

MAY 2 1960

City Council Chambers, 4:00 P. M.  
Monday, May 2, 1960

The City Council met in regular session. Present on roll call 9; Bott, Cvitanich, Easterday, Murtland, Perdue, Porter, Price, Steele and Mayor Hanson.

Mr. Bott asked that the minutes be corrected to include the following statement made by him in reference to the Ball Park - "that the Park Board be contacted relative to working out a similar system in allowing the Juniors to use the hill the same as they allow Juniors to use Wapato Lake for fishing."

Mr. Bott also asked that a correction be made to include his question on the policy in allowing LID or Sewer bids. Mr. Bott inquired as to whether or not in determining the lowest and best bid, if the lowest bid was considered apart from the supplemental bid.

Mayor Hanson requested the approval of the minutes be postponed until the next Council meeting, <sup>so that these corrections can be made.</sup> It was then moved by Mr. Easterday that approval of the minutes of the meeting of April 25, 1960 be postponed until next Council meeting. Seconded by Mr. Murtland. Voice vote on the motion resulted as follows: Ayes 9; Nays 0; Absent 0.

The minutes were corrected to include the statement made in reference to the Ball Park.

In rechecking the minutes, it was found that the second item Mr. Bott asked to be included in the minutes was discussed at the meeting of April 11, 1960.

#### HEARINGS & APPEALS:

This is the date set for hearing on the petition of Fred C. Berto, et al, for the vacation of portions of streets and alleys bounded by So. 11th, 19th Pearl to Shirley Streets.

Mr. Rowlands advised that the Planning Commission had submitted their recommendations for the approval of this vacation.

Mr. Murtland said that in the recommendation submitted by the Planning Commission, they had recommended that So. 16th between Winnifred and Shirley Streets not be vacated. He asked if the other three streets, as shown on the map, were recommended for approval.

Mr. Buehler, Planning Director, said that the map, as submitted, does not coincide with the recommendation of the Planning Commission. He added that So. 16th Street is not included in the vacation because Shirley, between So. 15th and So. 16th was vacated at another time for the removal of Peat from the area. He added that until Shirley Street has been rededicated, the Commission felt that So. 16th Street should not be vacated. The Public Works Department has requested that easements be obtained replacing the seven feet (7') strips on Highland Streets. He said it was impossible to obtain a blanket easement for this, so they recommended the deletion of this portion.

Mr. Murtland asked Mr. Buehler if So. 15th and So. 18th Streets could be the only streets cut through the area.

Mr. Buehler said that was correct, and this actually made the blocks between 800 and 900 feet in length. This will make the cost of the LID improvements less, as there will be less costs for the intersections, side streets, etc. Inasmuch as the streets to be vacated are on a 20% to 25% grade, it will be much easier to keep up the streets inasmuch as there are no cross streets to care for.

It was moved by Mr. Perdue that the City Council concur in the recommendation of the Planning Commission to vacate the property and that the proper Ordinance be drawn effecting the vacation. Seconded by Mr. Murtland.

Voice vote was taken on the motion, resulting as follows: Ayes 9; Nays 0; Absent 0.

This is the date set for hearing on the petition of C. William Brasier, et al, for the vacation of the north 10 feet of 6th Avenue between Meyers and Jackson, and 10 feet on the south side of 6th Avenue between MacArthur and Jackson. 71  
135

Mr. Buehler, Planning Director, explained that the Planning Commission recommended the vacation of the north and south 10 feet of 6th Avenue from the east line of Jackson Avenue to the west line of Meyer Street; also the south 10 feet of existing 6th Avenue from the east line of Meyer Street to the west line of MacArthur St. He said the Planning Commission also recommended that the vacation of the east 10 feet of Jackson Street be denied.

Mr. Buehler further stated that the property owner has graded the area adjacent to the right-of-way and has placed a walk-way adjacent to 6th Avenue.

Mr. Bott said he had visited the area and asked Mr. Buehler if he thought sufficient grading had been done in the area.

Mr. Buehler said ~~he would not place any requirements for the grading of the pathway as a condition to the vacation.~~ ~~he would not place any requirements for the grading of the pathway as a condition to the vacation.~~

Mr. Buehler also stated that many residents in the area have objected to walking in the street on their way to the markets on 6th Avenue.

Mr. Murtland asked for what purpose is the property to be vacated being used.

Mr. Buehler said that it would be used for parking, as well as for landscaping purposes.

Mr. Bott asked if the sidewalks that were put in by the property owners conform with the City's specifications.

Mr. Buehler remarked that they did and he has a copy of the Public Works' Specifications for that particular work order. The sidewalk now is 15 feet from the property line as required.

Mayor Hanson explained that the present sidewalks conform to the City's specification even in areas where they do not have the additional width on the streets.

Mr. Schuster explained that in reference to the right-of-ways that are wider than usual, the thought is to put the sidewalks closer to the curbs. Property owners prefer to have the additional land nearer their house rather than in the parking strip. This is a trend that is being followed all over the City, he added.

Mr. Bott asked if there is a 100 ft. right-of-way in front of the Narrows Theatre.

Mr. Schuster said there was.

Mr. Bott stated if this portion of 6th Avenue were vacated it would cause a bottle neck as there is considerable traffic on 6th Avenue.

MAY 2 1960

Mr. Schuster said the right-of-way is presently 100 feet. The 80 feet right-of-way, which would remain, would be adequate for the 44 foot roadway and sidewalks which the City feels would be the ultimate development in any case. The property owners could use the additional 10 feet on each side for beautification purposes and possibly the development of additional off-street parking.

Mrs. Price asked what would happen if in the future it was desired that 6th Avenue be widened to accommodate (6) lanes.

Mr. Schuster advised that it was not anticipated that traffic would be that heavy, as the main flow of traffic comes from the Narrows Bridge (Olympic Blvd.) He said they anticipate that (4) lanes will be adequate on this portion of 6th Avenue

Mr. Cvitanich asked what is the traffic count on 6th Avenue compared to Titlow Beach, and with the advent of the Poggie Club erecting their headquarters in this area. He asked if there has been any count taken on this portion of 6th Avenue.

Mr. Schuster said that no count had been taken, however he did not have the figures with him but would be glad to furnish Mr. Cvitanich with this information.

Mr. Murtland asked if there would be sufficient parking area on 6th Avenue if it were widened to (4) lanes in the future.

Mr. Schuster said if in the future it were widened to (4) lanes, undoubtedly there would be no room for parking. The Apartment houses located on this street have, or will have, their own parking facilities.

Mr. Bott asked why the petitioner has started construction before obtaining official authorization.

Mr. Schuster advised they were given a permit to do that based on the thought that 44 feet is the City's arterial width, which is being done all over the City. He said the permit was given on the assumption that 44 feet would be the arterial width.

Mayor Hanson pointed out the fact that a sidewalk, installed to conform to the general policy throughout the City, does not indicate that the City will grant this vacation. In the future if the City desired to extend the width to (6) lanes it would be a relatively simple matter to widen the street, then the sidewalks would be the only problem.

Mr. Buehler explained that it was brought out at the Planning Commission meeting that the proposed freeway is to be constructed to the Narrows Bridge at approximately North 9th Street, which will cut across above Jackson Avenue. Therefore, he believed traffic should hold pretty well the same as at the present, with a possible slow increase in traffic. After the freeway has been constructed, there should be sufficient right-of-way in the area, and with the shifting of the sidewalks, if it becomes necessary, to have (6) lanes of traffic. He said in previous discussions, the off-street parking project which is anticipated should take care of the parking.

Mayor Hanson asked if Mr. Buehler felt that the ordinance governing the construction of an Apartment building and the requirement of supplying parking spaces is the proper method of handling the parking problem, rather than the City allowing an extra lane.

Mr. Buehler said the current theory is that the City should not develop expensive streets for parking purposes. The City's ordinance, governing apartment construction, requires that a certain amount of off-street parking be provided, and admitted the current requirements do not completely solve the parking problems, but some builders complain they are stringent enough as they stand.

Mrs. Price asked how many spaces must be provided for off-street parking for apartment houses.

Mr. Buehler said that one space must be provided for each of the 1st four apartment units, then one for every two apartment units above the first four.

Mayor Hanson said that one question should be resolved and that is if the City has any further use for the property sought to be vacated it should not be vacated.

Mr. George Franklin, residing at 936 Fairview North, said he appeared before the Planning Commission and asked that sidewalks be installed in the area.

Mr. Easterday asked Mr. Franklin if he was opposed to the vacation of this portion of 6th Avenue.

Mr. Franklin advised that he was very much opposed to the vacation as he believed the City would need every foot of the property for street purposes. He asked that a study be made of the hazardous corner at 6th & Jackson. He said that many cars use Jackson Avenue between 4 P. M. and 6 P. M. enroute from Fircrest and other southern points, and there is considerable congestion at this point, and it would be much worse if the street were vacated.

Mayor Hanson asked that the Petitioner advise the Council why the 10 feet was needed.

Mr. Leo Green, representing the property owners on the south side of 6th Avenue, said the petitioner wished to develop the property for business reasons. He said this property has been zoned commercially for the last 12 years. People in the area understand that the property on 6th Avenue is zoned commercially. The Public Works Dept. has stated that only 44 feet is all that is required for street purposes to handle traffic. He added, that the Public Works Dept. does not feel the extra 10 feet is needed on both sides of the street. He said the property owner will not gain by this, only that there will be much wider approaches to the street.

Mr. Green said it was suggested by the Planning Commission that the owner of the property provide a safe walkway, which he said, is being done as a convenience to the residents in the area. He advised that the work has not been completed as yet.

Mr. Murtland asked how many off-street parking spaces are provided for Apartment Houses now in operation.

Mr. Green said that for the Apartment that is soon to be built, there will be an 18 car parking area. The parking requirements for the "Finistaire Apartments" in the area are (12) parking spaces. He also stated that the owner of the Apartment on the south side of 6th Avenue is at present negotiating for the purchase of an additional 50 feet to be used for parking. He added, if they were to build a clinic in this area, the City Ordinance requires that 25% of the area must be set aside for parking purposes.

Mrs. Price said her main concern was with the parking problem the tenants might have in the Apartments. She said if there is not adequate parking for all vehicles, it will mean that someone will be required to park on the streets all night. She felt an Apartment Building is a lot different than a clinic, or other businesses where there is a turnover in traffic, which does not create the same problems.

Mr. Buehler said the City has an Ordinance which prohibits overnight parking.

Mr. Murtland asked if it would not be better to save this strip of land in the event it is needed at a later date for the City's off-street parking.

MAY 2 1960

Mr. Buehler advised that he did not believe this was a proper place to be used for off-street parking, as the cars would be backing in and maneuvering in and out with traffic. He said if it were in the rear of their building it would be much better.

Mr. Cvitanich said he was sure if Mr. Kosai were to check the intersection at 6th and Jackson he would find that a great number of accidents occur inasmuch as it is a very dangerous corner. He said there is a telephone pole and a stop sign there and it is very difficult to make a left hand turn. In the summer months there is a definite increase in the volume of cars going to Titlow Beach. The Poggie Club has started an intensive program in the area also which will increase traffic.

Mr. Rowlands said he would have the intersection checked.

Mr. Bott said he understood that the "Finestra Apartment" building is constructed directly on the property line, which is permitted in a commercial zone. He asked if in the future a variance permit is requested for an apartment building, would they still be required to adhere to the property line, or could they build 10 feet close to the street.

Mr. Buehler advised that it is a commercial zoning and they could build to the property line.

Mr. Kenneth Scott, residing at 6th & Jackson, spoke in opposition to the vacation, stating that the wider the street the safer it would be.

Dr. A. E. Giesy, residing at 635 No. Fairview, also spoke in opposition to the vacation, stating that he felt this was a backward step for the City to approve in narrowing their streets, and said it did not appear to be good planning procedure. He said he drives this section of 6th Avenue twice daily, and although it was narrow, he could not see giving this adjacent property to private interests and then later on expending the money in order to again widen the street. If this were vacated, he added, they would eventually have the same problem that exists in the main section of 6th Avenue business district today whereby the street would become a bottleneck as it serves the entire side hill area.

~~Seconded~~ Mr. Cvitanich then moved that the Petition for the vacation be denied. Seconded by Mr. Murtland.

Voice vote was taken on the motion, resulting as follows: Ayes 9; Nays 0; Absent 0.

Mayor Hanson advised that the Planning Commission's recommendation was overruled and the vacation is denied.

This is the date set for hearing on the petition of Ben Etseksen, et al, for the vacation of the southwest corner of So. Fife and So. Tacoma Way.

Mr. Rowlands advised that this particular vacation was reduced in size as the result of the Public Works recommendation.

Mr. Buehler, Planning Director, said that this property to be vacated is adjacent to the flume line and is being leased for the operation of the businesses in the area.

Mr. Al Benedetti, Sup't. of the Water Division, advised that this vacation was originally requested in 1952. The City of Tacoma, on behalf of the Water Division, owns a Flume line right-of-way which is immediately in front of this property--it is a 66 feet right-of-way. In 1952 the Water Division objected to the vacation with the thought that they might have use for the property, and asked that the vacation be

denied, so that it could be determined whether or not this property could be used for the Water Division activities. In the interim, the Water Division has had the opportunity to re-evaluate their needs and have now determined they do not need the land.

Mayor Hanson asked how will the property to be vacated be divided.

Mr. Buehler explained that one-half will go to the Water Division and the other one-half to the owner of the adjacent property.

Mr. Bott moved that the petition be granted and the proper ordinance drawn vacating a portion of Wright Avenue between Fife Street and South Tacoma Way. Motion seconded by Mr. Murtland.

Voice vote was taken on the motion, resulting as follows: Ayes 9; Nays 0; Absent 0.

#### PETITIONS:

Northwestern Homes Inc., requesting the reclassification of property located at So. 39th between Thompson and "J" from an "R-2", "R-3", "R-4" District to a "C-1" District.

Referred to the Planning Commission.

Northwestern Homes Inc., requesting the reclassification of property located between Cushman and Ainsworth at So. 7th, to be rezoned from an "R-2" District to a "C-1" District.

Referred to the Planning Commission.

#### RESOLUTIONS:

Resolution No. 16073:

BY HANSON: (Postponed from the meeting of April 18, 1960)

Accepting the proposal of \$700,000 from the Downtown Parking Corporation<sup>153</sup> (organized and owned by private individuals) for the constructing and maintaining of off-street parking facilities in Downtown Tacoma.

Mayor Hanson asked that this Resolution be set over for two weeks as there are some legal problems still that are not resolved. He explained that Mr. Rowlands is going back East and will discuss this with the Bond Firms to more closely determine the requirements of financing different propositions.

Mr. Bott asked that a list of the donors be submitted for the information of the City Council.

Mayor Hanson said they could request a list of owners, but in all probability it would only be a list of prospects. He said a list of the committee could be obtained, and also names of the downtown corporations.

Mr. Cvitanich asked what type of bonds are promised by the group to carry out their duties, etc.

MAY 2 1960

Mayor Hanson explained that their main guarantee to the City would be their presentation of \$700,000. Once the money has been presented to the City, it would be the City's responsibility of carrying out the balance of the agreement.

It was then moved by Mr. Cvitanich that Resolution No. 16073 be postponed for two weeks until May 16, 1960. Seconded by Mr. Bott.

Voice vote was taken on motion to postpone Resolution No. 16073 until May 16, 1960, resulting as follows: Ayes 9; Nays 0; Absent 0.

Mr. H. M. Tollefson, Attorney for the private garage operators who are opposing the financing plan, asked that he be notified by the staff when the discussion of the Parking garages will be discussed again. He said he noted that the proponents were not in attendance tonight and no doubt they had been notified that no action would be taken at this meeting.

Mayor Hanson advised that they would notify Mr. Tollefson within the limits of their ability. He said naturally it is impossible to know whether the Council as a whole will take action, but they can give him some idea as to the status of the proposition.

Mayor Hanson said he knew that there were still some unresolved legal problems that would lead to the conclusion that no action could be taken at tonight's Council meeting. He said that both the opponents and proponents should be advised when final action is to be taken so that any questions that may arise can be satisfactorily answered. Mayor Hanson asked Mr. Tollefson to call Mr. Rowlands' office on Friday to ascertain the status of the action and whether a final determination will be made at the Council meeting.

Mr. Steele said that he believed Mr. Long, the Chairman of the Committee, should also have the same privilege of calling the Manager's office to determine the status.

Resolution No. 16095: (Postponed from the meeting of April 18, 1960)

**BY REQUEST OF CVITANICH:**

Adopting the rules for the government of the City Council and rescinding Resolution No. 15608, adopted January 19, 1959, and all amendments thereto.

Mr. Steele moved that the Resolution be postponed until June 6, 1960.

Mr. Cvitanich said that he had two amendments which he wished to propose before action is taken on the Resolution.

Mr. Cvitanich then moved that Resolution No. 16095 be amended as follows: That Rule #1 be amended to provide that the City Council shall meet at 7:00 P. M. on Tuesday of each week, effective 1st Tuesday in June. Motion seconded by Mr. Easterday.

Mr. Rowlands advised that complications will arise for at least one member of the City Council inasmuch as the Planning Commission meets on the 1st and 3rd Tuesday of each month and one of the Council members is an ex-officio member to the Planning Commission.

Mr. Easterday asked if the Planning Commission could meet on Monday.

Mr. Buehler said that he had not asked the Planning Commission members if Monday would be suitable.

Mr. Murtland advised that he has commitments on Monday evenings which could not be changed. He said he has been teaching for the past fourteen years at P. S. and when he ran for the office of Councilman he did not anticipate that the meeting time would be changed.

Mr. Porter suggested that the meeting time be postponed until the 1st Monday in June. He said if the Council meetings were changed to Tuesday evenings it would be probable that he would miss 4 to 5 Council meetings a year.

Mrs. Price said she had been told by business people that they would like to attend the Council meetings but are required to keep their businesses open and could not come on Mondays.

Mr. Cvitanich explained that those Councilmen who ran for the office should have been prepared to make some sacrifices, and if any councilman who cannot give one evening of their time to the City should resign.

Mr. Bott said that if Tuesday is selected he felt that it would give the Council members one more day in which to study the agenda, therefore they would be more familiar with what is to be considered at the Council meetings, and also Citizens will have more time to contact the Council members on any item that is on the agenda.

Voice vote was taken on the motion to amend Rule I, resulting as follows:

Ayes 9, Nays 0; Absent 0.

Mr. Cvitanich moved that Rule 9 of the Council Rules be amended to provide that no Councilmember's name appear on any Resolutions and Ordinances unless they shall be by special request of a Councilmember. Seconded by Mr. Murtland.

Mr. Cvitanich asked that Mr. McCormick, City Attorney, explain the reasons this was placed in the Council Rules.

Mr. McCormick said that when the Rules were originally compiled, this provision was placed in it but, he said, he did not know for what purpose.

Mayor Hanson explained that it was easy to see the Rule as it was originally drawn, and it was one of those rules that established a control on the formulation of the agenda. He said the thinking was to retain control by the Council.

Mayor Hanson said he thought it would be proper to amend Rule 9 to make this change.

Mr. McCormick suggested that no Councilmember's name appear on the Ordinance or Resolution unless it is by a special request of such Councilmember.

Mr. Perdue stated that when this was originally put in the Council Rules he could see no valid reason for this. Originally, the Councilmembers were contacted and asked if they would permit their names to be used. They were told what the Resolution or Ordinance contained and they either give their consent or refused. If they refused to let their name be used, the Attorney's office had to find another Councilmember who would permit their name to be used on the Ordinance. He said this became too cumbersome and it was finally dropped. After that, the Attorney's office merely rotated the names. He said he could see no valid reason for this being a part of the Council Rules.

MAY 2 1960

Mayor Hanson said that before voting on this matter it would be wise to have the exact wording for their study. He asked that the amendment be drawn by the Attorney's office to conform to their thinking, and that consideration be made at next week's meeting.

It was then moved by Mr. Porter, seconded by Mr. Bott, that Resolution No. 16095 be continued to May 9th and an amendment be brought in to Rule 9. Voice vote was taken on the Resolution, resulting as follows: Ayes 9; Nays 0; Absent 0.

Resolution No. 16119:

L I D 5322

BY BOTT:

Fixing Tuesday, May 24, 1960 at 4:00 P. M. as the date for hearing on LID 5322 for the construction of case iron water mains in No. 18th from Pearl to Highland; Bennett and Highland from No. 14th to No. 18th and in No. 14th from Highland to Winnifred and from Shirley to Bennett Street.

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

Voice vote was taken on the Resolution, resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16120:

L I D No. 6776

BY STEELE:

Fixing Tuesday, May 24, 1960 at 4:00 P. M. as the date for hearing on LID No. 6776 for modern street lights at intersections in the area of So. 42nd to So. 54th Street from Ferry to Warner Street.

It was moved by Mr. Perdue that the Resolution be adopted. Seconded by Mr. Cvitanich.

Voice vote was taken on the Resolution, resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16121:

L I D No. 4657

BY MURTLAND:

Awarding contract to Cascade Asphalt Paving Co. for L I D No. 4657 on their bid of \$12,600.75 which is determined to be the lowest and best bid.

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

Voice vote was taken on the Resolution, resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16122:

L I D No.

BY PERDUE:

Awarding contract to Asphalt Paving & Engineering Company for Improvement No. 2286-E on their bid of \$25, 968. 75 which is determined to be the lowest and best bid.

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

Voice vote was taken on the Resolution, resulting as follows:

Ayes 9; Nays 0; Absent 0.  
The Resolution was then declared adopted by the Chairman.

Resolution No. 16123:

BY PORTER:

Awarding contract to Asphalt Paving & Engineering Co; for Job No. 6014 (Improvement Nos. 3001-A and 3002-A) on their bid of \$14, 779. 77 which was determined to be the lowest and best bid.

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

Voice vote was taken on the Resolution, resulting as follows:

Ayes 9; Nays 0; Absent 0.  
The Resolution was then declared adopted by the Chairman.

Resolution No. 16124:

BY HANSON:

Endorsing the Kennedy-Morris-Roosevelt Minimum Wage Bill and urging Congress to adopt a minimum wage of \$1. 25.

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

Mr. Murtland advised that he would like a little additional time to study this Resolution. He said if it were passed the Council would be endorsing something that has to do with the Federal Government, as well as our own Government, and he would like the opportunity to discuss this with other people.

Mr. Steele asked if this Bill was currently before Congress or was it in Committee of the House or Senate, or what is its status.

Mr. Rowlands advised that it is currently being considered by Congress.

Mr. Steele asked if it would cause a delay if it were postponed for one week.

Mayor Hanson said he did not believe they would run a great risk if it were delayed for one week.

Mr. Porter advised that the City Council, in the past, has gone on record as endorsing various bills or items before Congress.

Mr. Perdue asked if this would be proper for the City to go on record as endorsing this.

Mr. Steele said he felt the Council should go on record as endorsing the Resolution.

Mayor Hanson advised he believed the thinking of the elected officials of the City should be of some significance to the members of Congress.

Mr. Al Disbro of the Central Labor Council, advised that he felt the timing was very important. It is true that this is probably still in the hands of the Committee and there is no way to know when it will come out of the Committee. He urged Council to take action on this Resolution tonight. He stated that other governmental agencies have adopted Resolutions similar to this.

Mr. Cvitanich said he thought the Council by all means should adopt this Resolution tonight.

Mr. Murtland again remarked that to vote tonight on a matter as important as this is being too hasty.

Mr. Rowlands pointed out that in the Resolution <sup>urges</sup> certain exemptions be considered for the employment of <sup>urges</sup> Pages working in the Library. He added that these employees are purely part time and work short hours.

Mr. Bott asked if this was included in the Bill?

Mr. Cvitanich advised that it has been included in the U. S. Code since 1938 and there have been no modifications in the Bill. He said it is included in the law to take care of students who work in the Libraries, etc., to allay any fear that they should earn the minimum wage of \$1.25 per hour. He added that it was very important that this be passed as soon as possible. Mr. Cvitanich asked that roll call be taken on Resolution. Roll call was taken on the Resolution, resulting as follows:

Ayes 7; Nays 2, Murtland, Perdue (both passing), Absent 0.  
The Resolution was then declared adopted by the Chairman.

Resolution No. 16125:

BY BOTT:

Adopting the Generalized Land Use Plan as a part of the Comprehensive Plan of the City of Tacoma.

138  
Mr. Rowlands asked that this Resolution be postponed to next week, as inadvertently the "Generalized Land Use Plan" was not included with the agendas.

Mrs. Price moved that Resolution No. 16125 be postponed to May 9th. Seconded by Mr. Perdue.

Voice vote was taken on the motion to postpone Resolution No. 16125, resulting as follows: Ayes 9; Nays 0; Absent 0.

Resolution No. 16126:

BY PERDUE:

Authorizing the City Manager to file an application for an advance by the United States for aid in defraying the cost of plan preparation for enlargement to the existing Sewage Treatment Plant. 108

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

Mr. Easterday said from the information that he has gathered that the Governmental red tape has increased the costs of these projects so much that they almost kill the benefits received by virtue of the Federal Aid. He contended that the money spent for appraisals, advice from experts, etc. is terrific. If the Public Works Dept., or the Planning Commission, could have a share of what it costs in taxes to pay for these services, the City would not have to apply for Federal Aid. He asked that a report be submitted on how much money has been spent on the Urban Renewal projects up to the present time.

Mr. Cvitanich asked when did Tacoma originally apply for Federal Aid.

Mr. Rowlands advised that as far as the sewer program is concerned, this is the first official application that has been made to the Federal Government. The Housing and Home Finance Agency has money available for planning of these various projects throughout the United States; not only for sewers, but for water or other public improvements. The Regional office has encouraged the City of Tacoma to take advantage of the funds available. He added that they desire to request approximately \$53,500, interest free, in order to go ahead and work out the detailed plans for the enlargement of the existing sewage treatment plant. This will enable the City to let bids a lot sooner and get the program moving faster than if we had to wait until the actual money is available, or until the application is made.

Mr. Rowlands also added, that they are also going to secure assistance from the State Pollution Commission, as funds are available every year, usually one large amount of approximately \$250,000.00, which is made available to at least one city in the State to help in programming its improvements. He further added that they are in a position either next year or the following year to ask for the same consideration. It is advantageous to have plans made available and in readiness so that the City can take advantage of anything that might come along.

Mr. Rowlands explained that after World War II the plans were developed to encourage the development of potential improvements in the event of any kind of business recession.

Mr. Cvitanich asked if this was the 1st application that was every submitted by the City.

Mr. Rowlands advised that this was the 1st application for sewers. He said there was another application approximately two years ago that was withdrawn since they were able to continue with their work right after the Sewer Bonds were issued.

Mayor Hanson asked if the application that is made to the State Pollution Control system was actually a Federal Grant which is administered by the State Pollution Control System.

Mr. Rowlands said the Grant from the State is simply for Planning, whereas the Federal Grant was for a contribution from the State through the Federal Government.

Mr. Cvitanich said this plan was in effect in 1956 and asked when Brown & Caldwell were hired as consultants.

Mr. Rowlands advised that Brown & Caldwell were hired in either 1954 or 1955.

Mr. Cvitanich asked why the City did not request Federal Funds at an earlier date, as he said he knew of several cities that had received aid up to \$250,000.

Mr. Rowlands said that an application was made approximately one and one-half years ago for this type of planning advances, but at the same time the Council decided to go ahead with the Program of issuing Bonds which was accomplished. Therefore, the City then had money to finance them at that time without accepting a loan. Now, this money has to be replaced as it is a loan and not a Grant. The \$250,000 they are trying to secure through the State Pollution Commission is an outright Grant from the Federal Government. If in this 5 year period the plans do not materialize the City is still not out one cent. This will enable the City to continue with the preparation of the plans for the main Sewage Treatment Plant.

Mr. Cvitanich asked why they waited until now to submit the application.

Mr. Schuster advised that this was actually (2) different types of loans-- one is a Grant for construction; the other is in effect a loan to finance the design and planning, which is what the City is applying for at the present time. The loan from the Federal Government for approximately \$53,500.00 is to go into the design phase, or additions to the present central treatment plant. The \$250,000.00 is an out and out Grant, and to get the Grant all plans must be available. He added that a year ago they made application for the funds, but were turned down because Tacoma's plans were not complete, and the funds were given to Spokane. After this report was received they had something to work from, and since that time they have been endeavoring to put many of these plans into effect and at the same time they desire to take advantage of the \$250,000 which is available from the Federal Government.

Mr. Schuster explained that Resolution No. 16126 is not in reference to the \$250,000 but to other amounts of money that is available for planning purposes, and is strictly a planning advance.

Mr. Cvitanich advised that the law had been passed in 1950 which authorized these grants, and the City authorized Brown & Caldwell to conduct the study in 1957, what then was the feasibility of hiring and paying for this study out of City funds.

Mr. Rowlands advised that the Brown & Caldwell firm was retained in October of 1955 and the report was not submitted until June of 1957, and the contract was entered into before the 1956 law.

Mr. Rowlands said that if there is any opportunity to apply for Federal funds that Tacoma is justified in receiving, they try to keep right on top, whether it is for Airport, Sewer or other funds. Mr. Rowlands added that he too wished to emphasize that we cannot go to the State or Federal Government and apply for funds if we do not have plans that are ready to go as we would be merely wasting our time.

Mr. Rowlands stated that they hoped to receive funds for the construction of the Western Slope Treatment Plant that was approved 2 weeks ago by the Council.

Mr. Perdue said he would like to explain to Mr. Cvitanich his question regarding the Brown & Caldwell report. He said the State Pollution Control Commission ruled that two LID's, which had already been passed by the City Council for Sewers in the City, could not be installed, and furthermore, that no further sewers could be installed in the City of Tacoma until the City had a comprehensive plan for the entire sewerage system, and in order to get permission to go ahead the City had to immediately let the Commission know that the City would at once embark on such a project and hire the engineers to do that job. We may be assured that they are watching us to see that we are fulfilling this program which they have requested, he added.

Voice vote was taken on the Resolution, resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16127:

BY EASTERDAY:

Authorizing the execution of a written lease to the U. S. Government for the use by the Coast Guard to moor its vessels and water craft adjacent to the Municipal Dock Building at 1023 Dock Street.

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

Voice vote was taken on the Resolution, resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16128:

BY PRICE:

Authorizing the sale of 3.79 acres of surplus land located near Highland and No. 30th Streets.

It was moved by Mr. Perdue that the Resolution be adopted. Seconded by Mr. Murtland.

Mr. Benedetti, Sup't. of the Water Division, explained that this was surplus property located near the north end Reservoir and is adjacent to the property that was purchased by the SchoolBoard approximately two weeks ago.

Voice vote was taken on the Resolution, resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

**Resolution No. 16129:**

Authorizing the settlement of the claim of the Tide Company and the Bay Company for the termination of their subcontract with the Arundel Corp., and the L. E. Dixon Company in the amount of \$4,817. 77.

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

Mr. Cvitanich requested that his name be stricken from this Resolution.

Mr. Marshall McCormick, City Attorney, advised that this was one of the very last settlements from the original Cowlitz Contract. They were subcontractors of the Arundel Corporation - Dickson Co. who were the basic contractors on the job, and he said this is a compromise settlement of their original claim of \$259,905. 00.

Voice vote was taken on the Resolution, resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

**Resolution No. 16130:**

BY BOTT:

Requesting the removal and destruction of blackberry vines, brush and tall grass in the area East of 1514 So. 40th Street.

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

Mr. Rowlands advised that the Health Dept. had received a letter this morning from the owner of the property advising that he would be unable to do the work himself and asked that the work be done and that he be billed for it by the City.

Voice vote was taken on the Resolution, resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

**FIRST READING OF ORDINANCES:****Ordinance No. 16567**

Amending Sections 12. 10. 060 and 050 of the Official Code of the City and adding two new sections known as Sections 12. 10. 155 (1) and (2) relating to charges for water service inside and outside the City limits.

Mr. Benedetti, Sup't. of the Water Division, explained that there are approximately 2500 customers outside the City who receive water from the Green River Transmission lines. He said in the past year they had received requests from several groups of residents residing between the McMillan Reservoir and the City of Tacoma for service from the City. Many of them, at present, are served off of long service lines by individual Mutual Cooperatives. This Ordinance would provide for an installation system in the County to serve their needs that fully meets the City's standards, he added.

Mr. Benedetti further added that in the past two months the City Council passed an enabling ordinance authorizing the City to charge residents on the County side of a distribution line which was installed on the City limits. Previously the residents on the County side of the distribution line receiving the same benefits as those residing on the City side were not required to pay an assessment for the installation.

Mr. Benedetti explained that <sup>this</sup> a problem was created by one of the recent L I D Districts, whereby a Cooperative Water District existed inside the City limits which served approximately 16 homes outside the City limits. Upon the creation of this L I D, he said, the Mutual Cooperative no longer existed, which left the residents outside the City without water.

Mr. Benedetti explained that anyone not living in the City receiving City water pay a higher water rate than those residing in the City. From the revenue standpoint this is desirable for the Water Division, and also beneficial to General Government, as they receive additional gross revenue tax.

Mr. Perdue asked Mr. Benedetti if by authorizing the sale of water to people outside the City limits would it set a precedent for the possible sale to areas such as Tidehaven, etc.

Mr. Benedetti said this would permit the Water Division to expand in areas where the expansion would be of no expense to the City.

Mr. Perdue asked if the City would be required to pay taxes to schools, etc. if they furnish water to these areas outside the City limits; the same as is being done in Mason County.

Mr. McCormick said there is nothing in this Ordinance that affects the 8% Gross earnings tax, and the money that is paid in lieu of taxes to Mason County is only for electrical utilities and is paid by reason of a State Statute.

The Ordinance was then placed in order of final reading.

Ordinance No. 16568

Amending Section 1. 36. 010 of the Official Code relating to Collection Charge for unpaid Bank checks. 146

Mr. Rowlands explained that this Ordinance was originally passed several months ago and was drawn especially for the habitual offender. He stated that extenuating circumstances sometimes occur, and it was requested that the Ordinance be changed in Sec. 1. 36. 010 in the 11th line that the word "shall" be changed to "may" in reference to collection charges to unpaid checks. He said occasionally there are circumstances where the City Treasurer can use his discretion as to these charges.

The Ordinance was then placed in order of final reading.

**Ordinance No. 16569:**

Amending Section 9.08.030 of the Official Code of the City to provide for a continuous Occupancy Bond in place of the stipulation limiting said bonds to a period of one year only. Read by title.

Mr. Rowlands said this Ordinance is similar to the one passed some time ago for Street Construction Bonds. This Ordinance will provide for a continuous Bond, which is much easier to maintain <sup>and</sup> control.

The Ordinance was then placed in order of final reading.

**Ordinance No. 16570:**

Amending the Official Code of the City in reference to zoning and adding a new section known as 13.06.050 (5) to include property on both sides of No. 10th Street adjacent to the N. W. and S. W. corners of No. 10th and Lawrence. (Petition of A. R. Hosfield). Read by title.

Mr. Buehler, Planning Director, explained that this Ordinance is to provide for a duplex zone. He reported that the Planning Commission had requested that both sides of No. 10th Street be rezoned inasmuch as there is a duplex at present on the South side of No. 10th Street, and by including this area it will make the entire street a conforming use, he added.

The Ordinance was then placed in order of final reading.

**Ordinance No. 16571:**

Amending the Official Code of the City in reference to zoning and adding a new section known as 13.06.120 (14) to include property located on the south side of East 56th adjacent to the S. W. corner of East 56th and McKinley Ave. (Petition of D. W. Weaver). Read by title.

Mr. Buehler explained that this Ordinance would provide for the expansion of the C-1 zoning to provide for the construction of an office building to accommodate several Doctors and Dentists. He added that the super-market across the street is planning an extension to their property and would be covered by this rezoning.

The Ordinance was then placed in order of final reading.

**Ordinance No. 16572:**

Amending Chapter 13.06 of the Official Code of the City in reference to zoning by adding a new section known as Sec. 13.06.160 (3) to include property in the area bounded by McKinley Ave.; East "G"; East 71st and East 74th Streets in an "M-1" Light Industrial District. Read by title.

Mr. Buehler said that this rezoning is to provide for the installation of a Contractor's yard at East 72nd and G Streets. He added that only one adjacent property owner objected to the rezoning. The property to be rezoned is mainly a swamp area, which will have to be filled before it can be used, he added.

The Ordinance was then placed in order of final reading.

Ordinance No. 16573:

Vacating the southerly 17 feet of So. 3rd Street between So. J and So. K streets. (Petition of Tacoma General Hospital)

87  
148

Read by title and placed in order of final reading.

Ordinance No. 16574:

Authorizing the condemnation of property in the area of the Narrows Bridge approach (Olympic Blvd.) for the purpose of the construction and installation of a sewage treatment plant. Read by title.

Mr. Rowlands said this is a follow up of the report which was received by the City Council about 3 or 4 weeks ago in order to obtain the necessary right-of-way for the Treatment Plant on the west slope.

The Ordinance was then placed in order of final reading.

Ordinance No. 16575:

Authorizing the condemnation of property in the area of So. Tyler between So. 64th and 66th Streets, for the establishment of sidewalks, slopes and fills.

Read by title and placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 16554:

Amending Sec. 11.20.010 of the Official Code of the City relating to traffic by deleting from certain streets designated as one-way streets, Commerce Street from So. 9th to So. 17th.

76  
109

It was moved by Mrs. Price that the Ordinance be Tabled. Seconded by Mr. Porter.

Roll call taken on the motion resulted as follows:

Roll call: Ayes 7; Nays 2, Easterday and Steele; Absent 0.

MAY 2 1960

**Ordinance No. 16556:**

106 Vacating a Portion of Norton Place between Vassault and Five View Road.

Roll call was taken on the Ordinance, resulting as follows:

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

**Ordinance No. 16557:**

060 Vacating property on No. Whitworth Street from the east property line of Ferdinand St. to the west property line of Mullen St. (Petition of Floyd Shiffer)

Roll call was taken on the Ordinance, resulting as follows:

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

**Ordinance No. 16558:**

060 Vacating certain plats in the Lupton's 2nd Add. ; Budinich's 2nd Add. ; area adjacent to the east side of Pearl Street between No. 30th and No. 35th Streets. (Petition of Mueller Harkins Motor Co.)

Roll call was taken on the Ordinance, resulting as follows:

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

**Ordinance No. 16559:**

Amending Sec. 1.24. 980 and 986 of the Official Code of the City in reference to the Civil Service and Personnel Rules as recommended by the Civil Service Board.

Roll call was taken on the Ordinance, resulting as follows:

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

**Ordinance No. 16560:**

Amending Sec. 1.12. 155 of the Compensation Plan of the City to provide for the hiring of employees for Major independent Urban Renewal projects.

Roll call was taken on the Ordinance, resulting as follows:

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

**Ordinance No. 16561:**

Approving and confirming the assessment roll for the cost of L I D 1993 for sanitary sewers in Winnifred from No. 14th to No. 15th and from No. 16th to No. 18th; also Shirley from No. 15th to No. 18th. <sup>49:62</sup> 63

Roll call was taken on the Ordinance, resulting as follows:

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

**Ordinance No. 16562:**

Approving and confirming the assessment roll for the cost of L I D 2257 for the cost improvement of sidewalks on So. 72nd from Pacific Avenue to Sheridan. <sup>50:352</sup> 63

Roll call was taken on the Ordinance, resulting as follows:

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

**Ordinance No. 16563:**

Approving and confirming the assessment roll for the cost of L I D 6759 for Ornamental street lights on Montgomery from So. 64th to So. 66th Streets. <sup>50:20</sup> 63

Roll call was taken on the Ordinance, resulting as follows:

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

Mr. Perdue leaving at this time.

**Ordinance No. 16564:**

Providing for the improvement of L I D 4662 for paving and storm drains on Madison from No. 37th to No. 39th; Bennett St. from No. 14th to No. 18th; So. 16th, Moorlands Drive to Mullen; Meyers from 6th Ave., So. 8th from Jackson Ave. and Fairview Drive from 6th Ave. north to cul-de-sac. <sup>50:479</sup> 52:118

Mr. C. P. Knowlen, residing at 3915 No. 38th Street, presented protests signed by 10 property owners and representing 8 of the 10 homes on Madison Street.

Mr. Steele explained that this street ends at a dead end. The proposed paving, he said, does not particularly lend any advantage to the area. He said he did not feel that it would be wise to spend the City's matching funds for this improvement.

Mr. Murtland said that he had visited the area several times and advised that the two streets, from 37th to 38th and from 38th to 39th, have entirely a different problem. One is more or less a through street, while the area from 38th to 39th is a dead end street and is used only by the residents in the area. He suggested that the area between 38th and 39th be deleted from the project.

After further discussion it was moved by Mr. Cvitanich that Madison Street between No. 38th and No. 39th be deleted from the L I D. Seconded by Mr. Easterday.

Voice vote taken on the motion resulted as follows: Ayes 8; Nays 0; Absent 1, Perdue.

Mr. Leo Green, representing the Beebe Realty Company, asked that the Council also delete the area of So. Meyers Street running from 6th Avenue south to the abutting residential property. He said this particular portion of So. Meyers abutts business property which is now under development, and if the permanent paving is put in now it will have to be torn up when the proper business program, now under way by his client, is instituted. He urged the Council to delete this area until such time as the business area is completed.

Mayor Hanson said this is a situation where there is paving all around and this one area is left unpaved.

Mrs. Price asked why this section was not paved at the same time as the other streets.

Mr. Schuster said he did not know.

Mr. Green said the reason this street was not included in an L I D last year was that there was a definite movement at that time to build a clinic, and up to the present time this has not yet materialized. He said there is 100% remonstrance on this area, and inasmuch as it is not contiguous to the rest of the L I D it could be deleted.

Mr. Greent said his client proposes to cover the existing gravel surface with a double bituminous treatment which will provide excellent protection as a temporary measure until construction is completed.

Mayor Hanson asked Mr. Green how much would this cost his client. Mr. Green said he figured it would cost approximately \$700 to \$800. Mayor H said, if his client would apply this \$700 to \$800 on payments for this L I D, and at the end of approximately three years he would not have to face the entire cost.

Mrs. Price asked if the protest filed by Mr. Green on behalf of the Beebe Realty Co. is legal.

Marshall McCormick, City Attorney, replied that under the State Law the owner, or reputed owner, has the right to protect, but the only way another person can file a protest is to have the authority of the Power of Attorney, which Mr. Green did not have in this instance.

Mayor Hanson said he would not dispute Mr. Green's right to represent the Beebe Realty Co. but he said when he votes Yes on the Ordinance it will not be for that reason but for the reason he feels that otherwise it will create a hardship on the future plans of the City.

Roll call was then taken on the Ordinance/ <sup>as amended,</sup> resulting as follows:

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

Ordinance No. 16565:

Providing for the improvement of L I D 4666 for paving, curbs and gutters and street lights on various streets in the vicinity of South 78th and Alaska. Read by title and passed. 29

Roll call was taken on the Ordinance, resulting as follows:

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

Ordinance No. 16566:

Providing for the improvement of L I D 6775 for modern street lights on the existing wooden poles in the area between So. 36th and So. 40th from Hosmer to Sheridan, also in the vicinity of East 32nd and D Streets. Read by title and passed. 45

Roll call was taken on the Ordinance, resulting as follows:

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

UNFINISHED BUSINESS:

The Director of Utilities presents the assessment roll for the cost of the improvement in L I D 5311 for cast iron water mains in So. Sprague from So. 64th to So. 70th Streets. 50:274 236

It was moved by Mr. Easterday that June 14, 1960 be set as the date for hearing. Seconded by Mrs. Price. Voice vote on the motion resulted as follows: Ayes 8; Nays 0; Absent 1, Perdue.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

Report from the Tacoma Employees Retirement System for the month of April, 1960.

Report from the Tacoma Transit System.

Reports from the Light Division, Water Division, Belt Line Division for the month of March, 1960.

COMMENTS:

Mr. Rowlands reminded the Council that May 6th would be Seattle-Tacoma night at Sick's Stadium in Seattle.

Mr. Rowlands distributed data on the income from the Parking Lot at the Ballfield. 109

Mayor Hanson asked if the Parking Lot would be ready by May 9th. 176

32  
MAY 2 1960

Mr. Schuster said work was started on the north parking lot last Friday. On checking progress this morning, he found everything proceeding as scheduled. If the weather holds out he felt sure it would be ready by next Monday.

Mr. Easterday asked that the Council be provided with a report on the amount the City will receive from the sale of the concession wares and also the paid attendance.

Mr. Rowlands said the reason this information has not been supplied to the Council before now was that it is almost impossible to determine their expenses. According to the contract, the City and County is paid on the basis of the net income.

Mr. Cvitanich explained that Mr. Henry L. Carlson, residing at 6019 So. 64th, and Mr. John P. Piper, residing at 6220 So. 62nd, were present and would like to speak to the Council on a claim filed some time ago against the City in reference to damages resulting from the City piping storm water into Leach Creek.

Mr. Carlson asked if the City Engineer felt the proposed dam would be effective in preventing the flooding along Leach Creek.

Mr. Rowlands asked Mr. Schuster, Public Works Director, to give some background on the problem.

Mr. Schuster explained that the proposed holding basin on Leach Creek, south of Fircrest, will probably not stop the highest water run-off anymore than it did before the pre-City storm<sup>drain</sup> days. The design of the holding basin would be to keep the maximum stream flow under 72 cubic feet per second. Mr. Schuster said the City has a measuring gauge at the north of Fircrest, another south of Fircrest, and another near Bridgeport Way. The amount of water picked up below the measuring gauge at No. 19th Street is several times the amount going through the gauges at the 19th Street entrance to the sewer. He said he did not know what Mr. Carlson meant when he asked if the floods would continue. He explained that the City cannot control all the waters going into Leach Creek. The amount of water going in at Bridgeport Way, south of the holding basin, is several times the amount of water that goes through the measuring gauge south of Fircrest.

Mr. Easterday asked what was the maximum amount of water passing through the gauge at Bridgeport Way at present.

Mr. Schuster said he did not realize this subject was to be discussed and he did not have any figures available. The amount at Bridgeport Way varied from 2 to 8 times as much as at So. 19th Street. The maximum average was 42 cubic feet per second, while at So. 19th it was 10-1/2, and added, there is a tremendous amount of water going into Leach Creek with which the City has nothing to do.

Mr. Easterday asked if the City intended to let 70 cubic feet per second go through the holding basin while previously the high was 42 cubic feet.

Mr. Schuster explained that 42 cubic feet was not the previous high.

Mr. Rowlands said that the Fish and Game Division established the 70 cubic foot measurement two years ago.

Mr. Carlson said that the creek could not stand 70 feet at this location, and prior to the dam, the maximum was 44 feet.

Mr. Schuster said that 44 feet is the maximum that has been measured at this location. Before the pipe was installed, In 1959 figures show a 66 cubic foot maximum.

Mr. Schuster said heavy rains were responsible for this damage. Not only did Leach Creek feel an increase, but all areas in the City were affected.

Mr. Steele said it is not a question of damage being done, rather "is the City liable for the results?" The City may be able to find some means of diverting the water flow, but the matter of liability is the question here.

Mr. McCormick explained that his office denied the claim which was filed against the City in the amount of \$3000 due to the evidence and facts presented which showed that Fircrest and Pierce County are contributing more water to the Creek than the City. He said there is no question they have been damaged, but based on the facts presented to the legal office, it was felt the City was not liable. He said Mr. Carlson and Mr. Piper have a right to obtain counsel and bring suit against the City. In that event, it will be then be in the hands of the Court.

Mayor Hanson said that the City Council will investigate the matter further and bring it up at a later date.

Mrs. Price moved that the matter again be brought up on May 23rd. Seconded by Cvitanich.

Voice vote taken on the motion resulted as follows: Ayes 8; Nays 0; Absent 1, Perdue.

Mr. Cvitanich said he would like to make a comment on one point that has come to his attention, that when a request is made of letters of commendation that they are sent from the City Manager's office. He said he felt they should come from the Mayor's office as he is the elected representative and titular head of the City, and thought, the Mayor should be the one to sign such letters.

Mr. Rowlands, City Manager, said as a routine matter their office has been sending out these letters but it can be changed at the discretion of the Mayor and City Council.

Mr. Bott agreed, that regardless of what has been done in the pas it would be more effective ~~inasmuch as~~ <sup>inasmuch as</sup> the Mayor is an elective official, these letters.

Mr. Bott asked what type of insurance the City has for the escalators. He asked if it was a general coverage so that the City will be protected in the event of any liability.

Mr. McCormick, City Attorney, said when the escalators are in operation, the City will then examine their policies and determine that phase.

Mr. Murtland said he would like to make a few comments in reference to Resolution No. 16124 which was adopted earlier in the meeting. He said he felt any matter that comes before the City Council that is as important as this should be allowed sufficient so that it can be completely studied, <sup>should</sup> it can be completely studied, or that a Councilman can have the privilege of postponing the matter for one week. He thought this should be given some thought in the future.

Mayor Hanson said it has been the policy of the City Council to postpone such matters unless there has been some reason to pass them immediately.

MAY 2 1960

Mr. Murtland said he was not opposed to the Resolution but objected to the time involved.

Mr. Porter said he agreed with Mr. Murtland's request. He said the reason he was not in favor of the postponement of the Resolution was that Mr. Disbro requested that it be passed tonight as it was urgent.

Mrs. Price said she has spoken to the Council before in reference to the T. Y. C. O. who put on the festival entitled "In Vienna" at the Jason Lee Jr. High Auditorium. She said she attended the festival and found it to be very good. The group should be congratulated on their great performance. She said they are giving a repeat performance on May 21st and that she had complimentary tickets for the Council Members and their wives, if they wish to attend. She said she hoped the Council Members could find the time to see this performance.

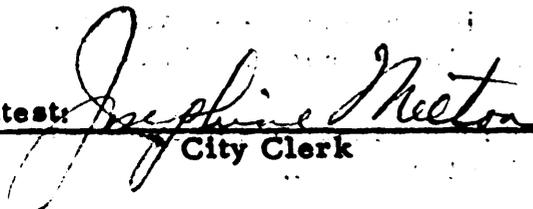
Mr. Steele asked if the proceeds are going to develop the Youth Center at North J Street.

Mrs. Price said that was correct.

Mr. Bott asked that the press table be enlarged to accommodate the So. Tacoma Star and Labor Advocate reporters.

There being ~~no further~~ no further business to come before the City Council, upon motion duly seconded and passed, the meeting was adjourned at 8:15 P. M.

  
Mayor of the City Council

Attest:   
City Clerk