

## CITY COUNCIL MINUTES

City Council Chambers, 4:00 P. M.  
Wednesday, November 7, 1962

Council met in regular session. Present on roll call 7: Cvitanich, Finnigan, Haley, Herrmann, Price, Steele and Mayor Tollefson. Absent 2: Bott and Murtland. Mr Murtland arriving at 4:05 P. M. and Mr. Bott at 4:06 P. M.

Mrs. Price moved that the minutes of October 23, 1962 be approved as submitted. Seconded by Dr. Herrmann. Voice vote taken. Motion carried.

### HEARINGS & APPEALS:

a. This is the date set over for hearing on the petition submitted by John P. Bechtholt et al., for the vacation of a portion of No. 34th St. between No. Union and the alley. 439  
458

Mayor Tollefson explained that action was postponed on this vacation for two weeks to allow the property owners in the neighborhood to work out a solution concerning a walkway. A communication was received signed by Mr. Tokley and Mr. Bechtholt, petitioners, which stated that no attempt has been made by the attorney, Mr. Skoog, who represents a few of the property owners, to settle this question of the walkway.

Mayor Tollefson asked if there was anyone present who wished to comment concerning the proposed vacation.

Mr. Bechtholt, the petitioner, said their intentions are to landscape the property to beautify the neighborhood and they had no plans for constructing a building. He urged the City Council to make an early decision on this matter of the vacation, as it has been costly to the City in continually postponing the vacation.

Mr. Cyrus Clapp, 3423, No. 34th, protested the proposed vacation, stating he would like a path left in this area. He said he would be willing to assume any obligation that may occur as far as liability is concerned.

Mr. Bechtholt said he would like to know how many times Mr. Clapp or any member of his family have used this path in the last year.

Mr. Clapp said the path was located in the middle of the right-of-way, but the last few years there hasn't been any path so they had been using Mr. Bechtholt's path. The children use that route going to school.

Mr. Finnigan thought it would be more practical to have an easement for a pathway and have the rest of it landscaped.

Mr. Steele said there has been considerable discussion concerning the proposed vacation with the residents, petitioners, Planning Dept., Attorneys and then the Council. He said he did not know what else the Council could do. He suggested the Council act on the vacation.

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Mrs. Price then moved to concur in the recommendation of the Planning Commission that the proper Ordinance be drawn vacating the area. Seconded by Mr. Cvitanich.

Mr. Rowlands explained, if the Council wishes to retain an easement for a walkway, they should spend \$3,035, plus lighting to assure that the City will not be liable for any accident which might occur.

It was asked if the City would be liable in the event anyone was injured walking in the area.

Mr. McCormick, City Attorney, stated it is now a public street. Prior to this time the City had no knowledge that it was being used as a pedestrian walk or being used by vehicles as it is unimproved property. Since it is now known that it is being used as a pedestrian walkway, it will either have to be vacated, barricaded or a walkway constructed, as it cannot be left as it is because the City is now aware of the condition and would be liable in the event of injury.

Roll call was taken on the motion to draw up an Ordinance. Ayes 7; Nays 2; Haley and Mayor Tollefson; Absent 0. Motion carried.

b. The City Planning Commission recommending the denial of the petition submitted by Arthur Munson for the rezoning of property located at So. 46th and So. Yakima Ave. from an "R-2" to a "C-1" District.

An appeal has been filed by Arthur Munson, petitioner. The suggested date for hearing is Tuesday, November 27, 1962 at 4:00 P. M.

Mr. Steele moved that the date of Tuesday, November 27, 1962 at 4:00 P. M. be sent as the date of hearing on the appeal. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

PETITIONS:

a. Petition from P. E. Camerer requesting the rezoning of property located at No. 5th and D from an "R-2" and R-5" to an "R-3" District. 52-42

b. Petition from Alfred R. Capener requesting the rezoning of property located at So. 56th and Ferry from an "R-2" to a "C-2" District.

c. Petition from the Speed-E-Mart Stores requesting the rezoning of property located at the southeast corner of So. 56th and Thompson from an "R-2" to a "C-1" District. 480

Petitions referred to the Planning Commission.

RESOLUTIONS:

Resolution No. 17241:

Authorizing the proper officers of the City to pay to the Town of Fircrest the sum of \$4,432.80 from the Sewer Utility Fund for the City's share of the cost of

construction of certain pumping equipment in the Fircrest Pump Station.

Mr. Steele moved that the Resolution be adopted. Seconded by Mrs. Price.

Mr. Rowlands explained the City has a long term agreement with regard to sanitary sewage disposal with the Town of Fircrest; this agreement was entered into a number of years ago and has 10 to 15 years more to run. It is felt that one-third of the total cost is a reasonable amount for the City to pay.

Mr. Schuster, Director of Public Works, explained that the sewage from the west end of Tacoma goes into the Fircrest pump-station and is then pumped by a pressure line up into the open area and from there it goes into a gravity line that flows into the City's Treatment Plant. When the original agreement was made with the Town of Fircrest, it was on the basis of the amount of sewage running into the Sewage System, and with the stipulation that when more sewage was to be put through, Tacoma would supply larger pumps.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

FIRST READING OF ORDINANCES:

Ordinance No. 17210:

Vacating the alley between Vassault and Bristol St. from No. 26th to North 27th Street (Petition of L. S. Rowland) 54  
458

The Ordinance was placed in order of final reading.

Ordinance No. 17211:

Vacating the area in the vicinity of East 26th and M Street. (Petition of Fred Berto) 459  
459

The Ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 17161: (Postponed from the meeting of Sept. 18, 1962)

Amending Section 6. 70. 040 of the Official Code of the City relating to Utilities gross earnings tax. 419  
464

Mayor Tollefson said there has been some discussion on this matter relative to appointing a Committee from the Council and the Utility Board to discuss the problem and report back to the City Council.

Mr. Haley suggested that this Ordinance be postponed for two weeks until November 20th, 1962 so that a meeting can be held with the Utility Board to discuss this problem at some length. Mr. Haley then moved to postpone the Ordinance for two weeks until November 20th, 1962. Seconded by Mr. Finnigan.

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Mayor Tollefson appointed Mr. Steele, Mr. Haley and Mr. Finnigan on the committee.

Mr. Bott and Mrs. Price thought this Ordinance was of sufficient importance to warrant the entire Council to meet as a whole on the matter. Mr. Bott then moved that the entire Council meet with the Utility Board. No Second.

Voice vote was taken on the motion to postpone the Ordinance until Nov. 20th, 1962. Motion carried.

Mrs. Price said she had no objections to a committee being appointed, however, she would like to be able to attend the discussion whether she had the right to speak or not.

Mr. Murtland said this Ordinance has been postponed since last September when it was first brought before the Council. He could see no reason for the delay. He felt the Council was sufficiently informed to act at this time.

Mr. Haley said if any Council member wishes to attend the meeting, they would be most welcome to attend and speak on the matter.

Following a discussion by the Council members relative to whom should attend the meeting with the Utility Board; Mr. Bott moved that the entire Council meet as a whole at this meeting. Seconded by Mrs. Price. Roll call was taken on the motion, resulting as follows: Ayes 4; Nays 5; Finnigan, Haley, Herrmann, Steele and Mayor Tollefson. Motion Lost.

Mr. Haley then moved that the three members appointed by the Mayor to serve on the Committee be approved, and that the rest of the Council be advised of the meeting time so they can be present if they wish. Seconded by Dr. Herrmann. Voice vote was taken. Motion carried.

Ordinance No. 17201:

Amending the Official Code of the City relating to zoning by adding a new <sup>4/42</sup> section 13.06.065-26 to include property at No. 26th and Narrows Drive in the "R-4-L" Low Density Multiple-Family Dwelling District. (Petition of Jerome Weinstein)

Roll call was taken on the Ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 17202:

Vacating a portion of So. G St., Wright Ave. and the alley between Wright Ave. & So. 34th St., all adjacent on the westerly edges of G and Delia St. (Petition <sup>4/42</sup> of Cartoxian & Sons, Inc.)

Roll call was taken on the Ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 17203:

Vacating No. 13th St. between "I" and the alley between "I" and Yakima Ave.<sup>442</sup>  
(Lowell School)

Mayor Tollefson said Mr. Paglia, Attorney representing Dr. Gerald Geissler, residing at No. 13th and Yakima, has asked to address the City Council.

Mr. Paglia cited various laws covering vacations from the time Washington was a Territory until the present. His final remarks were that his client's property would be damaged by the vacation if this were approved. He added, this could cause a suit against the City .

Marshall McCormick, City Attorney, stated that Dr. Geissler's property is on the corner and it does not abut the street that is being vacated. He has access to Yakima Ave., No. 13th St. and the alley, therefore, he has access to his property and in our opinion this vacation will not affect him in any way.

Mr. James Boze, School Board members, stated the safety of the children is paramount and all other issues should be set aside.

Mr. Bott reiterated the history of the vacation pertaining to Lowell School, stating he felt that barricades would serve for the protection of the school children together with the school Patrol boys.

Mr. Finnigan agreed with Mr. Bott stating he felt the children would have safe passage between the schools with barricades.

Mayor Tollefson said he realizes the Council members are very concerned with the safety of the children. Some are of the opinion that the barricades would be the solution, however, we are also concerned with the danger that may result from the closing of the street and the flow of more traffic in a particular area which might in turn become dangerous to the children. He said the Council is trying to exercise its best judgment to do the best thing for all the people concerned.

Roll call was then taken on the Ordinance.

Ayes 5; Nays 4, Herrmann, Bott, Fianigan and Mayor Tollefson.  
The Ordinance was declared passed by the Chairman.

Mayor Tollefson said the decision of the cul-de-sac would have to be made. He asked if the Council felt the cul-de-sac should be constructed.

Mr. Cvitanich asked Mr. Buehler if he felt it was necessary.

Mr. Buehler, Director of Planning, explained the cul-de-sac was originally discussed but was modified for the cut out in the parking area for unloading in front of Lowell School. He added, the plan for the cul-de-sac was designed by the Public Works Dept. and he felt that Mr. Schuster or Mr. Kosai would be better informed to present this new proposal over the one that was originally approved by the Planning Staff. He further added, the School District submitted a letter stating that they would comply with the last proposal.

Mr. Haley said the residents in the area are concerned that the traffic will be forced to go down the alley, however, with the cul-de-sac it will be possible to drive up and turn around and go back down No. 13th Street, otherwise they would have no choice but to use the alley.

Mrs. Price said when this cul-de-sac was proposed the majority of the Council

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went along with the idea and she did not think they should back down now. She thought there would be no great problem as far as traffic was concerned if the School authorities would urge their people not to use No. 13th St. more than necessary.

Mr. Murtland thought consideration should be given to the people who are involved and how they felt regarding the cul-de-sac and how it would best serve them. He did not think the cul-de-sac was necessary.

Dr. Geissler and Mrs. Allen, stated that by constructing a cul-de-sac it would invite more traffic into the area.

Mr. Murtland moved to adopt the plan and to delete the cul-de-sac until further determination is made as to whether it is proper. Seconded by Mr. Steele.  
Voice vote taken. Motion carried..

**Ordinance No. 17205:**

Providing for the improvement of Shorecliff Dr. from Browns Point Blvd. to 33rd St. N. E. and from 41st to 42nd St. to 49th Ave. N. E.; L I D 2346.

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Mayor Tollefson.

The Ordinance was then declared passed by the Chairman.

**Ordinance No. 17206:**

Providing for the improvement of L I D 3544 for Sanitary sewers in East "B" from East 43rd to 178 feet north of East 45th Street.

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Mayor Tollefson.

The Ordinance was then declared passed by the Chairman.

**Ordinance No. 17207:**

Providing for the improvement of L I D 4715 for paving on No. 28th St. <sup>458</sup> Huson to Ferdinand and other northend streets between Union and Jackson Ave.

Mr. Rowlands explained that a letter was received from A. E. Blair, Vice President of John S. Baker Investment Co., requesting a postponement of the Ordinance.

Mr. Steele advised that he had talked to Mr. Blair prior to the Council meeting and he said he would like to withdraw his request to delay the Ordinance and asked that the City Council pass the Ordinance tonight. Before the Ordinance is passed, Mr. Steele said there was the matter of a cul-de-sac on Westley Drive, as the property owners requested at the L I D meeting that it be paved. The L I D Committee recommended to the City Council that this request be approved.

Mr. Schuster explained that he had viewed the property to determine if this would be feasible. He told the Council that the Department felt with a traffic pattern as large as this, it would be advisable to have a curbed island to control traffic. However, he added, the property owners would have to be contacted to work out an agreeable solution.

After some discussion, Mr. Murtland moved that the Ordinance be postponed for one week, until November 13, 1962 to ascertain what is to be done with the cul-de-sac. Seconded by Mrs. Price. Voice vote taken. Motion carried.

Ordinance No. 17208:

Providing for the improvement of L I D 3542 for Sanitary sewers in streets and alleys in East M and Hosmer Sts. and between So. 66th and So. 91st Streets, and repealing Ordinance No. 17165 passed Sept. 18, 1962.

Roll call was taken on the Ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 17209:

Amending Section 2 of Ordinance No. 17154 for sanitary sewers in So. Cushman from So. 58th to So. 60th and nearby streets.

Roll call was taken on the Ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was then declared passed by the Chairman.

UNFINISHED BUSINESS:

The Director of Public Works presents the following assessment rolls for hearing:

a. L I D 3536 for sanitary sewers in Trafton St. from So. 12th to So. 14th St.

b. L I D 3539 for sanitary sewers on the south side of 6th Ave. from Jackson to Fernside and in Vista Drive from Jackson to 150 feet west.

c. L I D 4677 for paving in various streets between So. 52nd and East 71st and between Park Ave. and East T Street.

d. L I D 6791 for street lights on No. M from Division to No. Steele St.

Mrs. Price moved that Monday, December 10, 1962 at 4:00 P. M. be set as the date for hearing on L I D 3536, L I D 3539, L I D 4677 and L I D 6791. Seconded by Mr. Steele. Voice vote taken. Motion carried.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

Tacoma Employees' Retirement System report for the month of Oct. 1962.

COMMENTS:

Mr. Rowlands announced that the City Council will meet with the Port Commission to discuss the sale of the Belt Line next Tuesday at the noon study session. <sup>4-30</sup><sub>4-93</sub>

He also mentioned the meeting next Friday, November 9th at 1:30 P. M. at the Utilities Auditorium pertaining to the Legislative Committee on Urban Area Government.

A meeting will also be held this Friday, November 9th at 7:30 P. M. at the Georgian Room in the Olympia Hotel in Seattle to discuss Mr. Weinberg's report of the various Retirement Systems.

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Mr. Bott asked that the parking area be checked as he was having difficulty finding a parking space.

Mr. Rowlands said he would take care of this matter.

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Mr. Bott said he was concerned over the sale of the Winthrop Hotel and he thought it was important for a City the size of Tacoma to have a large hotel. He felt this should be investigated.

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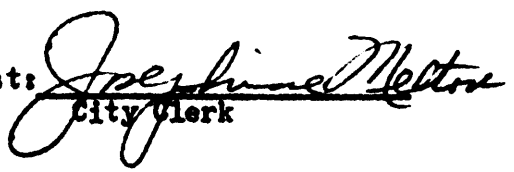
Dr. Herrmann asked when and how people were picked to act on the Citizens' Committee as he had received a call from another physician who wished to be on the committee.

Mayor Tollefson said the Council can submit names and then the Council will review the list and decide who should be on the committee.

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There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 6:40 P. M.

  
Mayor of the City Council

Attest:   
City Clerk