; Absent 1, Humiston.

Ordinance No. 16417:

215 Approving and confirming the Assessment roll for L I D 6754 for Street lighting on the existing wooden poles on Hawthorne, Howard, Oxford, MacArthur and Meyers Street; 6th Avenue to So. 12th; & Geiger from So. 8th to So. 12th Streets. Read by title and passed.

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

Ordinance No. 16418:

244 48 Providing for the improvement of L I D 4544 for permanent paving on Oakes Street from So. 15th to So. 19th and in the vicinity of No. 7th & Mallen Streets. Read by title and passed.

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

Ordinance No. 16419:

187 Providing for the improvement of L I D 5311 for cast iron water mains in

Sprague from So. 64th to So. 70th Streets. Read by title.

Mr. James Cunningham, Attorney for the State Highway Commission said that he would reiterate his position as he had previously stated before the L I D Committee on August 25th that since the water mains in the vicinity of Sprague Street are of no special benefit to the freeway which is being built by the State Highway Dept., the assessment would be illegal under the State statutes. The Statute permitting assessments of State land requires that the property be specifically benefited, he added.

He contended that none of the conclusions reached by the L I D Committee are sufficient to sustain this. He said the State of Washington represents 50% of the remonstrance against the improvement.

Mr. Bingham, Assistant City Attorney, said it was the City's position that some benefit would be afforded to the land used by the State for its freeway due to the fact that water would be available, after the completion of this improvement, for the use in landscaping this portion of the freeway and for future highway construction. It was also pointed out that the policy followed in the construction of Local Improvement Districts is that the particular use to which a parcel of land is placed is not determinative of the benefits which may be derived from an improvement.

Mrs. Goering said she understands that the property owners in this area will be required to pay double the amount for their improvement if the State Highway Commission refuses to pay the assessment.

Mr. Bingham said this was true. The property owners have been informed of the situation and he understands they have retained a lawyer to represent them in the matter.

Mrs. Goering said she did not think it fair that one group of citizens should be penalized by paying a double assessment because of the location of a freeway. She felt there should be some way to protect the property owners against this.

Mr. Benedetti, Superintendent of the Water Division, said the State owns 50% of this property which was assessed according to the statutes. At the first hearing of this L I D Committee, the State Highway Commission protested the assessment for the reason the property was not specifically benefited by the construction and availability of water mains and hydrants. At this time a 30 day postponement was requested in order that the Water Dept. could send out notices to the property owners notifying them in the event the State Highway Dept. takes the matter to Court and wins the decision, the remaining property owners would be assessed double. If they still favored the improvement they were asked for their opinion on the matter.

At the second hearing, only one letter was received stating opposition to the increase which brought the remonstrance to 53%.

Mr. Benedetti said he felt this was a matter that should be judicially determined. "With the freeway going through Tacoma there will not only be water mains but sewers, streets and other improvements along this freeway which will constitute the same problem. Now is the time for the pattern to be set." If property owners along the freeway are going to be called upon to bear a double assessment for improvements, then it would seem that the property was damaged and that there should have been some compensation to that property owner for damage with the freeway right-of-way.

Mr. Benedetti said there is a portion of land owned by the State Highway Commission which lies outside the proposed barricade for the freeway that would derive some benefit from the assessment. In addition, he said, at the present time the Water Dept. has three temporary water service connections for servicing contracting firms working on the freeway through Tacoma. There would be an immediate benefit of this Watermain. If there is need for additional construction, for repair work, there will be water available. Also there is the possibility of accidents along the freeway involving fire which could be fought with water from this watermain. He said he felt there are very definite areas where this is an immediate improvement to the highway itself, not taking into consideration any other use. He said this matter should be settled so as to establish a pattern for the future.

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

ITEMS FOR FILING IN THE OFFICE OF THE CITY CLERK:

Report from the Fire Dept. for the month of August, 1959

Report from the Tacoma Municipal Court for the month of August, 1959.

COMMENTS:

281 Mr. Rowlands asked that a special meeting be set for this week in order to discuss some additional matters before budget time and asked that Thursday at 7:00 P.M. be set for the meeting.

257 Mr. Rowlands said a letter was received from the Department of the Air Force regarding the airport situation. The letter explained that the studies requested of them is taking some time but will be completed by mid-September.

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291 Mr. Rowlands explained that a letter was received from the Tacoma Allied Arts in reference to the proposal for the disposition of the old City Hall, which was to come up before the City Council on September 21, 1959. Mr. Norman Smith, President of the Tacoma Retail Trade Bureau, has asked that they be given an extension of time for further study on the matter.

Mr. Anderson moved that the hearing on the disposal of the old City Hall be postponed thirty days, or until October 19, 1959. Seconded by Mrs. Price. Ayes 8; Nays 0; Absent 1, Humiston.

269 Mr. Rowlands said due to the time spent on the baseball situation, he was unable to prepare the report on the Teen-age Dance incident before today, which was distributed to the Council members.

It was decided that no discussion be held on the matter until next week so as to allow the Council members an opportunity to review the report.

Mayor Hanson said the Automotive Industry Association is meeting on Wednesday, September 16, 1959 at 7:00 P.M. at the Top of the Ocean. As many Council members as can attend are cordially invited. It is their desire to discuss with the Council members ways in which the Association can be of more help in assisting in Civil matters.

Mayor Hanson said the U. S. S. Pt. Defiance is docked in Seattle and the Captain of the ship has invited the City of Tacoma officials to tour the ship which bears the name of the City's park. He said he would contact the City members to find out the most convenient day for this tour.

There being no further business to come before the meeting, upon motion duly seconded and passed, the meeting was adjourned at 6:40 P.M.

Attest: Josephine Melton
City Clerk

Burt Hanson
President of the City Council