

CITY COUNCIL MINUTES

City Council Chambers, 7:00 P. M.  
Tuesday, March 14, 1962  
Wednesday

Council met in regular session. Present on roll call 5: Murtland, Price, Steele, Cvitanich and Mayor Hanson. Absent 4: Easterday, Bott, Olson and Porter. Mrs. Olson coming in at 7:05 P. M.; Mr. Porter, 7:07 P. M. Mr. Easterday, 7:15 P. M. and Mr. Bott, 7:35 P. M.

Mrs. Price moved that the minutes of February 27, 1962 be approved as submitted. Seconded by Mr. Steele. Voice vote taken Motion carried.

HEARINGS & APPEALS:

a. The City Planning Commission recommending the denial of the petition of Morley Brotman for the rezoning of property located on So. 19th and Mason Avenue from an "R-2" to a "C-2" District.

Mr. Rowlands explained that the petition submitted by Mr. Brotman for rezoning of the property from an "R-2" to a "C-2" district was denied for the reason the Planning Commission approved the property for a "C-P-N" district, therefore, it would be in order to table this petition.

Mrs. Price then moved to table the petition. Seconded by Mr. Steele. Voice vote taken. Motion carried.

b. This is the date fixed for hearing on the petition submitted by <sup>59</sup> the Holy Rosary Church <sup>105</sup> for the vacation of So. 31st, Fawcett Avenue, and the alley between So. 30th and 31st Sts. from Fawcett to the Freeway.

Mayor Hanson stated that the Planning Commission recommended the approval of the petition.

Mr. Steele moved that the Council concur in the recommendation of the Planning Commission and that the proper Ordinance be drafted vacating the area. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried. <sup>55.57</sup>

c. This is the date set for the continued hearing on the construction and reconstruction of sidewalks, curbs, gutters and driveways in various parts of the City--SCF No. 62. <sup>66</sup> <sub>106</sub>

Mrs. Olson coming in at 7:05 P. M. and Mr. Porter at 7:07 P. M.

Mr. Rowlands explained that the Public Works' Engineer had investigated each complaint since the last meeting. Inasmuch as the property on North C St. is landscaped, the question is whether or not these walks should be constructed, also the property located at Borough Rd. is in a dangerous condition.

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Mayor Hanson said he thought it would be proper to consider one area at a time. Therefore, Items 92 through 101 inclusive which is on North C Street will be considered at this time.

Mr. Murtland asked Mr. McCormick if the City were liable in the event of an accident, if there were no sidewalks, since the property is maintained as a lawn and the street is used as a walk.

Mr. McCormick explained that the City would not be responsible if anyone were injured.

Mr. Steele moved that the property included in Items 92 through 101 located on North C Street be deleted. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

Photographs of Borough Road were distributed for the Council's information.

Mayor Hanson asked if there was anyone present to speak in opposition to the improvement of this property located at 405 Borough Road.

Mr. Easterday coming in at 7:15 P. M.

Mr. McFadden was present to speak on behalf of Mrs. Polk who resides at 405 Borough Road. He stated she was an elderly person and was living on a very limited pension and would not be able to pay this assessment. He did not believe the sidewalk was in a dangerous condition.

Mayor Hanson said, he realized that these matters are difficult for those living on a limited income. The position of the City could be somewhat different if it were not for the Law, that the City is liable for any injuries that may result from defective sidewalks.

Mr. McFadden asked if it were possible for the City to patch the sidewalk.

Mayor Hanson explained if it were the policy to patch the sidewalk, the cost of maintenance would increase without actual improvement. He said, in viewing the photographs of the area, he thought the property was badly in need of improvement.

Mrs. Olson said there are improvements requested by the City which do created a hardship on individuals, which the Council takes into consideration, but inasmuch as Mrs. Polk would have 6 years in which to pay for this improvement, she would be in favor to proceed with the improvement.

Mr. Steele remarked that the owners of the property on Items #54 and 55 will have a private contractor take care of their sidewalks.

Mayor Hanson asked if there was anyone else in the audience wishing to speak on the repair of the sidewalks.

No one wishing to speak further, Mr. Steele then moved that an Ordinance be prepared to conform with the findings of the Council. Seconded by Mr. Murtland Voice vote taken. Motion carried.

55.66

**RESOLUTIONS:**

**Resolution No. 16955:**

Authorizing Frank S Evans, Director of Tacoma Civil Defense as Shelter Officer to negotiate licenses with various building owners where food stocks and other equipment will be stored.

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

Mr. Rowlands explained that the Federal Government prefers the Local Civil Defense Director to direct this particular activity. There will be some food supplies coming into the community around June and at that time it will be the responsibility of Mr. Evans to see that they are properly placed and stored.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

**Resolution No. 16956:**

Authorizing the proper officers of the City to execute an agreement with the Tacoma Athletic Commission for the use of the third floor of the City owned building at 711 Commerce Street for gymnasium purposes.

It was moved by Mr. Steele that the Resolution be adopted. Seconded by Mr. Cvitanich.

Mr. Rowlands explained that the Tacoma Athletic Commission will carry sufficient Public Liability Insurance. It states in Section 19, as it is a City owned building, it is to be used solely for recreational activities of the youth of Tacoma and for no other purpose. The lower floor is to be used for a firing range which will be ready for occupancy within the next ten days. It will accomodate 300 to 350 Rifle Clubs among the high school students in the area. This was formerly located at Pt. Defiance Park.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

**Resolution No. 16957:**

Authorizing the proper officers of the City to execute a warranty deed conveying property to Michael W. & Elizabeth L. Shea for Parcel #1 for part payment on property needed for the Yakima Ave. to I Street transition.

94

It was moved by Mr. Steele that the Resolution be adopted. Seconded by Mr. Murtland.

Mr. Bott coming in at 7:35 P. M

Mr. Rowlands explained this property is located at 7th and Yakima. Mr. Shea originally had asked for \$15,000 and was given \$11,500, with the understanding that he would also have the right to Parcel #2 and #3 which was valued at \$2,000; therefore the total value received would be \$13,500. Mr. Shea intends to build a house or a duplex further back from the road as the existing house is only a few inches from the roadway which will have to be razed.

Mr. Murtland asked who appraised the property at \$15,000.

Mr. Bashey, City Engineer, explained that it was the appraisal submitted by Mr. Shea. The City's appraisal was \$11,500, however, the City compromised to expedite the building of the right-of-way.

Mr. Griffin, Attorney for Mr. Ensler, said his client had offered the City \$2,500 for Parcel #2 and #3. However, it was sold to Mr. Shea for \$2,000 and he felt that this was hardly fair.

Mr. Bashey explained that Mr. Shea would not settle with the City unless he was given Parcel #2 and #3. Mr. Ensler had offered \$2,500 but he also wanted the building left on the property.

Mayor Hanson said, perhaps, the matter should be set over for one week for a full report.

Mr. Steele said, he thought the matter was explained thoroughly, and that a postponement would not accomplish a thing.

Mayor Hanson said, in situations where dealing in terms of trade instead of cash, he thought the Council should be very careful to preserve a record which will thoroughly establish the nature of the transaction. He thought it would be better if a full report would be submitted at the next Council meeting.

Mr. Cvitanich then moved for a one week postponement until March 20, 1962. Seconded by Mr. Porter. Voice vote taken. Motion carried.

Resolution No. 16958:

Approving the sufficiency of the petition for annexation of the area situated in University Place east of Day Island. (petition of Baker Investment Co. and Lester Magoon.)

55-58  
55-64  
55-75  
55-110

It was moved by Mr. Steele that the Resolution be adopted. Seconded by Mr. Easterday.

Mr. Buehler explained that the annexation petition will now go forward to the Review Board, then after they have acted upon it, it will come back before the City Council fixing a date for hearing. Any further information necessary will be presented at that time.

Mr. Steele explained that this Resolution merely confirms the certification that the petitioners own in excess of 75% of the assessed valuation of the property.

Mr. McCormick explained that this annexation is proceeding according to law and that this is just another step in the process of annexation.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Mr. Buehler remarked that for the benefit of the Council members notices have been sent out for the hearing before the Review Board , which will be Friday at 10:00 A. M. in the Council Chambers.

Resolution No. 16959:

Amending Resolution No. 16609 to authorize the expenditure of an amount not to exceed \$7,513.77 from the Center St. Urban Renewal Project Expenditures Account No. Wash. R-1 for the construction of a water main in So. 28th from Yakima Ave. to J Street.

It was moved by Mr. Steele that the Resolution be adopted. Seconded by Mr. Bott.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16960:

Awarding contract to Morris Construction Co. for L I D 4663 in the amount of \$25,974.18 which was determined to be the lowest and best bid.

It was moved by Mr. Steele that the Resolution be adopted. Seconded by Mr. Cvitanich.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16961:

Transferring the sum of \$5,000 from the M & O classification of the Non-Departmental Account to the M & O Classification of the Legislative Budget, for the purpose of establishing a tourist information center in connection with Century 21 world exposition as authorized by Resolution No. 16953.

It was moved by Mr. Easterday that the Resolution be adopted.  
Seconded by Mr. Cvitanich.

Mr. Rowlands explained that at next Tuesday's Council meeting some type of recommendation will be submitted to the Council for consideration regarding individual room situations.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16962:

Fixing Tuesday, April 10, 1962 at 7:00 P. M. as the date for hearing on the vacation of property in the alley between So. L & M; and the east 10 feet of M from Center St. to the proposed So. 28th St.

It was moved by Mr. Easterday that the Resolution be adopted.  
Seconded by Mr. Cvitanich.

Mr. Rowlands explained that there was a slight error in the description of the original Resolution, and a substitute amendment has been submitted.

It was moved by Mr. Steele to accept this substitute amendment.

Seconded by Mr. Murtland. Voice vote taken. Motion carried.

Voice vote was taken on the Resolution as amended.

The Resolution was then declared adopted by the Chairman.

FIRST READING OF ORDINANCES:

Ordinance No. 17014:

Amending Chapter 1.30 of the Official Code of the City to reflect the changes in the Pension Plan approved by the City Employees at the election held Feb. 8, 1962. Read by title.

Mayor Hanson explained that the Ordinance had been drafted in accordance with the recommendations of the City Council with substantial approval of the City Employees. He asked Mrs. Campbell, Supervisor of Retirement, if she had anything to say at this time.

Mrs. Campbell stated that this Ordinance had been very carefully checked by Mr. McCormick, City Attorney, and as far as they know it does conform in every respect to the plan that was presented to the employees and the City Council.

Mr. Rowlands stated that there were a few minor changes as the result of the meeting with the actuaries; however, there is going to be a meeting with the Retirement Board tomorrow to review these changes.

The Ordinance was then placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 17010:

Amending the Official Code of the City relating to zoning by adding a new section 13.06.060-2 to include property in the area bounded by So. 42nd, Prospect; So. 43rd (vacated) and So. Houghton Way in the 'R-4' Multiple Family Dwelling District. (Albert F. Vierthaler) Read by title and passed.

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. 17011:

Amending the Official Code of the City relating to zoning by adding two new sections 13.06.083 & 116-1 to include property on both sides of Stevens T St. between So. 18th & So. 19th Sts. in the "R-4-LT" Low Density Multiple-Family Residential-Commercial Transitional District and in the "C-P-C" Planned Community Shopping Center District. (Petition of Morley Brotman) Read by title and passed.

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. 17012:

Amending the Official Code of the City relating to zoning by adding a new section 13.06.065-16 to include property on the southwest corner of So. 18th & Alaska Sts. in an "R-4-L" Low Density Multiple Family Dwelling District. (Petition of Henry W. & Richard H. Shaw) Read by title and passed. 55-40

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. 17013:

Amending the Official Code of the City relating to zoning by adding a new section 13.06.065-17 to include property on the south of No. 26th St. between Vassault & Mildred Sts. , in the "R-4-L" Low Density Multiple Dwelling District. (petition of Miller Construction Co. , Inc. ) Read by title. 55-53

Mayor Hanson explained that the Council has the recommendation of the Planning Commission for approval of the area. Inasmuch as there has been a number of inquiries concerning this Ordinance, Mayor Hanson asked if there was anyone who wished to speak.

Mrs. Nelson who lives in the area asked for a postponement of the Ordinance for the reason that she had just learned they were contemplating a Trailer Court which this Ordinance would allow.

Mr. Miller of the Miller Construction Co. explained that he owns the property in this area and intends to build an apartment house and has no intention of building a Trailer Court.

Mr. Buehler explained if the area consists of 3 1/2 acres it would be sufficient for a Trailer Court upon the approval of the Planning Commission.

Mayor Hanson explained that the granting of this rezoning petition would not necessarily result in Mr. Miller constructing a Trailer Court.

Mrs. Olson asked Mr. Miller if he anticipated constructing permanent type units.

Mr. Miller explained the apartments were to be permanent structures.

No one else wishing to speak roll call was then 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 4684 for paving including storm drainage on the alley between No. 30th and No. 31st from Puget Sound Ave. to Warner Street.

Mr. Easterday moved that Monday April 9, 1962 be fixed as the date for hearing on the assessment roll for L I D 4684. Seconded by Mr. Cvitanich. Voice vote was taken. Motion carried.

b. L I D 6776 for street lighting at intersections, on So. 42nd to So. 54th; Ferry to Warner Streets.

c. L I D 6784 for street lighting on So. 54th from Pacific Ave. to So. G & So. 53rd from Pacific Ave. to So. D Street.

Mr. Easterday moved that Monday, May 14, 1962 be fixed as the date for hearing on the assessment rolls for L I D 6776 and L I D 6784. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.



ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

Report from the Tacoma Municipal Court for the Month of Feb. 1962

COMMENTS:

Mr. Steele remarked that the election was over and suggested that the candidates have their campaign signs picked up before the Century 21 tourists arrive.

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Mr. Cvitanich requested that the City Attorney bring in a resolution next week requesting an Independent Audit.

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There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 8:25 P. M.

  
Mayor of the City Council

Attest: 