

CITY COUNCIL MINUTES

City Council Chambers, 4:00 P. M.
Tuesday, July 24, 1962

Council met in regular session. Present on roll call : Cvitanich, Finnigan, Herrmann, Murtland, Price, Steele and Mayor Tollefson. Absent 2: Bott and Haley. Mr. Bott coming in at 4:42 P. M.

Mrs. Price moved that the minutes of July 10, 1962 be approved as submitted. Seconded by Mr. Steele. Voice vote taken. Motion carried.

RESOLUTIONS:

Resolution No. 17138:

Authorizing the proper officers of the City to grant a temporary loan of \$100,000.00 from the L. I. D. Guaranty Fund to the General Fund in order to permit the Transit System to operate for the balance of the year.

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

Mr. Rowlands explained that this loan is needed for the Transit System's working capital. The interest charge is 2 1/4% and it will be paid to the L I D Guaranty Fund.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 17139:

Authorizing the proper officers of the City to grant a temporary loan of \$100,000.00 from the General Fund to the Tacoma Municipal Transit System Fund in order to overcome deficits.

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

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 17140:

Authorizing the proper officers of the City to execute an assessment deed to Z. A. and Catherine M. Vane for the sum of \$1,600.00 for property located at 30. 00th and Prospect.

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

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 17141:

Authorizing the proper officers of the City to execute a real estate contract to George W. & Myrtle E. Tibbits and Chester W. & Adeline W. Morris d/b/a Tibbits & Morris for property located near So. 13th on Durango for the sum of \$950. 00.

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

Mr. Rowlands explained that the Public Works Department would like a two week's postponement on this Resolution as they are in the process of acquiring right-of-way in this general area.

Mr. Steele moved to postpone the Resolution for two weeks, until August 7, 1962. Seconded by Mrs. Price. Voice vote taken. Motion carried.

The Resolution was then declared postponed until August 7, 1962.

Resolution No. 17142:

Authorizing the proper officers of the City to execute a real estate contract to Riley & Janice A. Jordan for property located south of So. 45th on Alder St. for the sum of \$600. 00.

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

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 17143:

Authorizing the proper officers of the City to execute a real estate contract to Riley & Janice A. Jordan for property located south of So. 45th St. on Alder St. for the sum of \$2,900. 00.

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

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 17144:

Authorizing the proper officer of the City to execute a real estate contract to Bernard A. & Helen T. Winter for property located on No. 40th St. near Orchard for the sum of \$2,000.00.

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

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 17145:

Authorizing the proper officers of the City to execute a real estate contract to Bernard A. & Helen T. Winter for property located on No. 40th St. near Baltimore for the sum of \$1,350.00.

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

Mr. Finnigan asked how long the City retains ownership of property before selling.

Mr. McCormick, City Attorney, said it is a complicated process, as in some cases it may take a year. Several times a year a list is prepared listing properties for sale at public auction.

Mr. Finnigan also asked how long is it before the City waits to take possession of property due to failure to pay taxes.

Mr. McCormick replied that it depends if the property has been sold for general taxes, which happens in most cases. The City then pays the County tax and takes title of the property, and then forecloses on any L I D's that are outstanding, therefore giving complete title to sell after a redemption period.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 17146:

Adopting Program for Community Improvement of the City of Tacoma (Workable Program) for 1962-1963.

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

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

FIRST READING OF ORDINANCES:

Ordinance No. 17132:

Amending Sections 1. 14. 263 thru 265 & 267; 271 thru 275 and repealing Section 1. 14. 266 of the Official Code relating to precinct boundaries on the Freeway (PSH#1) in the area of So. 30th St. to Wright Ave. on Park Ave. in an eastward direction to the Puayllup River. Read by title.

The Ordinance was then placed in order of final reading.

Ordinance No. 17133:

Amending the official code of the City relating to licensing of music machines by adding a new section 6. 28. 075. Read by title.

Mayor Tollefson explained that Ben Hanson, Attorney, representing two music machine companies interested in this Ordinance, asked that this Ordinance be taken up later in the meeting so he could be present.

Ordinance No. 17134:

Amending the Official Code of the City relating to zoning by adding Section 13. 06. 120-29 to include property adjacent to the N. W. corner of No. 46th and Pearl Sts. to a "C-1" Commercial District. (Petition of Chester A. Hogan) Read by title. 234
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The Ordinance was then placed in order of final reading.

Ordinance No. 17135:

Amending the Official Code of the City relating to zoning by adding a new section 13. 06. 065-20 to include property between So. 14th & So. 15th Sts. on both sides of Ridgewood Ave. extended to a "R-4-L" Low Density Multiple Family Dwelling District. (Petition of H. A. Briggs) Read by title. 266
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The Ordinance was then placed in order of final reading.

Ordinance No. 17136:

Amending Sections 13. 06. 010, 350, 406 and 410 of the Official Code of the City relating to zoning to include Go-Kart Tracks. Read by title.

Mr. McCormick explained a redraft of the Ordinance has been distributed to the Council members as there were three sections inadvertently omitted from the Ordinance when typed from the Code Book.

Mr. Buehler, Director of Planning, explained this Ordinance was drawn up to include the temporary use permit to include Go-Kart Tracks.

The Ordinance was then placed in order of final reading.

Ordinance No. 17137:

Amending the Official Code of the City by adding a new chapter consisting of 7 sections 6. 78. 010 through 6. 78. 070 relative to the licensing of Go-Karts. Read by title.

Mr. Steele asked if the license fee had been decided for a Go-Kart Track.

Mr. Buehler, explained that neither the Planning Commission or the Finance Dept. have submitted any recommendation for license fees.

Mayor Tollefson asked Mr. Rowlands if he would submit a list of license fees from other Cities for comparison.

The Ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 17130:

Amending sections 13. 06 210, 220, 230 and 375 of the official code of the City relating to zoning for Group Care Homes, Nursing Homes, Foster Homes, etc. to provide for increased controls. Read by title.

Mr. Buehler explained the new amendments in this proposed Ordinance will prevent "doubling up" of guests in a single building and a listing of foster homes for children and adults under the Special Permit section of the Zoning Ordinance. It will also eliminate the need for a State license prior to issuance of a Special Permit by the Planning Commission for nursing homes, etc.

Mayor Tollefson asked if the language in the Ordinance, namely, "a special permit so authorized shall become void after the expiration of six months if no substantial construction has taken place in accordance with plans for which such special permit was authorized," was not too strong.

Mr. Buehler explained, this is a protection for the adjacent property owners so that construction will be completed as quickly as possible.

Roll call was then taken on the Ordinance resulting as follows:

Ayes 7; Nays 0; Absent 2; Bott and Haley.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 17131:

Authorizing the proper officers of the City to enter into a contract for the furnishing of water to the Housing Authority of the City of Tacoma and setting forth the provisions of said contract. Read by title.

Mr. Rowlands explained this is a renewal of the agreement now in effect.

Roll call was then taken on the Ordinance resulting as follows:

Ayes 7; Nays 0; Absent 2; Bott and Haley

The Ordinance was then declared passed by the Chairman.

UNFINISHED BUSINESS:

The Director of Utilities presents the assessment roll for L I D 5339 for cast iron water mains in Lawrence, Alder and Cedar Streets from So. 56th St. to approximately So. 53rd St. produced.

Fixing Monday, August 13, 1962 at 4:00 P. M. as the date for hearing.

Mrs. Price moved that the date be set for the hearing on L I D 5339 on Monday, August 13, 1962 at 4:00 P. M. Seconded by Mr. Steele. Voice vote taken. Motion carried.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

Report from the Director of Finance for the month of June 1962.

Mr. Bott coming in at 4:42 P. M.

Mayor Tollefson stated that Mr. Hanson was now present to address the Council on behalf of his clients relative to Ordinance No. 17133.

Mr. Hanson stated he was representing Mr. Claude Mötter, William Boyle and Dick Greco, who are licensed distributors in the area of music machines. He said his clients do not wish any additional restrictions placed on the business of music machines. The reason for some of these businesses changing their machines is that they have found they could get better machines and service from Mr. Mötter's company than they could from any previous business arrangement. There has been approximately 10 transfers of licenses to Mr. Mötter's company at the request of the proprietors within the last 12 month period. He further added, if small businesses such as taverns, restaurants, bowling alleys, etc. have to wait a 10 day period without a machine, they would suffer a financial loss.

Mrs. Zackery, owner of the Retreat Tavern said she was against the proposed Ordinance as she would lose money by having to wait a 10 day period.

Mr. Darrel Jensen, owner of the Silver Dollar Tavern stated he felt that any owner of a business should have a right to make his own decision as to whom he wishes to do business.

Mr. Finnigan asked, when an owner changes machines, and deals with another company, is he required to get a new application for a license and also, what is the license fee.

Mr. Gaisford, Director of Finance, explained, it is necessary for the owner of an establishment to sign a statement that he has notified the operator of the machine that he is replacing his equipment with equipment of a new operator. This statement is sent to the License Dept., they in turn check to be sure the old operator has been notified that his equipment is to be removed. The fee for such a location machine license is \$5.00 per year.

Mr. Bott said he was against the proposed Ordinance as it was not the Council's prerogative to choose with whom a person should do business.

Mr. Murtland agreed it was a definite infringement upon private enterprise.

Mayor Tollefson stated, it was not the intention of the proposed Ordinance to dictate to a proprietor with whom he is to do business but instead,

it would give the City 10 days time in which to transfer their records and obtain the inspection report.

Robert Rovai, Attorney, representing the Pierce County Association of Music Machine operators, stated they were in favor of the proposed Ordinance. He thought the City should have at least 10 days to investigate the transfer of a music machine before its removal so that an owner of the machine can make arrangements for his equipment.

Mrs. Price stated the original Ordinance which was passed in 1959 had been requested by the music machine industry.

Mr. Murtland asked Mr. McCormick to give an explanation of the Ordinance.

Mr. McCormick stated that prior to drafting this Ordinance, there was no disagreement between the music machine operators holding licenses in the City of Tacoma. It was at the request of the music machine operators that the 10 day waiting period be included in the Ordinance.

Mr. Rowlands pointed out that Mr. Hamilton, Assistant City Attorney, Dave McLennan, Assistant City Finance Director and Mr. Robert Rovai, Attorney for the Association of Music Machine Operators met and drafted this Ordinance. Administratively speaking they could see no objection in having an affidavit for a 10 day waiting period. If the Council would like a report on the effect a 5 or 10 day waiting period would have, he would provide them with this information next week.

Mayor Tollefson stated, this Ordinance will come before the Council next week for Final Reading, and at that time Mr. Rowlands will submit further information on the matter.

Mr. Finnigan noted, at the bottom of the Ordinance, that the changes had been approved by the Attorney representing the music machine operators and all machine operators presently holding licenses in the City. He asked Mr. Hanson, if this did not include his clients.

Mr. Hanson said that statement might have made that impression, but it is not true, his clients did not agree to those conditions or amendments.

Mr. Finnigan asked how many music machine operators have licenses outside of the Association in the City of Tacoma.

Mr. Hanson replied there are two outside and five inside of the Association.

Mr. Bott left at this time - 6:00 P. M.

Mayor Tollefson asked Mr. Hanson if he thought the Ordinance that was passed in 1959 is a satisfactory one.

Mr. Hanson said he thought it was a proper Ordinance and regulated the music machine industry.

Mayor Tollefson said, if there are any other questions to be resolved, this Ordinance will be up for Final Reading next week.

The Ordinance was then placed in order of final reading.

Mr. Cvitanich left at this time - 6:05 P. M.

COMMENTS:

Mayor Tollefson reminded the Council that the Association of Washington First Class Cities will be meeting on Friday, July 27, 1962 at the

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Winthrop Hotel starting at 9:30 A. M. The discussion will be on problems to be presented to the Legislature.


Mr. Rowlands introduced, Mr. Esmail Hariri from Iran, who is visiting Tacoma to learn various phases of Municipal Government. He further added, eight members of Trade Unions of Brazil will be arriving tomorrow for a 10-day stay in Tacoma.

There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 6:10 P. M.



Mayor of the City Council

Attest:



Deputy City Clerk