

NOV 21 1955

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COUNCIL CHAMBER, 7:38 P. M.

Monday, November 21, 1955.

Council met in regular session. Present 8; Battin, Bratrud, Goering, Hooker, Humiston, Jensen, Perdue, Tollefson. Absent 1; Stojack.

It was moved by Dr. Humiston, seconded by Dr. Battin that the minutes of the previous meeting, copies of which had been mailed by the Clerk to each Councilmember, be approved and the reading thereof be dispensed with. Motion carried unanimously on voice vote.

RESOLUTIONS:

Resolution No. 14455. L. I. D. 2244. x

BY BATTIN:

Stating intention of Council to order grading and oil mat surface in alley between North 38th and North 39th Streets from Proctor to Adams; creating L I D 2244 and fixing December 20, 1955 as the date for hearing thereon.

Adopted on roll call November 21, 1955.
Ayes 8; Nays 0; Absent 1; Stojack.

Resolution No. 14456. L. I. D. 4587. x

By BATTIN:

Stating intention of Council to order grading to the established subgrade and placing thereon an asphaltic concrete pavement with cement concrete curbs and gutters on North 33rd Street from Alder Street to Cedar Street; creating L I D 4587 and fixing December 20, 1955 as the date for hearing thereon.

Adopted on roll call November 21, 1955.
Ayes 8; Nays 0; Absent 1; Stojack.

Resolution No. 14457.

By PERDUE:

Authorizing private sale to Wyona Berkmaier for the sum of \$10.00 of Lots 6, 7 and 8, Block 8131, The Tacoma Land Company's First Addition to Tacoma (vacant land located at Upper Park Street and East 31st Street).

Adopted on roll call November 21, 1955.
Ayes 8; Nays 0; Absent 1; Stojack.

Resolution No. 14458.

By PERDUE:

Authorizing private sale for the sum of \$10.00 in cash of Lots 7 and 8, Block 14, Amendatory Plat of Paxton and McMillan's Addition to Arne and Edna Reyier and Harold and Dagmar Wick (vacant land located near Verde and South 10th).

Adopted on roll call November 21, 1955.
Ayes 8; Nays 0; Absent 1; Stojack.

Resolution No. 14459.

By STOJACK:

Approving recommendation of Director of Public Works and Board of Contracts

and Awards and awarding the contract for L I D 1847, for construction of sewers on Shirley Street from North 29th Street to North 31st Street to Milone & Tucci, Inc. on its low bid of \$4196.81. 35

Adopted on roll call November 21, 1955.
Ayes 8; Nays 0; Absent 1; Stojack.

Resolution No. 14460.

By GOERING:

Authorizing the proper officers of the City to deliver a local improvement assessment deed to Healy Bros. Inc. upon payment of \$20.00, covering Lots 9 and 10, Block 1511, New Tacoma (located on east side of Tacoma Avenue at about South 16th Street) subject to the sidewalk repair improvement assessed under Ordinance No. 14024, which said Healy Bros. Inc. shall assume and agree to pay.

Adopted on roll call November 21, 1955.
Ayes 8; Nays 0; Absent 1; Stojack.

Resolution No. 14461.

By STOJACK:

Accepting and approving the plat of Sunset Hills First Addition (located between North Orchard and North Highland and between North 9th and North 11th Streets).

Adopted on roll call November 21, 1955.
Ayes 8; Nays 0; Absent 1; Stojack.

Resolution No. 14462.

By GOERING:

Authorizing private sale for \$10.00 of Lot 14, Block 7, Voight's First Addition to Lawrence Lamb Jr. and Marilyn E. Lamb (located at S. E. corner of South 10th and Orchard).

Adopted on roll call November 21, 1955.
Ayes 8; Nays 0; Absent 1; Stojack.

Resolution No. 14463.

By HOOKER:

Approving the attached agreement between the United States Oil and Refining Company, in all respects (heretofore authorized by Res. No. 14423 wherein City grants permission to said company to locate pipe lines under certain streets and alleys in the Port of Tacoma Industrial Development District, First Addition) and authorizing the City Manager and Utility Board to execute and deliver said agreement and to consummate and carry out said agreement in accordance with the terms thereof. Mr. McCormick presented each Council member with a copy of changes suggested by the Public Utilities Department, which clarified the language in condition #6 of the agreement and adds a new condition to be known as #8, granting the City Council the right to remove the Company facilities in the event they fail to use the portion of the streets or alleys, and to charge the costs against the Company. Attorney Brooks K. Johnson, who represented the United States Oil and Refining Company, was asked if he was familiar with the changes, and if there was anything in the proposed amendment that did not meet his approval. Mr. Johnson replied that he had read the suggested amendments and they contained nothing objectionable. It was moved by Dr. Humiston, seconded by Col. Hooker to amend condition #6 on the last page of the agreement to read as submitted by the City Attorney and to add a new condition to be known as #8. Motion carried on roll call: Ayes 8; Nays 0; Absent 1; Stojack. Roll was then called on adopting the resolution and the agreement as amended.

Adopted on roll call November 21, 1955.
Ayes 8; Nays 0; Absent 1; Stojack.

FIRST READING OF ORDINANCES:

Ordinance No. 15483. L I D 1928.

Approving and confirming the assessment and assessment roll for cost of improvement in L I D 1928 (sanitary or local sewers in M Street from South 71st to a point approximately 400 feet south of South 64th Street). Read by title and placed in order of final reading.

Ordinance No. 15484. L I D 2187.

Providing for the construction of 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); creating L I D 2187. Read by title and placed in order of final reading.

Ordinance No. 15485. L I D 4567.

Providing for the improvement of East 50th Street from East B Street east 600 feet more or less, by grading and placing thereon an asphaltic concrete pavement with cement concrete curbs and gutters; creating L I D 4567. Read by title and placed in order of final reading.

Ordinance No. 15486. L I D 4579.

Providing for improvement of Chandler Street from Center Street to South Tacoma Way by grading and paving with cement concrete pavement, with curbs; creating L I D 4579. Read by title and placed in order of final reading.

Ordinance No. 15487. L. I.D. 4590.

Providing for improvement of Boundary Street from Center Street south for approximately 100 feet by grading and placing thereon a 24-foot cement concrete pavement, and necessary storm drainage; creating L I D 4590. Read by title and placed in order of final reading.

Ordinance No. 15488.

Authorizing the Director of Finance to transfer the sum of \$300.00 from the Maintenance and Operation category of the Radio Division budget to the Capital Outlay of the Radio Division budget, pursuant to the authority of Chapter 322 of the Laws of 1955 of the State of Washington. Read by title and placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 15479.

Amending Ordinance No. 14793, entitled: "An ordinance to regulate the location and use of buildings and the use of land within the City of Tacoma; to limit the height of buildings; to prescribe building areas and lines, and the size of yards and other open spaces and for these purposes to divide the City into districts, etc." (ZONING ORDINANCE) by adding thereto a new section to be known as Section 9I. ("C-2" Commercial District - East 5' of Lot 5, all of Lots 6 & 7, Block 8, McCoy's Addition, located on East 64th Street between the Bismark Stand pipe and the commercial buildings fronting on McKinley Avenue) Read by title and passed.

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

Ordinance No. 15480.

Increasing and establishing a Revolving Fund Advance for use in payment of current expenses ~~in payment of current expenses~~ in connection with operation of Municipal Belt Line Division, Department of Public Utilities and authorizing Director of Finance to issue a warrant on Belt Line Fund for purpose of so increasing and establishing said fund to a total of \$100.00. Read by title and passed.

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

Ordinance No. 15481.

Authorizing proper officers of City of Tacoma to enter into a mutual agreement with Washington Cooperative Farmers Association, to terminate the agreement entered into on the 15th day of August, 1948, as authorized by Ordinance No. 13395. Read by title and passed.

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

Ordinance No. 15482.

Amending Section 6 of Ordinance No. 14890 entitled: "An ordinance to provide for licensing of dogs and cats in the City of Tacoma; prescribing the license fees; prescribing the duty and authority of the Humane Society in reference thereto; and providing a penalty for the violation hereof". (Making all licenses NOT TRANSFERABLE; and fixing fees for male and spayed female dogs at \$3.00 and unspayed female dogs at \$4.00 and if paid on or before April 1 of each year said fees shall be \$2.00 and \$3.00 respectively). Read by title. The portion of Section 6, which provided "that all licenses shall not be transferable" was brought up for discussion by Dr. Humiston, who inquired why this provision was included in the ordinance. Mr. Backstrom replied that it had been included at the request of the Humane Society and it was intended that a license may be transferred by an owner to another dog which he has acquired but cannot be transferred to a new owner when a dog has been sold or given away, he added. Mr. Archie Fiedler, manager of the Tacoma Humane Society, said they had recommended this restriction in order to make it easier to trace the ownership of the dog. The portion pertaining to fees was the same as at present, except that it eliminated the word "penalty" which is distasteful to the public and will simplify the bookkeeping and they feel it will eliminate a majority of the "gripes" on the part of the dog owners, he said. A number of the Council members felt the "non-transferable" provision was unfair and that the license should be valid for the entire year no matter how many times the dog changed ownership. Dr. Humiston pointed out that the present ordinance neither provided for nor prohibited the transfer of a dog license, and that the Humane Society could work out mechanics for transferring very easily if they wished. It was moved by Dr. Humiston, seconded by Mr. Bratrud to amend the ordinance by deleting the following underscored words at the beginning of Section 6 "All licenses provided for herein shall not be transferable". Mrs. E. V. Leedy and Miss Jessie Kershaw spoke against the "no transfer" provision, saying they felt it was an unfair regulation. Mayor Tollefson said he would like to go along with the recommendation of the Humane Society. Ayes 7; Nays 1; Tollefson, Absent 1; Stojack. Roll was then called on the passage of the ordinance, resulting as follows:

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

Ordinance No. 15477. (laid over to this date on November 14th).

Making it unlawful for any child under the age of seventeen years to be on public streets and other places in the City of Tacoma between certain hours; providing for exceptions; prescribing a penalty therefor; and repealing Ordinances Nos. 1347, 5121 and 7351. Read by title. It was moved by Dr. Humiston, seconded by Mr. Perdue to amend Section 3, 4 and 5 to read as submitted by the City Attorney.

Lt. Peterson was asked his opinion of the amendment and stated that he saw nothing in it that would violate the intent of the ordinance. Dr. Humiston questioned the ramifications of the words "for good cause shown" in the paragraph giving the Court the power to suspend sentence, stating he feared this put a qualification on the Judge's right to suspend sentence which the Council had not intended. Mr. Marshall McCormick, assistant City Attorney, said the purpose of this phrase was to bring home to the public that there was to be extenuating circumstances presented for suspending. However in his opinion the right to suspend sentence would still be up to the discretion of the Court. Roll was called on the amendment motion which carried: Ayes 8; Nays 0; Absent 1; Stojack.

The Council discussed the ordinance at length and a number of suggestions and opinions were presented. Mayor Tollefson said that the Council did not have the written approval of various civic groups, which will be called upon to give some assistance to the enforcement of the ordinance. He suggested sending a letter and a copy of the proposed ordinance to the P. T. A., School Board, etc, asking them whether or not they favor the regulations. Dr. Battin approved this suggestion. Mrs. Goering said there was some doubt in her mind whether or not punishment was the proper answer to the problem, and that she felt they were overlooking the educational approach and rehabilitation angle, which was suggested in the letter from the National Association of Social Workers, a copy of which Council members had received. Col. Hooker said he would like to see the ordinance passed as is, since it meets the approval of the Police Officers in the Juvenile Division. He did not think that it was Council's function to delegate this decision to any outside organizations. Both Mr. Jensen and Mr. Bratrud agreed with Col. Hooker that this was a decision for the Council members to make. Mayor Tollefson said he still felt it was a good idea to get a little more public opinion before the ordinance becomes law and stated there is no public emergency that would prevent further study. Mr. Perdue was of the opinion that the recommendations of Civic groups would not be as good as those formulated by the Police Department. He favored voting on the ordinance tonight and if good suggestions and recommendations are made by citizens the ordinance can then be changed.

Jerome Davis again spoke against the ordinance and said he felt the P. T. A. especially should be given an opportunity to comment on the matter. Mrs. E. V. Leedy and Mrs. Delvar spoke in favor of passage of the ordinance.

Lt. Carl Petersen read a letter he had received from the Gault P. T. A. favoring the ordinance.

Roll was then called on the passage of the ordinance as amended, resulting as follows: Ayes 8; Nays 0; Absent 1; Stojack.

The Mayor directed the Clerk to send a copy of the ordinance to any Civic group, and schools, which might be interested or affected by the provisions.

Lt. Petersen reported that he planned to speak on the subject before the general assemblies in the schools.

UNFINISHED BUSINESS:

247 The L I D Committee reported that a hearing was held by the Committee on L I D 2239, for grading, oil mat and concrete sidewalks on "M" Street from South 68th Street to South 72nd Street and also on 70th Street from Sheridan to L Street, on November 15, 1955, at which time a remonstrance of 9.4% was reported as having been filed. The entire remonstrance came from property owners on South 70th Street, who pointed out that South 70th Street is a dead-end street, and did not therefore require an oil mat surfacing due to the small amount of traffic. In view of this information, the Committee felt that South 70th Street should be eliminated from the district, and recommends to the Council that the district as originally set up be abandoned, and the improvement of South M Street from South 68th Street to South 72nd Street be initiated by resolution by the Public Works Department. Mr. Perdue, member

of the L I D Committee, advised that, since they made their recommendation, they have learned that a number of property owners are in favor of including South 70th Street, who did not appear at the hearing. Oscar Hokold said he had been instrumental in getting the L I D started and had included 70th street in the district. He owns lots on this street, which he wishes to utilize as building sites, and therefore is interested in getting the street put through. He had not appeared at the hearing because of the very small remonstrance and he asked the Council how an L I D could be stopped on a 9% remonstrance. He also said that only 3 out of 8 on 70th Street were against the improvement. Col. Hobker said he had inspected the district and he felt the cost on 70th Street would be very high and would add a great deal to the cost of improvement M Street. The property owners present at the hearing felt 70th Street could be eliminated without injuring the M Street project and that is what the Committee voted to do, he added. In view of Mr. Perdue's report, it was then moved by Dr. Battin, seconded by Mr. Perdue that the remonstrances be overruled and the district created. Ayes 7; Nays 1; Hooker; Absent 1; Stojack.

Upon motion, duly seconded and carried, Council then adjourned at 10:10

P. M.

J. M. Tolliver
President of City Council

Attest:

Joseph M. Nelson
City Clerk.