

Monday, October 18th, 1954.

Council met in regular session. Present 7; Battin, Goering, Hooker, Humiston, Jensen, Perdue, Tollefson. Absent 2; Bratrud, for entire meeting; Stojack, taking his seat at 7:45 P. M.

It was moved by Col. Hooker, seconded by Dr. Humiston, that the minutes of the previous meeting, copies of which had been mailed by the Clerk to each Councilman, be approved and the reading thereof be dispensed with. Motion carried on roll call: Ayes 7; Nays 0; Absent 2; Bratrud, Stojack.

PETITIONS:

G. W. Pease; for light lunch stand at Athletic Park at 15th and So. Ferry. The Director of Health recommended the petition be denied as the premises do not comply with the requirements of the Health Department, and the City Manager concurred in the recommendation. It was moved by Dr. Humiston to concur in the recommendation of the Health Director to deny the application. Motion seconded by Mr. Perdue and carried on roll call: Ayes 7; Nays 0; Absent 2; Bratrud, Stojack.

COMMUNICATIONS AND MEMORIALS:

The following communications were submitted and referred to the City Manager:

Oakland P. T. A., urging the passage by the City Council of an ordinance making it illegal for dogs to be loose on school grounds; 366

Tacoma Council of Parents and Teachers, recommending that a City ordinance be passed making it illegal for dogs to be allowed on school playgrounds without leash, and if dogs are picked up on school playgrounds, a fine be imposed; 366

Carl M. Owen, stating he feels it is time the City of Tacoma takes action for control of straying dogs, which damage lawns, flowers and shrubs; pointing out that San Diego and Sacramento have laws which require dog owners to keep pets on their own property unless exercising them on a leash; and expressing hope that the City Council will thoroughly go into the matter and give the long suffering gardeners some relief. 366

RESOLUTIONS:

Resolution No. 14062.

By JENSEN:

Authorizing a private sale of all right, title and interest of City of Tacoma acquired by and through local improvement District assessments and proceedings for foreclosure for sum of \$18.52 and authorizing execution and delivery to George B. Harlan and Marie A. Harlan of a local improvement assessment covering Lot 13, Block 16, Paxton and McMillan Addition, (located at South 10th between Verde and Gove).

Adopted on roll call October 18, 1954.

Ayes 8; Nays 0; Absent 1; Bratrud.

Initial Resolution No. 14063- L. I. D. 2214.

By JENSEN:

Stating intention of Council to order grading and laying cement concrete sidewalks on east side of Baltimore Street from North 26th Street to approximately 130 feet north of North 27th Street, and on both sides of North 27th Street 398

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from Baltimore Street for approximately 291 feet east and grading and oil mat on North 27th Street from Baltimore Street for approximately 291 feet east; creating L I D 2214; and fixing November 16th, 1954 as the date for hearing thereon. It was moved by Col. Hooker to suspend Rule 9, seconded by Dr. Humiston and carried unanimously on voice vote. The resolution was then adopted without having been read in full.

Adopted on roll call October 18, 1954..
Ayes 8; Nays 0; Absent 1; Bratrud.

Resolution No. 14064.

By HOOKER:

Agreeing with the Department of Highways of State of Washington and Bureau of Public Roads of Department of Commerce of the U. S. that the City of Tacoma will not in the future permit encroachments on right of way of Federal Aid Project, F. A. U. Project No. 4601 (1) (over Milwaukee Way extension from its intersection Lincoln Avenue, southeasterly to a junction with U. S. No. 99 at the easterly end of Puyallup River Bridge) nor pass any ordinances or laws affecting the free flow of traffic on said street or erect or install signs that will unreasonably hinder or delay traffic on said streets. It was moved by Dr. Battin to suspend Rule 9, seconded by Col. Hooker and carried unanimously on voice vote. The resolution was then adopted without having been read in full.

Adopted on roll call October 18, 1954.
Ayes 8; Nays 0; Absent 1; Bratrud.

Resolution No. 14065.

By PERDUE:

Authorizing and directing the City Manager to make, execute and deliver to the proper officer of the United States Army, an agreement to be executed on the government's D. A. form 361, providing for the sponsorship of a Criminal Investigation Detachment as a reserve unit of the United States Army by the City of Tacoma, through its Police Department, said agreement to be approved by the City Attorney and to contain a provision that the agreement may be terminated at any time by written notice by either party.

Adopted on roll call October 18, 1954.
Ayes 8; Nays 0; Absent 1; Bratrud.

Resolution No. 14066.

By STOJACK:

Accepting the Amended plat Blocks 2 and 3 The Moorlands Addition to the City of Tacoma. (Located in vicinity of South 18th Street near Orchard Street). Dr. Humiston stated that in his opinion part of the description appeared to have been omitted from the body of the resolution. After examining the document, City Attorney Boyle admitted that the words "Amended Plat Blocks 2 and 3" had inadvertently been left out in drafting the resolution. It was moved by Dr. Humiston, seconded by Col. Hooker to insert after the word "That" in the first paragraph following "Be it resolved by the Council of the City of Tacoma" the following: "Amended Plat Blocks 2 and 3". Motion carried on roll call: Ayes 8; Nays 0; Absent 1; Bratrud. The resolution was then adopted as amended.

Adopted on roll call October 18, 1954.
Ayes 8; Nays 0; Absent 1; Bratrud.

Resolution No. 14067.

By HUMISTON:

Allowing Director of Utilities during the time that Resolution No.

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U.-66 is in full force and effect to sell surplus transformers of the Light Division up to and including 15 Kva capacity to purchasers thereof in amounts exceeding the sum of \$100.00. The resolution was discussed and it appeared that none of the Council members were familiar with the provisions of Res. #U-66, referred to therein. Since a copy was not available, it was the consensus that the Utility Board should furnish the Council with this information. It was also the opinion of the Council that Res. #14067 was too liberal and allowed too much leeway. It was moved by Mr. Stojack, seconded by Mr. Perdue that Resolution No. 14067 be tabled for one week to October 25th for further study. Motion carried unanimously.

Resolution No. 14068.

By JENSEN:

Approving recommendation of the Fire Chief and Board of Contracts and Awards and awarding contract for the construction of a fire station at 3471 South 35th Street to G. Kirkebo and Son on their low bid of \$49,935.00.

Adopted on roll call October 18th, 1954.

Ayes 8; Nays 0; Absent 1; Bratrud.

FIRST READING OF ORDINANCES:

Ordinance No. 15142.

Authorizing and directing the City Attorney of the City of Tacoma to purchase and/or institute and prosecute an action in the Superior Court of the State of Washington for Pierce County under the right of eminent domain for the condemnation and acquisition in fee simple of certain tracts or parcels of land for the purpose of acquiring a right of way for alley in order to complete the alley now existing between Park Avenue and Yakima Avenue from South 61st Street to South 64th Street in the City of Tacoma; and providing for the payment therefor. Read by title and placed in order of final reading.

Ordinance No. 15143.

Appropriating the sum of \$2900.00, or so much thereof as may be necessary, from Cumulative Reserve Fund, Maintenance and operation, to pay the cost of printing, mailing and other related costs incurred in preparing the annual report of 1954. Read by title and placed in order of final reading.

Ordinance No. 15144.

Fixing the salary of the Police Court Judge of the City of Tacoma for the four-year term commencing in January, 1955. (\$7920 per annum, \$3,000 per annum payable by Pierce County, and sum of \$4920 per annum payable by the City of Tacoma). Read by title. Colonel Hooker said that in his opinion the salary set forth in this ordinance is very inadequate, in view of the volume of work and the responsibility involved and the educational requirements, and therefore he felt the pay should be higher. It was moved by Col. Hooker to amend Ordinance No. 15144, Section 1 by changing the salary of the Police Judge as follows: 1st year \$7920.00, 2nd, 3rd and 4th years \$8,700 per annum. Motion seconded by Dr. Battin. The motion was discussed by the Council members at length and at the conclusion of the discussion roll was taken on the motion, resulting as follows: Ayes 7; Nays 1; Stojack; Absent 1; Bratrud. The ordinance was then placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 15137.

Controlling the discharge of the contents of septic tanks into the municipal

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sewer system; and establishing charges for such disposal. Read by title. It was moved by Col. Hooker, seconded by Dr. Humiston to suspend Rule 9 and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

Roll call: Ayes 7; Nays 1; Jensen; Absent 1; Bratrud.

Ordinance No. 15138. L I D 5237.

Approving and confirming the assessment and assessment roll for cost of improvement in L. I. D. 5237. Read by title. It was moved by Dr. Humiston to suspend Rule 9, seconded by Dr. Battin and carried unanimously on voice vote. Roll was then taken on passage of the ordinance, without same having been read in full.

Roll call: Ayes 8; Nays 0; Absent 1; Bratrud.

Ordinance No. 15133. (.Laid over to this date on October 11th)

Appropriating the sum of \$9,317.62 from Cumulative Reserve Fund, Public Buildings for the purpose of the payment of the cost of installation of fixtures in the general office of the City Treasurer and the installation of a counter top in LID section of said office. Read by title. Mr. Backstrom reported that at the time the work was performed money was appropriated from Cumulative Reserve Fd A (Public Buildings) by the Council then in office to pay for the remodeling by Ordinance No. 14800, on May 27, 1953. Mr. Gaisford said that through an oversight of the Controllers office in the change-over of government, the bill had not been paid, and as funds are still available, the matter can be taken care of by his office without the authorization of Ordinance No. 15133. Roll was then called on the passage of the ordinance, resulting as follows:

Roll call: Ayes 0; Nays 8; Absent 1; Bratrud. Declared lost on roll call.

UNFINISHED BUSINESS:

This being the date fixed by the Council for the hearing on the appeal of Lester R. Earp (8-16-54) from the decision of the City Planning Commission to deny his petition to have the west 200 feet of the block on Sixth Avenue between Stevens and Verde Streets rezoned from an R-2 District to C-1 District, the matter was considered at this time. Mr. Vernon R. Pearson, Attorney for Mr. Earp presented to each Council member a photostatic copy of a sketch showing the zoning status prior to 1953 and the zoning status of the property at the present time. Mr. Pearson explained this map, which is broken down to commercial zones and residential zones. He also presented each Council member with a "Statement of Petitioner Lester R. Earp in support of his application for recalassification from "R-2" to "C-1". Mr. Earp stated in said brief that when the property was purchased it was zoned as a commercial district then in 1953 it was rezoned by the Planning Commission, without the knowledge of the property owners, to a residential district. The action of the Planning Commission in 1953 split the block between Verde Street and Stevens Street in half, so that the east half is zoned commercial and the west half is zoned as a residential district. Mr. Pearson explained to the Council that 72% of the property owners within a radius of 400 feet signed a petition in favor of the rezoning and no protests have been filed against it, even though notices were sent to each property owner by the Planning Department prior to the hearing date. Mr. Wilcox, Chief Planner, spoke to the Council regarding the decision of the Planning Commission on Mr. Earp's petition for rezoning. Mr. Wilcox stated that at the present there is enough property in the area zoned as commercial to take care of future business expansion. He added that there is not enough purchasing power present in the City to warrant the establishment of additional commercial strip zoning along the major streets of the City, and a serious lack of parking facilities exists to accommodate cars that patronize the present businesses. Mr. Wilcox also said that strip zoning along major streets is not good planning in

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view of present day traffic problems. The rezoning was discussed at length by the Council, and many questions were asked of Mr. Wilcox and Mr. Pearson. After the discussion, it was moved by Col. Hooker, seconded by Dr. Humiston that the decision of the Planning Commission be reversed and the property requested by Mr. Earp be rezoned to C-1 Commercial District. Carried on roll call: Ayes 7; Nays 1; Stojack, Absent 1; Bratrud.

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

H. M. TOLLEFSON

President of City Council

Attest:

Josephine Melton
City Clerk.