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COUNCIL CHAMBER, 7:30 P.M.

Monday, September 24, 1956.

Council met in regular session. Present 8; Battin, Bratrud, Goering, Humiston, Perdue, Stojack, Tollefson, Anderson. Absent 1; Jensen, taking his seat at 7:34 P.M.

Mr. Stojack reported there is an error in the minutes on page 3 in the Wagner hearing, as the "C-1", which appears twice, should have been "C-2" each time. It was moved by Mr. Stojack, seconded by Mr. Perdue that the minutes of the previous meeting, copies of which had been mailed by the Clerk to each Council member, be amended on page 3 by changing "C-1" to "C-2" wherever it appears, and that the minutes be approved as amended and the reading thereof be dispensed with. Motion carried on roll call; Ayes 8; Nays 0; Absent 1; Jensen.

PETITIONS:

X Allen H. Cady, et al, Business men at 24th and Pacific, requesting that through truck traffic be routed some other way than via this busy traffic corner, bus stop and bus transfer point. Referred to Traffic Engineer.

COMMUNICATIONS:

X Jessica Reed, suggesting (in compliance with request for suggestions made at recent meeting of the Humane Society) that a clause be included in Tacoma's present dog ordinance relative to "requiring that a dog owner shall not permit a dog to be off the premises or property of the owner unless under the control of a competent person." Referred to the Tacoma-Pierce County Humane Society.

RESOLUTIONS:

Resolution No. 14779.

By PERDUE:

Denying the application of Paul F. Salatino (for Red & White Taxi Co.), Grover Orris (for Crosstown Taxi Assn.), Frank Park (for Washington Taxi), Wm. J. Harlow (for Veterans Taxi), John Piazza (for K Street Taxi), and Clarence W. Clark (for Tacoma Yellow Cab) for a four-car open taxi stand (new) at either the north side of 21st Street between A Street and Pacific Avenue or the east side of Pacific Avenue south of 21st Street.

Adopted on roll call September 24, 1956.  
Ayes 9; Nays 0; Absent 0.

Resolution No. 14780.

By GOERING:

Authorizing a private sale of property at 2119 South Fawcett Avenue to O. O. McLane for \$10.00 in cash, and authorizing execution and delivery of a local improvement assessment deed to said purchaser (to clear title).

Adopted on roll call September 24, 1956.  
Ayes 9; Nays 0; Absent 0.

Resolution No. 14781. x L. I. D. 4608.

By TOLLEFSON:

Fixing October 16, 1956 as date for hearing on L I D 4608--concrete pavement with cement concrete curbs and gutters and storm water catch basins on North 8th

Street from Junett Street to Pine; on North 8th from Union to Warner; on North 10th from Oakes to Steele; on North 11th from Oakes to Steele and from Stevens to Madison; on North 14th from Fife to Steele and from Cheyenne to Verde and on Monroe from North 11th to North 13th.

Adopted on roll call September 24, 1956.  
Ayes 9; Nays 0; Absent 0.

It was moved by Mr. Stojack, seconded by Mr. Bratrud that Rule 7, relative to filing of new matter for Council's consideration, be suspended in order to take action on a resolution which is not on tonight's agenda. Motion carried unanimously on voice vote.

Resolution No. 14782.

BY GOERING:

Approving recommendation of Director of Public Works and Board of Contracts and awarding the contract for purchase of one Medium Heavy Duty Motor Grader and Bulldozer Attachment to the Caldwell Machinery Co. for the purchase price of \$14,936.20, plus sales tax, which bid is determined to be the best bid. Mr. Rowlands reviewed the provisions of the resolution for Council's information. Mrs. Goering asked if there was any emergency necessitating that the resolution be adopted at tonight's meeting as she did not feel she had sufficient time to become informed on the matter. Mr. Rowlands said there was no existing emergency. It was moved by Mrs. Goering, seconded by Mr. Bratrud, to lay Resolution No. 14782 over for one week to October 1, 1956. Mr. Jensen said in his opinion the Caterpillar Grader would be the cheapest investment over the years, although it costs a little more for the initial purchase price. He pointed out that Murphy-Campbell, dealer for the Caterpillar, is a local concern and has a complete stock of parts, which would give quick service on repairs. In reply to a question about parts for the Huber Warco, Mr. Bronow of the Public Works Department, advised that Caldwell Machinery Co. of Seattle had a small stock of parts and would be able to service the equipment. Mr. Robert L. Brown, Vice President of Murphy-Campbell, agents for the Caterpillar, said they are a local firm, employ 50 or more people, and have a parts stock of \$150,000 a month. He said that in a purchase of this kind, the long term pull is what counts, and he felt the Caterpillar would be the best investment and asked to be considered in the awarding of the bids. Roll was called on the motion to postpone the Resolution to October 1, 1956, which carried: Ayes 9; Nays 0; Absent 0.

Mrs. Goering at this time made a statement that in the future she intends to ask to have all resolutions, except where a real emergency exists, which she has not had an opportunity to study, laid over until the next meeting.

FIRST READING OF ORDINANCES:

Ordinance No. 15707.            L I D 1949.

Approving and confirming assessment roll for L I D 1949--construction of sanitary sewers from existing manhole 145 feet south of South 80th Street, thence continuing northward between South K Street and South L Street approximately 520 feet. Read by title and placed in order of final reading.

Ordinance No. 15708.            L I D 2187.

Approving and confirming assessment roll for cost of improvement in L I D 2187--cement concrete sidewalks on North 27th Street from Stevens Street to Tyler Street (both sides); North 27th Street from Tyler Street to approximately 124 feet east (north side only) and on North Stevens Street from 27th Street north to the alley.

(east side only). Read by title and placed in order of final reading.

Ordinance No. 15709.      L I D 2210.

Approving and confirming assessment roll for L I D 2210- gravel and crushed rock oil mat surface and acquisition of right of way on North 26th Street (Narrow's Drive) from Pearl Street to Jackson Avenue and approximately 400 feet north of North 15th Street. Read by title and placed in order of final reading.

Ordinance No. 15710.      L I D 2223.

Approving and confirming assessment roll for L I D 2223--crushed rock and oil mat surface on alley between South Tacoma Way and Puget Sound Avenue from South 9th Street to South 62nd Street. Read by title and placed in order of final reading.

Ordinance No. 15711.      L I D 4562.

Approving and confirming assessment roll for L I D 4562--grading, asphalt paving, concrete curb and gutter and storm sewer on South J Street from South 38th Street to South 37th Street. Read by title and placed in order of final reading.

Ordinance No. 15712.      L I D 4590.

Approving and confirming assessment roll for cost of improvement in L I D 4590--cement concrete pavement and storm sewer on Boundary Street from Center Street south one hundred feet. Read by title and placed in order of final reading.

Ordinance No. 15713.      L I D 5255.

Approving and confirming assessment roll for cost of improvement in L I D 5255-- cast iron water main in East 55th and East 57th from McKinley to East L and in East L from East 55th to East 57th. Read by title and placed in order of final reading.

Ordinance No. 15714      L I D 5282.

Providing for the construction of a 6-inch cast iron water main in K Street from South 65th Street to South 67th Street and in South 67th Street from K Street to L Street; creating L I D 5282. Read by title and placed in order of final reading.

Ordinance No. 15715.      L I D 5283.

Providing for construction of 6-inch cast iron water main in Junett from South 10th Street to South 45th Street, and a 12-inch cast iron water main in South 40th Street from Junett Street to Pine Street; creating L I D 5283. Read by title and placed in order of final reading.

Ordinance No. 15716.

Requiring the maintenance of continuous lighting in public cold storage lockers and of an emergency warning device in connection therewith; and providing penalties for the violation hereof. Read by title and placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 15703.

Amending Ordinance No. 14793-- ZONING ORDINANCE-- by amending Section 37 thereof. (Relative to changes and amendments to the Zoning Ordinance). Read by title and passed.

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

Ordinance No. 15704.

Amending Section 1 of Ordinance No. 15515 entitled: "An ordinance vacating that portion of Campbell Street extending from Ruston Way in an easterly direction approximately 257.042 feet to the government bulkhead line, and Edwards Street from Ruston Way in an easterly direction approximately 404.144 feet to the government bulkhead line." Read by title and passed. 47,262

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

Ordinance No. 15705.

Authorizing the Director of Utilities to enter into a contract between the City of Tacoma on behalf of the Department of Public Utilities, Light Division, and the Peninsula Light Company, Inc., a corporation. Read by title and passed.

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

Ordinance No. 15706.

L I D 4613.

Providing for paving with asphaltic concrete, construction of curbs, gutters and driveways and installation of necessary storm drainage on L Street from South 35th Street to South 39th Street, also on Cushman Avenue and Ainsworth Avenue from South 37th Street to South 38th Street, also construction of storm sewer only on South 35th Street from M Street to L Street; creating L I D 4613; and appropriating the sum of \$3,000 from City Street Fund, to be used and expended towards the payment of the cost to the City of the City's participation in the payment of said L I D. Read by title, and passed. 47,499

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

UNFINISHED BUSINESS:

The petition of Robert Creso (9-17-56) for license for motel at 1521-6th Avenue, was taken up at this time. The Fire Chief and City Manager had recommended this license be denied and the matter was laid over to this date by Council on September 17th to see if the difficulties can be resolved. The Clerk read a communication from Lt. R. K. Heymel, Officer in Charge of the Fire Prevention Bureau, advising that Mr. Creso has complied with the renovation requests outline during the Council session of September 17th and the Bureau now recommends the license be granted. Moved by Mr. Stojack, seconded by Mr. Bratrud to grant the license for motel at 1521- 6th Avenue to Robert Creso. Motion carried on roll call: Ayes 9; Nays 0; Absent 0. 3

The Clerk read a memo from the Public Works Department, stating they desire to delay the passing of the ordinance for L I D 4614 (asphaltic paving, curbs and gutters on North Adams Street from North 9th to 12th; on Cedar Street from North 7th to 8th; on North 8th from Cedar to Junett and on North 7th from Warner to Lawrence) until such time as City participation funds are available. Dr. Humiston raised the question why the City can't pass these ordinances as the districts are created. City Engineer Calkins replied that the Council would then actually be passing an ordinance to commit funds which have not been provided. City Attorney McCormick agreed with this interpretation. Dr. Humiston said he was concerned that these L I Districts keep their priority when funds are available and Mr. Rowlands and Mr. Calkins agreed that they would be handled in this manner. It was moved by Mr. Stojack, seconded by Mr. Perdue that the request of the Public Works Department, to hold up the ordinance for L I D 4614 until funds are available, be granted. Motion carried on roll call: Ayes 9; Nays 0; Absent 0. 47,479 103

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Mrs. Goering stated that some of the Council members feel they would like to hold further discussion on the three resolutions placing Charter amendments on the ballot, which were adopted last Monday.

Mr. McCormick advised there were two methods which can be followed to accomplish this:

- (1) The vote of last meeting can be reconsidered on motion of a member who originally voted with the prevailing side; or
- (2) A resolution may be adopted, rescinding or repealing the previous resolution.

Mr. McCormick read the State Statute governing Special elections, which in brief states that the County Auditor, upon request of the governing body of a City, if he deems an emergency to exist, may call a special election. This means that the calling of a Special Election is entirely within the discretion of the County Auditor, Mr. McCormick pointed out.

Mrs. Goering asked if the City had received any communication from the County Auditor. The Clerk read a communication of Jack W. Sonntag, Pierce County Auditor, which stated that in order for him to call a Special Election, it must be shown that an emergency exists; that the size of the ballot November 6th, plus the fact that the number of state, County and Port propositions is greater than usual, forces him to point out a physical limitation on the number of additional propositions that can be added to the ballot; but if the City feels it must have a Special Election before its next election in the Spring of 1958, and will so state in a letter, plus the fact that a Special Election at a later date would cost the City taxpayers approximately \$25,000, he would then be obligated to authorize an emergency for such an election. Mr. Sonntag explained his position to the Council in substantially the same words as contained in his letter.

Mr. Perdue said it seemed to him that the Council could not justify any of the three propositions as being an emergency. Mrs. Goering said she would have to be shown how an emergency exists. Mr. Tollefson also said he could see no emergency. Mr. Jensen said he felt there was an emergency in view of the fact that at the Charter election last March 48% voted against this form of government, and the elected Civil Service Board and elected Mayor were two of the issues which were highly controversial and debatable at that time.

Dr. Humiston stated that last Monday he had not been aware of the emergency provision necessary in order to hold a special election, and in view of this information he moved that the vote on Resolution #14777 (providing for direct election of Mayor) be reconsidered. Motion seconded by Dr. Battin and carried on roll call: Ayes 5; Battin, Goering, Humiston, Perdue, Tollefson; Nays 4; Bratrud, Jensen, Stojack, Anderson. Absent 0.

Mr. Tollefson said he felt the request of the auditor was a valid one, made in good faith and should be honored. Mr. Bratrud said this very amendment has been under consideration for some time. It was not placed on the ballot last March because it was feared it would endanger the vote on the Charter, he added. It was beginning to look like the citizens would never have a chance to vote on this, Mr. Bratrud stated. Mr. Battin pointed out that this could be initiated by a petition of the people. Mrs. Goering said she questioned the timing. These three resolutions of tremendous importance were presented to the Charter Committee just four hours before Council meeting, she added. The resolution was called for.

Resolution No. 14777. 48.6

ANDERSON:

Providing for submission to qualified voters of City at a Special Municipal Election to be held on November 6, 1956 of a proposition to amend Sections 2.1 and 2.2 of Tacoma's Charter to provide for direct election of Mayor for four-year term.

Roll call: Ayes 4; Bratrud, Jensen, Stojack, Anderson. Nays 5; Battin, Goering, Humiston, Perdue, Tollefson. Absent 0. Resolution was declared lost on roll call.

It was moved by Mr. Tollefson to reconsider the vote on Resolution No. 14776 (providing for election of Civil Service Commissioners by the voters). Motion seconded by Mr. Perdue and carried on roll call: Ayes 5; Battin, Goering, Humiston, Perdue, Tollefson. Nays 4; Bratrud, Jensen, Stojack, Anderson. Absent 0.

The Mayor asked if anyone in the audience wished to be heard. Mr. D. H. Ketler indicated that he would like to speak and the Mayor asked if any member of the Council objected. Mr. Bratrud objected saying he felt this decision was one for the Council to make and he could see nothing to be gained by hearing from anyone in the audience. The Mayor advised that under these circumstances he would have to rule that Mr. Ketler could not address the Council.

The Resolution was called for:

Resolution No. 14776.

47:5

By BRATRUD:

Providing for submission to voters of City at Special Election to be held on November 6, 1956, of a proposition to amend Sec. 6.11 of Tacoma's City Charter to provide for election of Civil Service Commissioners by the voters in place of appointment by the Council.

Roll call: Ayes 4; Bratrud, Jensen, Stojack, Anderson. Nays 5; Battin, Goering, Humiston, Perdue, Tollefson. Absent 0. Resolution declared lost on roll call.

It was moved by Mrs. Goering, seconded by Dr. Battin to reconsider the vote on Resolution No. 14778 (to transfer control, operation and maintenance of water utility from Public Utility Board to City Council and City Manager.) Motion carried on roll call: Ayes 5; Battin, Goering, Humiston, Perdue, Tollefson. Nays 4; Bratrud, Jensen, Stojack, Anderson. Absent 0.

Mr. Jensen said he believed that the members who are changing their vote must have received some additional information since the last meeting and he felt the Council as a whole should have the benefit of this.

Dr. Battin said he had worked for the provision of placing the Water Department under the City Manager as a Freeholder and he still believed it to be the logical thing. He doubted the timing last Monday, but voted for it as a matter of principle, he stated. At an appropriate time he will fight hard for such a proposition, Dr. Battin said. Bad timing is the reason he is changing his vote, Dr. Battin said.

Mrs. Goering said she did not feel it proper to propose such an amendment without laying a foundation. She maintained the idea should be discussed with the Utility Board, and time should be allowed the Citizens to decide, and she suggested this was a good place to use a Citizens Advisory Committee to help the Council make a wise decision.

The Resolution was called for:

Resolution No. 14778.

47:7

By ANDERSON:

Providing for submission to the qualified voters of the City of Tacoma at a Special Municipal Election to be held on November 6, 1956 of a proposition to amend Section 4.10 of Tacoma's City Charter to transfer control, operation

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and maintenance of water utility from Public Utility Board to City Council and City Manager.

Roll call: Ayes 3; Bratrud, Jensen, Anderson. Nays 6; Battin, Goering, Humiston, Perdue, Tojack, Tollefson. Absent 0. Resolution was declared lost on roll call.

It was moved by Dr. Humiston that the Clerk be directed to send a certified copy of these three actions to the County Auditor. Motion seconded by Dr. Battin and carried on roll call: Ayes 9; Nays 0; Absent 0.

Upon motion, duly seconded and carried, Council then adjourned at 8:52 P.M.

John H. Anderson  
President of City Council.

Test: Josephine Melton  
City Clerk.