

COUNCIL CHAMBER, 7:40 P. M.

Monday, October 11, 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 Mr. Jensen, seconded by Dr. Battin, that the minutes of the previous meeting and the budget hearing meetings, 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:

H. F. Syford, Allen Woodworth, Joseph Long, Leo Long and Thomas Carstens, et al, for rezoning property on the northwest corner of 6th and Pearl from R2 District to a C2 District. Referred to City Planning Commission.

RESOLUTIONS:

Initial Resolution No. 14059. L I D 5240.

By Humiston:

Stating intention of Council to order construction of cast iron water-mains in Winnifred Street from 6th Avenue to South 11th Street; in Shirley Street from South 9th Street to South 11th Street; and in South 11th Street from Winnifred to Shirley; creating L I D 5240 and fixing November 16th, 1954 as the date for hearing thereon. It was moved by Dr. Humiston, seconded by Mr. Perdue to suspend Rule 9 and carried unanimously on voice vote. The resolution was then adopted without having been read in full.

Adopted on roll call October 11, 1954.
Ayes: 7; Nays 0; Absent 2; Bratrud, Stojack.

At this time Mayor Tollefson called attention to the hearing on the appeal of Ray O'Flyng from the decision of the City Planning Commission to deny his petition for rezoning from R-2 District to C-1 District property known as 5220 Pacific Avenue ((8-30-54), which Council had set for this date. As Mr. O'Flyng and Mr. Wilcox of the City Planning Department were present, he suggested that this matter be taken up at this time rather than under "Unfinished Business" as set up in the Agenda. He asked that Mrs. Goering, Vice-Chairman of the City Council, assume the chair during this deliberation and that he be excused so there can be no grounds for anyone saying he exerted any influence in the hearing as Mr. O'Flyng is one of his clients.

It was moved by Dr. Humiston, seconded by Dr. Battin to suspend the regular order of business to consider the O'Flyng appeal at this time. Carried unanimously.

Dr. Humiston also asked to be excused from the hearing because of possible prejudice, since the property involved is to be utilized as a Chiropractor's Office by Dr. A. A. Adams.

Mrs. Goering called upon Mr. Ray O'Flyng to state his side of the case. Mr. O'Flyng stated that he had purchased this property for the purpose of renting it to Dr. Adams for a combined office and living quarters, and was not aware that it could not be legally used for this purpose, and he could see no reason why the Planning Commission should turn his request for rezoning down, as the property next door is used for a ten court unit and there are numerous businesses being conducted in this block and adjacent blocks. The house is not suitable for a dwelling, he contended; and unless the property is rezoned, it will undoubtedly stand idle. Mr. Landis of Forrester Inc.

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who had handled the real estate transaction, showed pictures of the enterprises on both sides of this street to acquaint the Council with the circumstances.

Mr. Kenneth Wilcox, of the Planning Dept., read a letter from Ken Roegner, Planning Commission Member, who was one of the Committee of three investigating this matter, in which he recommended that the Commercial Zone be extended to include this property. A letter was also read from Mr. Stojack, of the investigating Committee, who recommended it be denied. Mr. Marshall Perrow, the third member of the Committee, had been unable to investigate. Mr. Wilcox further stated that the matter had been carefully considered by the entire Commission after the investigating committee failed to agree. This reclassification would constitute spot zoning, which has been held unconstitutional by the State Courts, he said. Also he stated that Mr. O'Flyng was fully aware of the circumstances surrounding this property when he purchased same. There is a cloud on the title, he contended, as it was necessary to issue a court order because the original owner persisted in continuing the for living quarters of a double garage, which he had occupied during the time of construction, after the home was completed. Mr. O'Flyng denied knowledge of this and Mr. Landis contended no cloud existed, as they had been able to secure a loan and this would not have been possible had there been a cloud on the title. Mr. Boyle said he did not believe a court order had been issued as the original owner and the City had come to an agreement before this was necessary.

Mr. Wilcox also stated that these buildings were constructed in violation of the Building Code as they cover more ground than the ordinance allows. Mr. Jensen took exception to this statement as he had viewed the property and thought there was ample vacant space. Mr. Wilcox said that the Planning Commission had based their reasons for denial on the fact that Mr. O'Flyng was aware of the circumstances at the time of purchase and that there is too much property in the district used for commercial purposes at present and for this reason they do not want to extend the Commercial Zone. After a great deal of additional discussion and numerous questions on the part of the Council, Mr. Jensen suggested that the hearing be continued for one week to allow Council members an opportunity to see the property and the surroundings. It was moved by Col. Hooker that the hearing be continued for two weeks to October 25th. Motion seconded by Mr. Jensen and carried on roll call: Ayes 6; Nays 0; Absent 3; Bratrud, Humiston, Tollefson.

Order of Business reverted to

RESOLUTIONS:

Resolution No. 14060.

By BATTIN:

Adopting proposed revised items of the 1954 Construction Program, second revision, of the Public Works Department herein set forth.

Adopted on roll call: October 11, 1954.

Ayes 8; Nays 0; Absent 1; Bratrud.

Initial Resolution No. 14061.

L. I. D. 5230.

By HUMISTON:

Stating intention of Council to order installation of Cast Iron Watermains in Frances Ave. and Beverly Avenue from Scenic Drive to South line of Beverly Heights; in Scenic Drive from Broadview Ave. to Frances Ave.; in Scenic Drive from Frances Ave. to the intersection of Brown's Point Boulevard and fire hydrants and laterals to be installed on cast iron mains within the limits of Beverly Heights; creating L I D 5230 and fixing November 16, 1954 as the date for hearing thereon. It was moved by Col. Hooker to suspend Rule 9, seconded by Dr. Battin and carried unanimously on voice vote. The resolution was then adopted without having been read in full.

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Adopted on roll call October 11, 1954.

Ayes 8; Nays 0; Absent 1; Bratrud.

FIRST READING OF ORDINANCES:

Ordinance No. 15137.

Controlling the discharge of the contents of septic tanks into the municipal sewer system; and establishing charges for such disposal. Read by title and placed in order of final reading.

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 and placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 15133.

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 countertop in LID section of said office, and remodeling and carpeting in said office. Read in full. The ordinance was discussed and as this appropriation covered payment for work performed on the second floor of the City Hall approximately 2 years ago, which was before the present form of government was in effect, it was the opinion of some of the Council members that the City Manager should investigate to ascertain what agreement was entered into at that time. It was moved by Dr. Humiston, seconded by Col. Hooker to lay Ordinance No. 15133 over for one week to October 18th. Motion carried unanimously.

Ordinance No. 15134.

Repealing Section 65 c of Ordinance No. 14892, entitled; "An ordinance to provide for licensing and regulating the operation of certain devices, vehicles and things and the carrying on of certain businesses, callings, professions, trades, occupations and activities in the City of Tacoma; to provide for the suspension and revocation of licenses issued; to establish license fees; to provide a penalty for the violation hereof, etc." (General License Ordinance- repealing \$1,000 bond for wholesale produce dealer.) Read in full and passed.

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

Ordinance No. 15136. L. I. D. 1929.

Providing for construction of sewers in alley between East 61st and East 62nd Street from East B Street to East D Street; creating L I D 1929. Read by title. It was moved by Dr. Battin, 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 8; Nays 0; Absent 1; Bratrud.

Ordinance No. 15139.

Adopting the annual budget of the City of Tacoma for the fiscal year 1955; and declaring a public emergency making necessary the immediate passage of this ordinance and the immediate taking effect thereof. Read by title. It was moved by Dr. Humiston, seconded by Dr. Battin 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; Stojack; Absent 1; Bratrud.

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Ordinance No. 15140.

Fixing the amount of the tax levies necessary to raise the amount of estimated expenditures, less the estimated revenues from sources other than taxation, for the General Fund, including funds for the Library, for the City Property Assessment Redemption Fund, for the Firemen's Relief and Pension Fund, for the Local Improvement Guaranty Fund, and for the payment of principal and interest upon the general bonded indebtedness of the City of Tacoma for the fiscal year 1955, to levy the annual taxes of the City of Tacoma for the fiscal year 1955; appropriating the same to certain funds and for certain purposes; and Declaring an emergency making necessary the passage of this ordinance and the taking effect thereof immediately after publication. Read by title. It was moved by Dr. Humiston, seconded by Dr. Battin to suspend Rule 9 and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

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

It was moved by Dr. Humiston, seconded by Mr. Perdue to suspend Rule 7, relative to filing new matter, in order that the Council consider Ordinance No. 15141. Motion carried Unanimously.

Ordinance No. 15141.

Fixing the salary of the Police Court Judge of the City of Tacoma for the four-year term commencing in January, 1955; and declaring an emergency requiring the immediate passage of this ordinance. Read in full. It was pointed out by City Attorney Boyle that the State Law requires that the salary of this position be set up for the four year term, and the Council has no alternative but to follow this law. As the salaries set up in this ordinance provide for an increase each year, the question of the effect the setting up of this salary on the merit increase plan in advance would have on other City employes, who can only receive this increase on the merit basis, was discussed and it was the opinion of Council that this would be demoralizing to the merit plan. The figure of \$4,920 for the City's part for the first year of the term is set up in the budget, and so must be left at that figure, but the remaining three year salary can be set up any way Council desires, Mr. Backstrom stated. An equal division of the balance would fix the salary to be paid by the City at \$5,700 per year, it was pointed out by the Mayor. Various suggestions as to how this salary should be set up were made, but the suggestion of Mr. Stojack that it be set at \$4920 for the entire term received the most favorable consideration. It was moved by Dr. Battin, seconded by Mr. Stojack that the Council set the salary for police court judge at \$4920, the 1955 level set up in the budget, for the entire term of four years. Motion carried on roll call: Ayes 6; Nays 2; Humiston, Tollefson. Absent 1; Bratrud. Roll was then called on the passage of Ordinance No. 15141, resulting as follows:

Ayes 0; Nays 8; Absent 1; Bratrud. Declared lost.

UNFINISHED BUSINESS:

The Director of Public Works submitted the assessments and assessment rolls for cost of the improvements in Local Improvement Districts Nos. 2081, 2186, 2193, 4529. It was moved by Mr. Jensen, seconded by Mr. Stojack that Nov. 16, 1954 be fixed as the date for hearing on said rolls. Motion carried on roll call: Ayes 8; Nays 0; Absent 1; Bratrud.

Upon motion, duly seconded and carried, Council then adjourned at 9:45 P. M. to view a film on "Street Lighting".

H. M. TOLLEFSON

President of City Council

Attest:

Josephine Melton
City Clerk.