

CITY COUNCIL MINUTES

City Council Chambers, 4:00 P. M.
Wednesday, March 13, 1963

Council met in regular session. Present on roll call 8: Bott, Cvitanich, Finnigan, Haley, Herrmann, Murtland, Steele and Mayor Tollefson. Absent 1: Mrs. Price

Mayor Tollefson explained that Mrs. Price is still ill and asked that she be excused.

Mr. Murtland moved that Mrs. Price be excused from the meeting. Seconded by Dr. Herrmann. Voice vote taken. Motion carried.

Dr. Herrmann moved that the minutes of February 26, 1963 be approved as submitted. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

HEARINGS & APPEALS:

a. This is the date set for hearing on SCF #62 for construction, reconstruction or repair of sidewalks in various sections of the City.

Since no one appeared for the hearing, Mr. Steele moved that the proper Ordinance be drawn approving and confirming the assessment roll for SCF #62. Seconded by Dr. Herrmann.

Voice vote taken. Motion carried.

b. The City Planning Commission recommending the denial of the petition submitted by Neil F. Skelton for the rezoning of property located at Center and Orchard Street from an "R-2", "C-1" and "R-4-L" District to a "C-2" District. No appeal had been filed by the petitioner, therefore.

Mr. Steele moved to concur in the recommendation of the Planning Commission to deny the petition of Neil F. Skelton for the rezoning of property located at Center and Orchard Street. Seconded by Dr. Herrmann. Voice vote taken. Motion carried.

c. The City Planning Commission recommending the denial of the petition submitted by Gregory, Taylor and Johnson for the rezoning of property located on the east side of Orchard between So. 30th and So. 32nd St. extended from an "R-2" to an "R-4-L" District. No appeal had been filed by the petitioner, therefore.

Mr. Steele moved to concur in the recommendation of the Planning Commission to deny the petition of Gregory, Taylor and Johnson for the rezoning of property located on the east side of Orchard between So. 30th and So. 32nd St. extended. Seconded by Dr. Herrmann. Voice vote taken. Motion carried.

City Council Minutes - Page 2 - March 13, 1963

RESOLUTIONS:

Resolution No 17377:

Approving and providing for the execution of a Loan and Grant contract for the Fawcett Project (Wash R-3) and rescinding Resolutions No 17198 and 17248

Mr Steele moved that the Resolution be adopted Seconded by Dr. Herrmann
Voice vote was taken on the Resolution.

The Resolution was declared adopted by the Chairman.

Resolution No 17378:

Authorizing the issuance of certain project temporary loan notes in connection with Urban Renewal Project No. (Wash R-3) and providing for the security for the payment and rescinding Resolution No 17199.

Mr. Steele moved that the Resolution be adopted. Seconded by Mr. Murtland.
Voice vote was taken on the Resolution.

The Resolution was declared adopted by the Chairman.

Resolution No 17379:

Authorizing the execution and delivery of a certain project temporary loan note in connection with the Fawcett Urban Renewal Project (Wash. R-3).

Mr. Steele moved that the Resolution be adopted. Seconded by Mr. Haley.
Voice vote was taken on the Resolution.

The Resolution was declared adopted by the Chairman.

Resolution No. 17380:

Authorizing the execution of a contract with the Commonwealth Title Co. for title services for Fawcett Urban Renewal Project (Wash. R-3).

Mr. Steele moved that substitute Resolution No. 17380 be adopted Seconded by Mr. Haley.

Mayor Tollefson said this amendment identifies the true name of the Title Company, which is the Commonwealth Title Insurance Company.

Voice vote was taken on the Resolution.

The Resolution was declared adopted by the Chairman.

City Council Minutes - Page 3 - March 13, 1963

Resolution No. 17381:

Amending Resolution No. 17172 to provide for certain changes in Federal regulations in survey and planning contracts in the "New Tacoma Project", (Wash. R-14).

Mr. Steele moved that the Resolution be adopted. Seconded by Dr. Herrmann. Voice vote was taken on the Resolution.

The Resolution was declared adopted by the Chairman.

Resolution No. 17382:

Approving the Contract for Planning Advance for Surveys & Plans for New Tacoma Project (Wash. R-14).

Mr. Steele moved that the Resolution be adopted. Seconded by Mr. Haley. Voice vote was taken on the Resolution.

The Resolution was declared adopted by the Chairman.

Resolution No. 17383:

Authorizing the filing of an amended Survey and Planning application for the New Tacoma Project. (Wash. R-14).

Mr. Steele moved that the Resolution be adopted, Seconded by Mr. Haley.

Mr. VanderEnde, representing the Action Planning Committee, which consists of members of the Retail Trade Bureau Association, Building owners, Managers and Merchants Association, said while the business men of the downtown area have not signed any pledges, he personally thought that the downtown interests can produce \$250,000 for the redevelopment of the area for whatever use the consultants and the Council may determine is best. He acknowledged that an auditorium had been the group's initial thought.

Mr. Steele asked Mr. VanderEnde if the area of So. 13th to So. 16th St. is a desirable location for the auditorium.

Mr. VanderEnde said he thought a survey could be made for other locations which may prove to be more desirable, however, anything that would improve the Central part of the City and was desirable, they would support.

Mayor Tollefson said the Council was pleased to hear that their group is in accord with this design as being the highest and best use of the area, rather than for a specific use.

Voice vote was taken on the Resolution.

The Resolution was declared adopted by the Chairman.

City Council Minutes - Page 4 - March 13, 1963

Resolution No. 17384:

Approving the Replat and Final Plat of Wapato Lake Villa Sites 2nd Addition. ⁶⁵
area on both sides of Ainsworth Ave. between So. 61st & So. 64th Streets.

Dr. Herrmann moved that the Resolution be adopted. Seconded by Mr. Haley.
Voice vote was taken on the Resolution.

The Resolution was declared adopted by the Chairman.

Resolution No. 17385:

Approving the Replat and Final Plat of Holmdale's Replat of portions of ⁵⁶
Sunset Heights in the area bounded by No. 23rd, Fremont & Harmon Streets.

Dr. Herrmann moved that the Resolution be adopted. Seconded by Mr. Haley.
Voice vote was taken on the Resolution.

The Resolution was declared adopted by the Chairman.

Resolution No. 17386:

Awarding contract to E. H. Rody & Sons on their basic bid for L I D 3542
in the amount of \$26,412.30 and on the supplemental proposal of \$6,147.44 including
sales tax.

Mr. Finnigan moved that the Resolution be adopted. Seconded by Mr. Haley.
Voice vote was taken on the Resolution.

The Resolution was declared adopted by the Chairman.

Resolution No. 17387:

Fixing Monday, April 22, 1963 at 4:00 P. M. as the date for hearing on
L I D 6825 for street lighting on G St. from McGarver to No. 10th and on No.
39th St. from Gove to Orchard.

Mr. Steele moved that the Resolution be adopted. Seconded by Mr. Haley.
Voice vote was taken on the Resolution.

The Resolution was declared adopted by the Chairman.

Resolution No. 17388:

Authorizing the proper officers of the City to execute the necessary contracts
and agreements to allow the participation of the City in the Gig Harbor Peninsula
Regional Planning Program.

Dr. Herrmann moved that the Resolution be adopted. Seconded by Mr. Haley Mr. Robert A. Eveleigh, Pierce County Planning Director, informed the Council that the State and County have agreed to participate in a Planning Study for future community development of the Gig Harbor-Peninsula area. This planning will cost approximately \$60,000 with the Federal Government subsidizing two thirds of the cost. He said they are asking for approximately \$1,500 to \$2,000 of staff time from the City of Tacoma.

Mr. Rowlands stated the intention of the City is to contribute this \$2,000 in personnel assistance, but if the City does not have the staff available, then we may have to contribute \$500.00 in cash and \$1,500.00 in personnel. He added, the City has an interest in this, due to the fact the airport is situated in this area and is interested in the zoning and approaches of the airfield.

Mr. Finnigan said he was opposed to this, as he felt there was enough work to be done in Tacoma without going into the County.

Mr. Bott and Dr. Herrmann thought it was a good investment to protect Tacoma's interests regarding zoning around the airport, as any buildup around the approaches could present problems unless controlled.

Roll call was taken on the Resolution resulting as follows:

Ayes 5; Nays 3, Cvitanich, Finnigan and Murtland; Absent 1, Price. The Resolution was declared adopted by the Chairman.

FIRST READING OF ORDINANCES:

Ordinance No. 17282:

Vacating a portion of Pacific Traction Co. right-of-way lying east of South Manitou Way between South 64th to South 66th Sts. (Petition-James M. Healy) ⁶⁵₉₀

The Ordinance was placed in order of final reading.

Ordinance No. 17283:

Amending Chapter 13.06 of the Official Code of the City by adding a new section 13.06.130-22 to include the SW corner of East 38th St. and Portland Ave. in the "C-2" Commercial District. (Petition - Morley Brotman) ²⁶₉₀

Mr. Ron Thompson, Attorney, representing Morley Brotman, explained the topography of the area. He stated his client intends to construct a self-service laundry-dry cleaning establishment on the north end corner of the site. The rezoning of this property would make a complete City block a "C-2" zone which is good planning.

Mr. Bott asked why the Planning Commission denied Mr. Brotman's original petition.

Mr. Steele stated, this application included the property owned by Mr. McIntosh, which presents a complete zoned block. The original application did not include his property; the Planning Commission felt this represented good

City Council Minutes - Page 6 - March 13, 1963

planning and should open the area for development.

Mayor Tollefson asked Mr. Buehler if this was the staff's recommendation

Mr. Buehler stated the staff made a separate recommendation. He stated he would have the Chairman of the Planning Commission present at the final reading for his explanation.

The Ordinance was placed in order of final reading.

Ordinance No. 17285:

Amending Chapter 5.08 of the Official Code of the City by adding a new section 5.08.270 to prohibit the preparation and sale of any food except candy and ice cream from certain vehicles.

Mr. Steele moved that the substitute Ordinance be accepted which amends Sec. 5.08.270 to include the last four lines as follows: " and provided further, that this section shall not apply to vehicles which distribute bakery and/or dairy products and other products in connection therewith to homes and business establishments on regularly established routes." Seconded by Dr. Herrmann. Voice vote taken.
Motion carried.

Mr. Bott thought by eliminating ice cream trucks from the arterials in residential areas was too restrictive. He felt they should be excluded from only the business district arterials.

Mr. Cvitanich felt the trucks and scooter-type machines should all be banned, because of the traffic hazard created by the children following the machines.

Mayor Tollefson asked if anyone interested in this type of business would like to be heard.

Mr. John Thomas, Attorney from Seattle representing the Scandia Mobile Corp., submitted a brochure to the City Council showing the type of vehicle that would be used. He stated the adoption of this Ordinance would make it prohibitive for their company to operate their soft ice cream trucks in Tacoma. The equipment used in these trucks for making ice cream and soft drinks is similar to that used in Tacoma restaurants.

Mayor Tollefson asked Mr. Thomas if these trucks were operating in Seattle.

Mr. Thomas, replied they were operating in Spokane and other cities of the same size, but were not operating in Seattle because of the initial investment that would be required to cover the entire City; however, they felt they could operate there if they wished.

Mr. M. H. Patneude, a representative of the Scandia Mobile Corp., said their trucks cost approximately \$10,000 each and have experienced operators. They are not operated by students.

Mr. Bott asked if this Ordinance would prohibit the sandwich or lunch wagons that sell to the different plants on the tideflats.

Mr. McCormick, City Attorney, stated this Ordinance would prohibit any vehicle from distributing and selling on arterial streets. If they wish to sell, they would have to park on private property.

Mr. Bott stated he would like to make some inquiries of his own regarding specific operations of these sandwich vendors before passage of the Ordinance.

Mr. Haley remarked that it had not been demonstrated to him that these vehicles should be prohibited from Tacoma.

Mr. Cvitanich said if one type of vehicle is allowed, all types should be allowed to operate, but he felt the safety factor was very important as they are a menace to the residential districts.

Mr. Rowlands said this has been discussed with the Traffic and Police Departments and they feel these vehicles definitely create a hazard.

The Ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 17278:

Amending Sec. 11. 34. 130 of the Official Code of the City relating to traffic-designating arterial Streets.

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Price.

The Ordinance was declared passed by the Chairman.

Ordinance No. 17279:

Amending Chap. 13. 06 of the Official Code of the City by adding a new section 13. 06. 130-21 to include property on the East side of Winnifred St. between 6th Ave. & So. 8th St. in the "C-2" Commercial District. (application of Royler & Wick Contracting Co.)

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Price.

The Ordinance was declared passed by the Chairman.

Ordinance No. 17280:

Amending Chapter 13. 06 of the Official Code of the City by adding a new section 13. 06. 130-20 to include property located between Ferdinand and Mullen Sts from Center to So 30th St. in the "C-2" Commercial District. (Petition of Joseph A. Iverson)

Mr. Steele explained that the petitioners are planning to construct an archery lane in this location.

Mr. Bott asked why is it necessary to have it zoned "C-2" for an archery lane

City Council Minutes - Page 8 - March 13, 1963

Mr. Buehler, Director of Planning, explained that archery lanes are classified as amusements and all amusements are in a "C-2" zone.

Mayor Tollefson pointed out that the adjacent property is zoned "C-2" where the New Frontier Lanes Bowling alley is located. He added, the town of Fircrest is concerned that a tavern might be constructed at this location. They have no objections to the rezoning of this property provided however, that a tavern is not constructed.

Mr. Iverson, petitioner, stated that the owners of the property next door started that rumor, but they are not rezoning this property with that in mind.

Mayor Tollefson said, since the petitioner indicated he does not intend to build a tavern, the property could be zoned "C-2" Notice, then, can be given to the liquor board in the event an application is made for a license for a tavern on this property.

Mr. Bott felt that archery lanes should be in a classification that does not include taverns.

Mayor Tollefson said in that event the code would have to be amended to allow archery lanes in a "C-1" zone.

Mr. Tuell, Attorney representing Joseph Iverson, explained, before he submitted this application for rezoning, he had talked with Mr. Buehler and Mr. Gillis, Building Inspector, and he was advised that a "C-2" zone was the proper zone for this type of business. He felt, after going to the expense of paying a \$100.00 filing fee for the rezoning, he should be given the proper zone. He added, the fact that a tavern might be built here was not a valid objection, as they sell beer at the Frontier Lanes right next door.

Dr. Herrmann asked if the records show that the Council opposes any tavern, would this be a valid restriction on the rezoning.

Mr. Buehler stated, in his opinion this would have no effect on the rezoning and he did not think this would be binding on the liquor board. However, he added, this was a legal question and for the legal department to answer.

Mr. Rowlands said if an application comes before the Mayor and Manager for approval, and knowing the feeling of the Council they would recommend disapproval of the license.

Mr. Steele explained, when the Fircrest Planning Commission met with the City Planning Commission to discuss this matter, they stated their primary concern was regarding a tavern, however, they had been assured at a meeting of the Council study session that they did not propose to establish a tavern, consequently, they had no particular objection to the rezoning.

Mr. Steele said, for the record he thought it should reflect in the minutes, that regardless of what the restrictions are in a "C-2" zone, so far as the City Council is concerned, this rezoning would be approved with the understanding that no tavern or liquor dispensing facility shall be allowed and the liquor board be so advised.

Mr. Bott asked Mr. McCormick if Mr. Steele's suggestion would be binding.

Mr. McCormick replied, it could be inserted in the minutes, but he did not think it could be a legal condition to the rezoning. You either rezone the property or you do not, and no qualifying conditions can be attached. What effect this statement may have on the rezoning would be entirely up to the liquor board.

City Council Minutes - Page 9 - March 13, 1963

Mr. Steele said he would vote "yes" on the Ordinance with the understanding that a tavern will not be allowed.

Mr. Steele then moved that the minutes reflect that it is the Council's wish that no tavern be allowed in this area. Seconded by Mr. Murland. Voice vote taken. Motion carried

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Price.
The Ordinance was declared passed by the Chairman.

Ordinance No. 17281:

Authorizing the Dept. of Public Utilities to interchange or exchange surplus electric power & energy with the City of Seattle and amending Ordinance No. 11781.

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Price
The Ordinance was declared passed by the Chairman.

Ordinance No. 17284:

Amending Ordinance No. 17197 in reference to L I D 4714 by deleting the area of So. Ash from So. 78th to So. 80th St. and So. 78th from Ash to Wilkeson Street.

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Price
The Ordinance was declared passed by the Chairman.

UNFINISHED BUSINESS:

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

- a. L I D 4704 for paving on the alley between "G" & Yakima Ave. from 6th Ave. to So. 8th.

Mr. Steele moved that Monday, April 8, 1963 at 4:00 P. M. be set as the date for hearing on L I D 4704. Seconded by Dr. Herrman. Voice vote taken. Motion carried.

- b. L I D 2337 for an oil mat surface on Vassault from No. 37th to No. 42nd and on No. 42nd from Vassault to Whitman Street.

City Council Minutes - Page 10 - March 13, 1963

c. L I D 3543 for sanitary sewers on Fremont from Harmon to No. 23rd; View Ridge Drive from Whitman Street to North 45th Street.

d. L I D 4698 for grading and paving on 6th Avenue from MacArthur St. to Jackson Ave.

e. L I D 5355 for cast iron water mains from No. 17th & Lexington to Frace; No. 23rd from Vassault to Lexington and in Vassault from No. 23rd to No. 26th St.

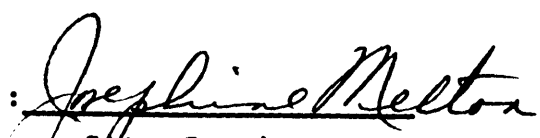
Mr. Steele moved to set Monday, April 22, 1963 at 4:00 P. M. as the date for hearing on the assessment rolls for L I D 2337, L I D 3543, L I D 4698 and L I D 5355. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Report from the Tacoma Municipal Court for the month of Feb. 1963.
- b. Report from the Traffic Division for the year 1962.
- c. Report from the Director of Finance for the month of January 1963.

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