

NOV 15 1954

COUNCIL CHAMBER, 7:43 P. M.

Monday, November 15th, 1954.

Council met in regular session. Present 8; Battin, Bratrud, Goering, Hooker, Humiston, Jensen, Perdue, Stojack. Absent 1; Mayor Tollefson, taking his seat at 7:50 P. M. In the absence of the Mayor, Mrs. Goering, Vice-chairman of the Council, opened the meeting and presided until the Mayor's arrival at which time he assumed the chairmanship.

Mrs. Goering asked if the other members of the Council had read the minutes, copies of which had been sent by the Clerk to each of them. Dr. Battin read the following statement: "The minutes of November 8th should contain the observation that the attention of the City Council was called to the fact that as a result of a written communication presented to the County Commissioners on August 14th requesting an early reply in writing giving the terms of occupancy to be demanded from the City, Mr. Harry Sprinker promised such a reply within two weeks.

The further observation was made that as of Monday November 8, a little over 12 weeks later, there was no reply other than an attempt by innuendo on the part of the Commissioners to blame the City in the press for the delay. This they did by saying Mr. Bratrud was out of the City last week and the Commissioners could not have a meeting with his committee. It was made clear in the Council that Bratrud's absence had nothing to do with delaying the reply or holding a meeting.

I want to observe further tonight, and I want this observation recorded in the minutes, that any delay, if any, that has developed in starting construction of the County-City building is the sole responsibility of the County Commissioners. The City of Tacoma has been given no voice in the type of structure the county-city building will be or in its location. The City has had no voice in the amount of space or location of space in the building the commissioners will lease to the City. Nor has the City received a bill of particulars covering terms of occupancy the Commissioners will accord the City. These facts are the more significant when considered together with another fact- namely, that the people of Tacoma comprise 60% of the population of Pierce County and will pay nearly 80% of the cost of the building.

I want these observations in the minutes so that in 1994 when my grand children and the grand children of other members of the Council complain about the structure and location of the building, the type, size and location of the City's quarters in the building, and the terms of occupancy imposed upon the City for 99 years they can look up the minutes of November 8 and 15, 1954 and read the story of guilt spread there upon."

It was agreed that the matter of terms of occupancy etc. for the City-County Building should have been noted in the minutes of Nov. 8th. It was moved by Col. Hooker, seconded by Dr. Battin that the minutes of November 8th be amended to include a reference to the County-City Building as set forth in Dr. Battin's statement, and that they be approved as amended and the reading thereof be dispensed with. Carried on roll call: Ayes 8; Nays 0; Absent 1; Tollefson.

Mrs. Goering reported that the Mayor had asked that the hearing on the proposed "Dog Ordinance" be held at the beginning of the meeting to accommodate those present on that matter.

It was moved by Dr. Humiston, seconded by Mr. Bratrud to suspend Rule 5 (Order of Business) in order to hold the hearing on proposed Ordinance No. 15161 (Dog Ordinance). Motion carried unanimously on voice vote.

Col Hooker suggested that comments be limited to one or two minutes and that no one be allowed to speak a second time until all who desire to speak have been given that opportunity. Mr. McCormick, Assistant City Attorney, submitted a letter from Lloyd Stacy, a member of the Humane Society Board, suggesting the following amendments to the ordinance as presently drawn: (1) Eliminate word "public place" in Section 2 as this reference could mean a City street or sidewalk. (2) Section 4, paragraph 2, add the words "or otherwise disposed of" after the words "humanely destroyed" which would allow the owner to send the dog out of the City or state if he so wishes. (3) Section 10, raising the question of the advisability of allowing entering upon premises without either the owners' permission or a search warrant. (4) Section 12, paragraph 2, suggesting that this be written to conform with the present impounding ordinance, which calls for the animal to be held 48 hours for the owner and an additional 48 hours for further adoption before it can be destroyed. These suggestions were discussed at length and the Council members and Mr. McCormick all felt they were well taken and had merit. It was moved by Dr. Humiston, seconded by Dr. Battin, that the ordinance as tentatively drawn, with the modifications suggested by Mr. Stacy, be accepted for consideration at the hearing. Carried unanimously. Mr. Archie Fidler, Manager of the Humane Society, spoke in favor of the provision pertaining to dogs on school grounds, and explained some of the obstacles the Humane Society faces at present when it comes to this situation. Others taking part in the discussion were Philip Bechthold, whose son had recently been a victim of a vicious dog, Mrs. Lloyd Stacy, Mr. Lloyd Stacy, Mrs. Eugene Leedy. Mrs. Jacobson, President of the Tacoma Council of Parents and Teachers, said they were well pleased with the provisions of the ordinance covering dogs on school grounds and thanked the Council for the proposed ordinance. Mrs. Francis Lyonaisse, who was formerly connected with the Tacoma Humane Society, and has recently been connected with the King County Humane Society, told Council about the laws governing King County, which provide that if a dog is picked up on a school ground the owner is charged for board for every day the dog is kept and is also charged \$1.50 for picking up the dog. One speaker suggested that "business district" be inserted instead of "public place" in Section 2. This suggestion was discussed at length and it was pointed out by Mr. Stacy that to enforce such a provision would require at least one more truck and one more employe, which would cost at the least \$500.00 a month and might result in a raise in dog license fees to meet these expenses. It was pointed out there is now a provision on the Statutes making it unlawful for dogs to be in food stores. At the conclusion of the discussion, the City attorney was directed to re-draft the ordinance to include the suggestions made by Mr. Stacy, for final reading at next Monday's meeting.

Order of Business reverted to

PETITIONS:

J. G. Howard, for renewal of license for taxi driver. The Chief of Police and License Inspector recommend the petition be denied because of arrest record. Recommendation concurred in by the City Manager. It was moved by Dr. Humiston, seconded by Mr. Bratrud to concur in the recommendation. Motion carried on roll call: Ayes 9; Nays 0; Absent 0.

COMMUNICATIONS AND MEMORIALS:

Gerald G. Dixon, requesting Council to eliminate a traffic bottleneck at the south end of the East L Street viaduct coming off the tideflats, by continuing the present viaduct with an overpass across Puyallup Avenue to connect with East L Street and with an inter-change at East 25th Street, thereby allowing Puyallup Avenue (highway 99) traffic to run without the present stoppage, causing pile-up of traffic. Mayor Tollefson directed that a letter be sent to Mr. Dixon, advising him that the Traffic Engineer has this matter under consideration, but that State and Federal funds are needed for the construction, as the present City Budget does not provide finances for this purpose; and asking him to do everything he can in the Legislature to obtain financial help from the State on this project.

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RESOLUTIONS:Resolution No. 14086.BY HOOKER:

Finding that the improvement of those sidewalks, curbs and driveways across sidewalks, together with the portions and parts thereof and appurtenances thereto as hereinafter described, by the construction, reconstruction or repair thereof as set forth herein is necessary, and further finding that the owner of each of the properties abutting thereon shall bear the entire cost of the improvement abutting his property other than the portions of cost hereinbelow indicated, which the City shall bear; and fixing Monday, December 6, 1954 at 8 P. M. 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.

Adopted on roll call November 15, 1954.
 Ayes 9; Nays 0; Absent 0.

Initial Resolution No. 14087- L I D 1935.BY STOJACK:

Stating intention of Council to order laying of sanitary or local sewers on Lawrence Street from South 14th Street south to the alley line between South 14th and Melrose Streets; also on South 14th Street from Lawrence Street east approximately 75 feet; creating L I D 1935 and fixing December 7th, 1954 as the date for hearing thereon. It was moved by Mr. Jensen, seconded by Mr. Stojack 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 November 15, 1954.
 Ayes 9; Nays 0; Absent 0.

Initial Resolution No. 14088. L I D 1933.BY STOJACK:

Stating intention of Council to order laying of sanitary or local sewers on North 16th Street from Cheyenne Street to Mullen Street; creating L I D 1933 and fixing December 7, 1954 as the date for hearing thereon. It was moved by Col. Hooker, seconded by Mr. Stojack 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 November 15, 1954.
 Ayes 9; Nays 0; Absent 0.

Initial Resolution No. 14089. L I D 5193.BY HUMISTON:

Stating intention of Council to order installation of cast iron water mains in the district bounded by South 64th Street, Wapato Street, South 76th Street and Oakes Street; creating L I D 5193 and fixing December 7th, 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 November 15, 1954.
 Ayes 9; Nays 0; Absent 0.

Resolution No. 14090.BY HOOKER:

Authorizing and directing Frank H. Backstrom, City Manager of the City of Tacoma to attend the annual International City Managers Association convention at St. Petersburg, Florida, from December 5 to December 9, 1954 inc. and that reimbursement be made to him for the usual and necessary expenses incurred by reason of such

attendance.

- Adopted on roll call November 15, 1954.
Ayes 9; Nays 0; Absent 0.

Resolution No. 14091.

By HOOKER:

Authorizing and directing Harold M. Tollefson, Mayor of the City of Tacoma, to attend the Second White House Mayors' Conference at Washington, D. C., being held on December 2, and 3, 1954, and the American Municipal Association Conference, being held at Philadelphia, Pennsylvania, commencing November 28, 1954, and ending December 1, 1954, and that reimbursement be made to him for the usual and necessary expenses incurred by reason of such attendance.

- Adopted on roll call November 15, 1954.
Ayes 9; Nays 0; Absent 0.

Initial Resolution No. 14092. L I D 2217.

By Jensen:

Stating intention of Council to order construction of cement concrete sidewalks on the East side of Mason Avenue from American Lake Boulevard to Reade Street and also on the south side of American Lake Boulevard from Mason Avenue to the alley east; creating L I D 2217 and fixing December 7th, 1954 as the date for hearing thereon. It was moved by Dr. Humiston, seconded by Mr. Jensen 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 November 15, 1954.
Ayes 9; Nays 0; Absent 0.

FIRST READING OF ORDINANCES:

Ordinance No. 15159.

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." by adding thereto a new section to be known as Section 9C. ("C-2" Commercial District n.w. corner of 6th Avenue and North Pearl Street.) Read by title and placed in order of final reading.

Ordinance No. 15160.

Amending Section 6 of Ordinance No. 15132, entitled: "An ordinance to define "Tacoma Harbor"; to establish rules and regulations for the movement, anchorage and dockage of vessels and watercraft within said Harbor; to prescribe the duties of the Harbor Master; to prescribe the duties and responsibilities of owners of docks, wharves and waterfront structures; to provide penalties for the violation hereof, etc." Read by title and placed in order of final reading.

Ordinance No. 15161.

Relating to the keeping, harboring and treatment of dogs and other animals; providing for the impounding and disposal of the same; declaring the keeping of and certain practices of certain animals to be public nuisances; defining offenses and prescribing penalties; and repealing Ordinance No. 10998 and all other ordinances or parts of ordinances in conflict herewith. Read by title and placed in order of final reading.

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FINAL READING OF ORDINANCES:Ordinance No. 15157.

Repealing Ordinance No. 15143 entitled: "An ordinance 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 in full and passed.

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

Ordinance No. 15158.

Amending 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." by amending Sections 22, 22a, 22b, 22c, 22e, 22g and 22i, and adding thereto a new section to be known as Section 22j. (GENERAL LICENSE ORDINANCE- licenses for bicycles.) Read by title. It was moved by Dr. Humiston, seconded by Col. Hooker to suspend Rule 9 and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

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

NEW BUSINESS:

Col. Hooker suggested that the possibility of installing the City Hall Chimes in the new County City Building be looked into and if feasible a recommendation be made to the County City Building Committee. The matter was discussed and it was moved by Col. Hooker, seconded by Dr. Battin that it be referred to the County City Building Committee for investigation. Motion carried unanimously.

UNFINISHED BUSINESS:

This being the date to which Council continued the hearing on the appeal of Ray O'Flyng (8-30-54) 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, the matter was brought up at this time. Dr. Humiston and Mayor Tollefson again asked to be excused from participating in the deliberations, and Mrs. Goering assumed the Chairmanship for the hearing. Mr. Wilcox of the Planning Commission gave a detailed analysis of the amount of property zoned for business in the City of Tacoma at the present time, which he claimed was sufficient in area to take care of the needs of a city with a population of 600,000. This petition had been denied by the Planning Commission because it would be "spot zoning" which has been ruled to be illegal in the Courts, he added. If the original petition had asked for a C-2 District, it would have been possible to grant it as it would not have involved "spot zoning" but would have merely been a continuation of the C-2 District abutting this property on the South. Mr. O'Flyng stated that his secretary had been instructed to file the petition asking for a C-1 District by a member of the Planning Commission Staff, which he did in good faith and at considerable expense and at no time was he advised that this was not the correct procedure. After a delay of 6 months he was advised that the petition had been denied by the Planning Commission because it was "spot zoning" he added. Several methods of handling this situation legally were outlined by the City Attorney, and it seemed that the fairest and most expedient would be for the Council to initiate action by motion to have the property in question zoned to a C-2 District, which would then be referred to the City Planning Commission for a public hearing. This procedure would eliminate the filing of another petition by Mr. O'Flyng, which the Council members felt should not be required in view of the wrong information he had received from the City Planning Office. It was moved by Mr. Perdue, seconded by Mr. Bratrud, that the City Council adopt a res-

motion to include the property of Mr. O'Flyng in a "C-2" District. Further discussion was held and Mr. Boyle advised that before this action is taken the Council should discuss the appeal from the decision of the City Planning Commission. In view of this, Mr. Perdue with the consent of his second, Mr. Bratrud, withdrew his motion. It was then moved by Mr. Bratrud, seconded by Mr. Perdue that the City Council sustain the action of the City Planning Commission in denying the petition of Ray O'Flyng for rezoning from R-2 District to C-1 District his property at 5220 Pacific Avenue. Ayes: Battin, Bratrud, Goering, Jensen, Perdue, Stojack; Nays 1; Hooker, not voting; absent Humiston, Tollefson. It was then moved by Mr. Perdue, seconded by Mr. Bratrud that the City Council initiate a petition to include Mr. O'Flyng's property at 5220 Pacific in the existing "C-2" district. Carried on roll call: Ayes 6; Battin, Bratrud, Goering, Jensen, Perdue, Stojack. Nays 1; Hooker; Absent 2; Humiston, Tollefson.

Upon motion, duly seconded and carried, Council then adjourned at 10:40 P. M.



President of City Council

test:



City Clerk.