

## CITY COUNCIL MINUTES

City Council Chambers, 7:00 P. M.  
Tuesday, June 20, 1961

Council met in regular session. Present on roll call 6:  
Cvitanich, Olson, Porter, Price, Steele and Mayor Hanson. Absent 3,  
Bott, Easterday and Murtland. Mr. Bott coming in at 7:10 P. M.  
Mr. Easterday coming in at 7:13 P. M.

Mrs. Olson moved that the minutes of June 6, 1961 be approved  
as submitted. Seconded by Mrs. Price. Voice vote taken. Motion carried.

Mr. Bott coming in at this time.

HEARINGS & APPEALS:

This is the date to which the hearing has been continued on the appeal  
filed by Harold A. Dabroe from the decision of the Planning Commission in  
denying his petition for the rezoning of property located at the N. W. corner  
of So. 38th & J Street from an "R-3" to an "C-1" District. 52:435  
33

Mr. Swedberg of the Planning Commission said Dr. Dabroe has asked  
for the rezoning to allow him to remodel his office under more liberal setback  
regulations and to install a self-illuminated sign. The Planning Commission and  
Staff do not disagree with Dr. Dabroe that this is a fine location for his business  
and certainly wish him well. However, the consensus of the planners is that  
a transitional zone designed for various professional offices would be the  
proper category for Dr. Dabroe to petition. The other matter of setback would  
require variances from the Board of Adjustments, but he felt the Board would  
be reasonable in this.

Mr. Easterday coming in at this time.

Mr. Swedberg said he felt it was wrong to change the zoning and the  
character of the land use merely to circumvent setback requirements.

Mr. Bott noted that the property on two other corners of the intersection  
is zoned commercial.

Mr. Dabroe said what he proposes to do is enclose the porch on the  
J Street side which will give him an additional 7 feet of room, and then to  
come out about 3 feet from the sidewalk on the 38th Street side. Under a  
C-1 zoning this would not require a variance. He said if he does not receive  
C-1 zoning he will only be able to build out 5 feet. This means he would have  
to tear out the entire front wall of the house, which would entail much expense  
and would not look as attractive.

Mayor Hanson said this was true unless Mr. Dabroe obtained a  
variance, as suggested by Mr. Swedberg.

Dr. Dabroe said he understood the Board of Adjustments was not in  
favor of granting him a variance in this case.

Mayor Hanson asked Mr. Swedberg if he knew anything of this.

City Council Minutes - Page 2 - June 20, 1961

Mr. Swedberg answered that the Planning Commission can not interfere with the Board of Adjustments. However, they had discussed it with the Board and informed them the Commission felt it would be proper to consider such a variance.

Mr. Swedberg said the Planning Commission, as he mentioned before, feels that the best zoning here, and also for safeguarding the interests of Dr. Dabroe, would be transitional zoning. Along 38th Street as along many of the arterials in the City, there is a real problem in land use. The Planning Commission has been working very hard to find some solution. Commercial zoning allows such a variety of occupancies that it is felt a better solution is to have these transitional zones extend along the arterials to act as a buffer zone.

Mayor Hanson said he could understand why Dr. Dabroe was concerned by not knowing what the Board of Adjustments might do. However, he also thought the Planning Commission was correct regarding the matter of proper use. If the Council were to follow the recommendation of the Planning Commission and if the Board of Adjustments were to fail to grant the variances, the Council could then petition to have it re-examined.

Mr. Buehler, Planning Director, said that any change can be initiated either by the City Council or the Planning Commission. He said he did talk informally with the Board of Adjustments and thought they would consider the variance very favorably.

Mr. Bott said he thought this idea of assuming what some other commission will do should the Council take a certain action is incorrect. The Council should take a definite stand.

Mr. Bott then moved that Dr. Dabroe's request for rezoning his property to C-1 be granted. Seconded by Mr. Cvitanich.

Mayor Hanson said he would like to follow the recommendation of the Planning Commission and find out what the Board of Adjustments would do in reference to granting the variance that would be required. Then the Council could re-examine the matter if the Board's action fails to correspond to the Council's feelings with reference to proper use. To assume that the Board would refuse to grant a variance, he felt would be improper.

Mrs. Price pointed out this was simply a matter of granting zoning for a business already in existence.

Mr. Easterday said he was in favor of granting Dr. Dabroe's request since, as Mr. Bott noted, two other corners of the intersection are zoned commercial.

Mrs. Olson said she thought a transitional zone was on the edge of a commercial area, but in a case such as this, when the property is immediately between two commercially zoned areas and across the street from another, she did not know to what the Council was supposed to be making a transition. It seemed that C-1 zoning was inevitable in this area and under the circumstances she was in favor of Dr. Dabroe's request.

Mr. Steele said it seemed to him this was a question of whether the recommendation of the Commission as to the transitional zoning was adopted or whether Dr. Dabroe's views on C-1 were appropriate. He thought because of the uncertainty which appears to surround transitional zoning from the point of view of obtaining variances and the uncertainty of the cost to the

property owner, that no harm would be done to the Commission's position by accepting Dr. Dabroe's view as opposed to their view on transitional zoning.

Mayor Hanson pointed out that previously the Planning Commission recommended denial of the Service Station site, one of the commercial corners referred to this evening, and the Council overruled the Planning Commission and granted the zoning. Now the Council is using this as an argument to extend the commercial zoning over against the recommendation of the Planning Commission. Next the Council will be faced with other blocks in the area.

Voice vote was then taken on the motion of Mr. Bott to grant Dr. Dabroe's request for rezoning his property to C-1. Motion carried.

COMMUNICATION:

Communication from L. W. Craig, Assessor, requesting that he be notified which three members of the City Council will represent the City on this year's Board of Equalization which will convene in the Assessor's office on Monday, July 3rd.

36

Mayor Hanson said last year the Council representatives on the Board of Equalization were Mr. Easterday, Mr. Cvitanich and Mr. Murtland. He asked for volunteers to serve on the Board this year.

Mr. Easterday, Mr. Cvitanich and Mrs. Olson volunteered to serve on the Board of Equalization for 1961.

RESOLUTIONS:

Resolution No. 16596 (as amended)

52:416

Establishing Urban Renewal Project positions for the Department of the Urban Renewal.

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

Mr. Rowlands said the Council received, along with the Resolution, a suggested amendment proposed by Mr. Bott at the last meeting. It provides that all persons not employed under Civil Service classification in Urban Renewal be required to sign an agreement to the effect they will remain in City service for a certain length of time. As he understands, a legal opinion has been prepared as to the validity of this proposed amendment.

Mr. Hamilton, Assistant City Attorney, said that is correct. Also after the preparation of the opinion, a discussion was held with Mr. Bott, and the final conclusion was that should the Council adopt this amendment, it was felt by drafting the contract in a careful manner, the difficulties outlined in the opinion could be avoided.

Mr. Bott then moved that the submitted amendment be approved.  
Seconded by Mr. Cvitanich.

City Council Minutes - Page 4 - June 20, 1961

Mr. Steele said, speaking in opposition to the proposed amendment, apparently there are further legal reasons why the Council should not encumber this employment with such a contract provision. It also seemed to him that it was not wise for the City of Tacoma to start a precedent in this. It might discourage those persons from accepting employment with the City who might otherwise do so. Also he thought it would be encumbering the administration with an unwise provision by adding this amendment to the Resolution.

Mr. Bott said the very reasons presented for the proposed salary increases provided for in this Resolution was that Tacoma after training employees lost them to other cities beginning urban renewal programs paying higher wages. He felt his amendment would, since Tacoma is raising salaries in the Urban Renewal field, give protection from losing personnel immediately after training them in Urban Renewal work. The reason for this proposed amendment is to protect the City's investment and personnel.

Mrs. Olson said she was in favor of the idea and theory expressed in this Resolution, but she had requested when this subject first came up about 3 weeks ago, that Mr. Kettler of the Joint Labor Committee be permitted to appear before the Council for the purpose of discussing with him the reason why more of these positions could not be put under classified service which accomplishes about the same thing as a tenure of office agreement. If employees are under Civil Service, seniority rights are built up, giving them an incentive to remain.

Mr. Rowlands said that several meetings had been held with Mr. Kettler and as the Council will recall there was one additional recommendation included in the Resolution. The Account & Record Clerk was deleted and changed to Account Clerk which is under the existing Civil Service.

Mr. Kettler said meetings were held and it was found that some of the positions could not come under Civil Service legally. Consequently, it was felt that the positions beyond the scope of the regular common classification were more or less positions that would be intermittent. There is the problem too of placing persons in that type of work, and also another group, the real estate people are hired as they are needed. For that reason he felt this Resolution covered all the people who would really be in the more or less permanent positions of carrying on the bookkeeping work. The way Urban Renewal looked to him was that there was a possibility it would be continuing for a good many years. At first it was thought Urban Renewal was a 3 or 4 year situation. Now it looks like it will be a long process and these people may work in this department for many years. For that reason it was felt they should be in the common classification. Then too, if they were laid off because of lack of work, they would be in a classification from which they could be rehired to some other part of the City government and the City would have the use of their background and experience in the other areas of government. He thought with all that in mind, as far as he is concerned, the positions that are now included in the existing classifications are the ones that will be important as far as the employee himself is concerned, and the others are the group that will be hired intermittently as needed. In addition, Mr. Kettler thought there was not a lot to offer in many of these positions as they would not be steady and are in a field not common to regular City work. For these reasons he felt that this fairly well covers the people from the standpoint of Civil Service

**City Council Minutes - Page 5 - June 20, 1961**

Mr. Bott said Mr. Kettler's conclusions then are that the positions covered on the first page of the Resolution are the only ones that would come under Civil Service.

Mr. Kettler said that was correct.

Voice vote was then taken on Mr. Bott's amendment which would provide that all persons not employed under a Civil Service classification, in the Department of Urban Renewal, be required to sign an agreement that they will remain in City Service for a certain length of time. Motion carried.

Mr. Easterday said he would vote for this Resolution because the added expenditure involved would be no drain upon the City's current funds; most of the money will come from the federal government.

Mrs. Olson said she would like an additional opportunity for discussion on this one matter. She has never been able to understand why the appointive positions should be entitled to the step increases the same as the employees under Civil Service. She always thought that one of the reasons there are appointive personnel is so that the City can reward them on the basis of their achievement, that an increase in compensation is something that should be earned rather than just be granted. She said she raised this point at the present time only for the purpose of indicating that she personally would like to spend some time in a discussion of this before getting around to the budget again.

Voice vote was then taken on the Resolution as amended.

The Resolution was then declared adopted by the Chairman.

**Resolution No. 16611:**

Fixing Monday, July 10, 1961 at 4:00 P. M. as the date for hearing on L I D 4684 for paving in the alley between No. 30th and No. 31st from Puget Sound Ave. & Warner St.

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

Voice vote was taken on the Resolution

The Resolution was then declared adopted by the Chairman.

**Resolution No. 16612:**

Fixing Monday, July 10, 1961 at 4:00 P. M. as the date for hearing on L I D 4663 for permanent paving on So. 55th from Fawcett to Park Ave. and on McGhee from East 58th to 390 feet south.

It was moved by Mr. Easterday 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.

City Council Minutes Page 6 - June 20, 1961

Resolution No. 16613:

Fixing Monday, July 10, 1961 at 4:00 P. M. as the date for hearing on L I D 5336 for cast iron water mains in So. 31st from Tyler to Bantz Blvd. from So. 31st to Center St. and in Center from Bantz Blvd. to Orchard Street.

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

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16614:

Fixing Monday, July 10, 1961 at 4:00 P. M. as the date for hearing on L I D 5337 for cast iron water mains in East F from East 72nd to East 80th and in East 80th from East B to East F Street.

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

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16615:

Fixing Tuesday, August 1st, 1961 at 7:00 P. M. as the date for hearing for the vacation of No. 37th St. between Vassault St. and the recently realigned No. 37th St. to approximately Defiance St. extended. 104

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

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16616:

Authorizing the proper officers of the City to enter into an agreement with the Joint Labor Committee.

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

Mr. Rowlands explained that this agreement has been worked out by the Utility Dept., the General Government and the Joint Labor Committee to everyone's satisfaction.

Mayor Hanson asked Mr. Peck, Chairman of the Joint Labor

**City Council Minutes - Page 7 - June 20, 1961**

**Committee, if this agreement was agreeable to the Unions.**

**Mr. Peck answered that it was.**

**Voice vote was taken on the Resolution.**

**The Resolution was then declared adopted by the Chairman.**

**Resolution No. 16617:**

**Authorizing the proper officers of the City to enter into an agreement with the Toledo School District authorizing the City to contribute \$6,000 as its share of the construction costs of a new classroom for the Toledo Public School.**

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

**Mr. Benedetti, Acting Utilities Director, explained that as a result of dam construction on the Cowlitz River the influx of construction workers' children into the Toledo Public School has increased enrollment to the point that to properly provide facilities an additional classroom will have to be constructed, at a total estimated cost of \$12,000. The School Board has requested assistance in paying for the construction of this classroom which will house 30 students. Since it is figured that 15 of these 30 students will be children of men working on the dams the Board has requested that the City of Tacoma contribute \$6000 of the \$12,000 construction cost. They make no request on operation and maintenance costs, their only request is for participation in the capital construction cost of the additional classroom. It was felt this was a reasonable request, and it was the recommendation of the staff that the \$6000 be paid to the Toledo Public School Board.**

**Mr. Cvitanich asked Mr. Hamilton, Ass't. City Attorney, if it would be proper for him to vote on this.**

**Mr. Hamilton said that it would.**

**Voice vote was taken on the Resolution.**

**The Resolution was then declared adopted by the Chairman.**

**Resolution No. 16618:**

**Awarding contract for the furnishing of fuel oil requirements for the period of July 1, 1961 to June 30, 1962 to Fuel Oil Service, Pacific Coast Coat & Oil and to McKenzie Fuel Co.**

80  
81

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

**Mr. Rowlands said this is slightly higher than last year as there has been quite a rise in fuel oil prices.**

**Voice vote was taken on the Resolution.**

**The Resolution was then declared adopted by the Chairman.**

**Resolution No. 16619:**

Awarding contract to Woodworth & Co. Inc. for L I D 4680 in the amount of \$39,665.08 plus the supplemental bid of \$907.00 which was determined to be the lowest and best bid.

It was moved by Mr. Easterday 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. 16620:**

Awarding contract to the Instrument Laboratory Inc. for the furnishing of one emergency Diesel Generator for the sum of \$13,030.00 and \$350.00 for the additional transfer switches plus sales tax.

It was moved by Mrs. Price 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. 16621:**

Awarding contract to Morris Construction, Inc. for L I D 2319 on their bid of \$19,581.80 which was determined to be the lowest and best bid.

It was moved by Mr. Easterday 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. 16622:**

Authorizing the proper officers of the City to execute a consent to the assignment of the lease between the City and Bessie McRae J rgenson d/b/a Coast Iron & Machine Works, and releasing Mrs. Jorgenson from personal liability.

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



Mr. Rowlands said in 1959 the City entered into a lease with Bessie M. McRae, known as Bessie McRae Jorgenson, doing business as Coast Iron & Machine Works, a sole proprietorship. Substantially all of the assets of the business have been transferred to a corporation, Coast Iron & Machine Works, Inc. and she has requested that the City consent to the transfer of the lease to the corporation.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution: No. 16623:

Authorizing the proper officers of the City to execute a contract with the Richfield Oil Corporation to develop certain property which was zoned "C-F-V" pursuant to Ordinance No. 16740.

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

Mr. Buehler, Planning Director, said this was the C-F-V District located at 72nd & the East Frontage Road which was approved by the Council a few months ago. The contractual agreement was drawn up and was agreed upon by Richfield Oil. This Resolution is the execution of the agreement between the City and Richfield Oil.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16624:

Amending Rule 1 of the City Council Rules by changing the City Council meetings from Tuesday at 7:00 P. M. to Monday at 7:00 P. M. and rescinding Resolution No. 16538.

39

Mr. Easterday said he had requested last week that this Resolution be prepared. Inasmuch as it proposes changing the Council's meeting time from Tuesday evening to Monday evening, he thought it would be well to postpone the Resolution until Mr. Murtland returned. Therefore, he moved that the Resolution be postponed to July 5, 1961. Seconded by Mr. Cvitanich.

Voice vote taken. Motion carried.

Mayor Hanson said Mr. Peck, President of the Joint Labor Committee has asked to speak at this time.

Mr. Peck said he was appearing before the Council on behalf of City employees who feel they are entitled to the contingent wage increase promised at budget time, since cities have received additional gas tax revenue from the Legislature.

During budget time the employees were told that should the City receive

any money from the State, the wage increase would be granted first. It is understood that a portion of the money granted by the State was earmarked for highway purposes. However, if the figures he has are correct, the cost to the General Fund would be roughly \$60,000 for the balance of the year. This seems like a small item when the employees are affected and it is felt they should be granted the entire increase as stated in the proposed budget.

Mr. Peck pointed out that 300 City Light employees received an entire increase retroactive to April 1st, 1961. At budget time it was stated that all employees would be affected likewise, but this has not been so. They feel they have been unduly dealt with as far as wages are concerned due to the fact that the increase was granted to part of the City employees.

Mr. Ketter, Secretary of the Joint Labor Committee, said the problem they are confronted with is that about 300 Utility employees received an increase without any contingency; 600 others did not get the contingency pay and consequently only got half of their increase. The reason they are not getting the other half is because the General Fund is short of money. It is realized it is good to have the Compensation Plan on an even schedule so that everyone in the common classification receives the same pay. At the same time, they do not think that everything turned out as it was described during budget hearings, because at the time the budget was adopted, they understood that all city employees would be on a contingency basis. Now it is discovered this is not so. There are 300 that are not on a contingency. It does not seem that these 300 should receive their full increase and the balance of the people in the Utilities, where the money is available, should not receive it. The only fair thing is to grant contingency pay as of April 1st to the remainder of the Utility employees since they are not dependent upon the General Fund for their income.

Mr. Ketter said as to the General Fund employees, it is realized they are in a more difficult position, the City's finances being as they are. However, they question that City finances are quite as bad as pictured. The newspaper reported that the City is facing a \$76,000 deficit. \$40,000 of this was already indebted before the first of the year rolled around, and is actually not a part of the 1961 budget. Further than that, the finances of the City regarding the people in the General Government will reflect the money from the State. It is known this money comes from the Gas tax, but at the same time, the employees were told that should any money come from the State, wage increases would be the first item granted. The employees see that the City is going to receive \$400,000 for the next two years from the State and no wage increase is forthcoming. This is difficult to explain to them. It is realized there are some strings attached to the money as to how it is to be spent. However, this sort of thing causes much agitation and unrest among employees and is not a healthy situation. Something must be done. They are concerned that the City has taken a position of allowing just part of its employees this increase; for that reason, they are asking the Council to consider this matter, to investigate and discover what the situation actually is and to review the facts and the pledges made at the time the budget was adopted.

City Council Minutes - Page 11 - June 20 , 1961

Mayor Hanson said this matter involves a half-step increase for the remainder of the year, and would entail between \$60,000 and \$70,000, then.

Mr. Ketler said that was correct.

Mayor Hanson said the principle problem in terms of the understanding of the employees is derived then from the fact that 300 utility employees were granted this additional half-step. There are 600 more utility employees that by the same reasoning should be granted the increase; leaving 1100 employees wondering why they are not also included.

Mr. Ketler said that was exactly right. This is a three-way situation. There are those utility employees who have received the full increase, there are utility employees working on the same utility who are not receiving the increase and finally there are the General Government employees who are not receiving any consideration.

Mayor Hanson said, in addition there is the factor that the Council has recognized the justification for the increase by placing it in the budget as a contingency item. He said he could well understand where it is difficult to explain the situation to the employees but the Council will have to evaluate what it would do to the budget.

Mr. Bott asked if the 300 employees who received a wage increase were not members of the electrical workers' union.

Mr. Benedetti said there are some 330 electrical workers whose wages are covered by the IBEW agreement. There are some 50 utility employees who are members of the IBEW #483 that work in the storerooms, etc. whose wages are not covered by the agreement itself but are covered in the regular compensation plan. There are 330 electrical workers who were covered by the Agreement and who received 100% of what they were entitled to on the basis of the general area wage. There are 660 employees in the Utility Department who have received one-half of that amount, which at the beginning of the year was determined as the wage they were entitled to, and the other 50% was contingent upon funds being available at some time during the remainder of the year. Many of these classifications are common, not only to the Utilities but also to the General Government and carry an equivalent salary.

Mr. Steele asked if the reference to the \$400,000 received by the City from the gas tax was the one-half cent increase and if it was understood that this is conditioned on a 25% city participation. The City should not get itself into the position of trying to meet this problem with those monies. Although there may have been suggestions that the half-step would be taken care of should the City receive money from the Legislature, the additional money received has strings attached to it and the City will have to find some other way to solve this problem.

Mr. Rowlands said this has been reviewed thoroughly with the Joint Labor Committee, but as Mr. Ketler has stated, it is difficult for the employees to understand how this does effect the City financially. At the present time the Public Works staff is going through the existing budget to find out if there are any proposed projects for which these funds will be eligible. As soon as this is determined a recap will be submitted to the Council.

Mr. Rowlands said it must be remembered that it is very difficult to tell what appropriations of an emergency nature will have to be passed by the City Council each year. For example, when the budget is developed it is developed almost virtually during the month of September and is adopted during October. There can be any number of emergency appropriations which might be necessary to adopt during the last 3 or 4 months of the year and it is difficult to meet those emergencies unless the City has an emergency fund. Additional monies can be picked up by attrition, that is, by not replacing personnel, but roughly \$70,000 is being spoken of here, plus the \$76,000 which must be picked up by the end of this year, making a total of approximately \$150,000.00. It is unfortunate this comes about particularly since the Utilities is in a little better position than the General Fund to absorb these costs. He thought the Council was to be commended for being able over the past 6 or 7 years to keep pace with the Utilities Department.

In conclusion, Mayor Hanson asked Mr. Rowlands to analyze this with reference to what options the Council would have in terms of curtailing services to come up with the money so that they could compare the two problems and see which is the more important.

#### FIRST READING OF ORDINANCES:

##### Ordinance No. 16838:

Creating in the Treasury of the City of Tacoma a new fund known as the "Arterial Street Fund." Read by title.

Mr. Cvitanich said the establishing of this Ordinance then will take the money that Mr. Ketler has been talking about.

Mr. Rowlands said actually the first check in the amount of \$32,333 was received in the past week and will be the first money to be placed into the fund.

The Ordinance was then placed in order of final reading.

##### Ordinance No. 16839:

Amending the Official Code of the City by enacting Chap. 3.02 of the Official Code and repealing (28) sections in reference to the Fire Prevention Code. Read by title.

Mr. Rowlands distributed additional material on the Ordinance. He said much time and effort has been spent in preparing this Code. Letters have been received from the Central Labor Council and the Chamber of Commerce stating they have reviewed the Ordinance. Also a letter was received from Mr. Weers of the National Board of Fire Underwriters.

Mr. Rowlands said the Fire Prevention Code is one that has been developed by the National Board of Fire Underwriters and several changes have been made. As a matter of fact, the Fire Prevention Bureau of the City has been following this Code essentially in its present form for several years. The reason it is hoped that the Council will approve this Code as quickly as possible is that the City would like to forward it to San Francisco and New York

City Council Minutes - Page 13 - June 20, 1961

so that the Engineers would have an opportunity to remove a few more deficiency points for the final regrading on fire insurance rates.

The Ordinance was then placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 16812 (postponed from the meeting of June 13th)

Amending Section 1.06.226 and 227 of the Official Code of the City in reference to "Cancellation and amounts due to the City." Read by title and passed.

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

Ayes 8; Nays 0; Absent 1, Murtland.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16814: (postponed from the meeting of June 6, 1961)

Amending Sec. 1.12.400 of the Compensation Plan by adding a new section of Community Services Officer. Read by title and passed. 52:232

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

Ayes 8; Nays 0; Absent 1, Murtland.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16821 (postponed from the meeting of June 6, 1961)

Amending the Official Code of the City relating to zoning by adding a new section known as Sec. 13.06.115-2 to include property on the east side of East Sprague Frontage Road between So. 72nd and So. 76th Sts. in a "C-P-N" Planned Neighborhood Shopping Center District. (Oscar Hokold, petition) Read by title. 52:430  
127

Mr. Bott said the Council postponed action on this Ordinance last week waiting for a letter from Mr. Buggee, Director of Highways with reference to his opinion on the effect this type of development would have on the effective use of the freeway.

Mayor Hanson said this letter from Mr. Buggee was included in the Agenda and asked that the Clerk read the letter in full.

After the letter was read, Mr. Bott asked if Mr. Hokold had a copy and was aware of the suggestions it contained?

Mr. Tollefson, Attorney for Mr. Hokold, said he did have a copy and was aware of its contents.

Mr. Bott then asked if Mr. Hokold was agreeable to the suggestion in the letter that in order to maintain a free flow of traffic on the frontage road, it would be desirable to make the entry and exit to the shopping center through street intersections to minimize the points of access to the frontage road.

## City Council Minutes - Page 14 - June 20, 1961

Mr. Tollefson said as will be noted, the first statement of Mr. Buggee in the second paragraph is that he feels this shopping center will create no harmful effects to the operational features of the freeway interchange facilities. The rest of the letter points out to the administration that in working out the contractual agreement, certain features should be taken into consideration; that when the contract is drawn the City should keep in mind the possibility of one-way streets, the possibility of chamelization and such other things that might be necessary in the future as the area grows. He said he has no doubt, knowing the strict contractual agreement that was entered into between the City and Mr. Brotman on his shopping zone in the So. 19th street area, that the City is going to be just as careful in Mr. Hokold's case.

Mr. Bott asked if Mr. Hokold was thoroughly aware of this possibility of egress and ingress control as it would be unfair otherwise. The fact that the Council did not want the shopping center to generate local traffic on the freeway road has been the basis for their opposition all along, as far as he was concerned.

Mr. Tollefson said Mr. Hokold was fully aware of the contractual obligations.

Mr. Arthur Paulsen representing the So. Tacoma Businessmen spoke in opposition to the rezoning. He said that the rezoning was certain to affect future generations of freeway users. Today the freeway is not congested. All the pressure here is on the side of the interest who seeks to exploit the freeway. The Freeway is a valuable asset for the community in the years to come. There are no objections voiced today against this rezoning because there is no economic loss to anyone at the present time. However, this is certain to affect future generations of freeway users who will pay for this. The argument used is that if this is not granted, the developer will locate outside the City. This is indeed a very short sighted argument as opposed to the long range view point of affecting the Freeway in the future.

Mr. Tollefson said the City is not giving away a public domain. This property is privately owned. It is not on the Freeway, it is on the frontage road abutting the Freeway. Whether that frontage road is one block or two blocks away makes no difference.

Mr. Tollefson said this is not giving away something that is never going to come back to the City. This is a development of an area inside the City. We should be real zealous about developing our City and see to it that homes are built inside the City rather than out in the County. Mr. Hokold has been developing an area that for years was never developed. He not only will be developing this but will be moving farther south entirely inside the City limits. As a matter of fact, the amount of traffic to the community shopping center will come from inside. It will not come from along the Freeway - people coming from Olympia, Lakewood, etc. They have their own shopping centers. This neighborhood shopping center is designed to serve a small neighborhood. The public domain question is not an issue here at all. This is the best development for this particular area. The Planning Commission has given it thorough study; the Traffic Engineers have given it thorough study. When the contract comes

City Council Minutes - Page 15 - June 20, 1961

up before them there will be further study, and no doubt, Mr. Kosai will contact the State Highway Dept. again with regard to the particular contract to ascertain if the desired protection is insured for the benefit of the State as well as the City. Under these circumstances, he did not see how the Council could turn down the petition of Mr. Hokold.

Voice vote was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Murtland.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16829:

Amending the Official Code of the City relating to zoning by adding a new section known as Sec. 13.06.115-3 to include property on the southwest corner of So. 64th and Yakima Ave. in a "C-P-N" Planned Neighborhood Shopping District. Read by title.

52:437

Mr. Eugene J. Dugaw of 6519 S. Thompson, said many of the property owners in this area do not feel they have been given fair consideration in this rezoning. A petition containing many signatures was presented to the Planning Commission protesting the shopping center proposed by Mr. Bailey; also the Planning Commission has recommended denial of the rezoning, basing its objections on the fact that Yakima Avenue will undoubtedly become a well-traveled thoroughfare after the completion of the new bridge in the Center Street area and this shopping center will definitely present a traffic problem. It is felt this should be looked into further before the Council takes final action in granting C-P-N zoning to Mr. Bailey.

Mrs. Olson said she thought the same reasoning would apply to Mr. Bailey's request that applied to Mr. Hokold's, that it is because the Planned Neighborhood Shopping Center requires contractual agreements which control the traffic flow that a Planned Neighborhood Shopping Center on an arterial is a better solution to a problem which will inevitably occur. There is commercial zoning already on Yakima Avenue and if a shopping center is not created where parking is provided off the street, then there will be the additional problem of on-street parking similar to that on 6th Avenue, Pacific Avenue and other major arterials throughout the City. It seemed to her that the people in such an area are protected, especially in this case by the regulations set up under the Planned Neighborhood Center.

Mr. Bott said he thought it was the Council's concern for the residents that led them to approve this. As he understands, this property on the corner is zoned C-1 presently. The Code in Tacoma gives the property owner the right in a C-1 zoning to go 200 feet farther in each direction for parking. There is nothing that can stop him if he can acquire that property. In this instance, it appears that Mr. Bailey holds an option on the land. Therefore, if the Council had voted against this rezoning petition, there was nothing they could have done to prevent Mr. Bailey from putting a store on that corner and then going 200 feet into the remainder of the property without any restriction

City Council Minutes - Page 16 - June 20, 1961

whatsoever. With the 'C-P-N' zoning he is restricted to the physical area and is also under contractual obligation to put up screening, fencing and to control traffic. This is what motivated the Council's action in voting for this request.

Mrs. Sovereign of 6531 So. Thompson, spoke in opposition to the rezoning. She also said she circulated a petition on this and the people who would immediately adjoin the shopping center do not want it.

Mayor Hanson asked Mr. Buehler, Planning Director, to point out the difference between the area involved in a commercial use, parking and commercial, as over against the area involved in the shopping center application.

Mr. Buehler said presently it is zoned C-1, 120 feet deep on each corner and it would be permissible for a business to utilize 200 feet of the residential area for parking. However, the Ordinance fixing the minimum standards requires various conditions; one being that public off-street areas shall be screened by concrete or masonry walls located at least 6 inches from the side or rear lot line. He said it would be his opinion that under the minimum standards Ordinance, a wall would be required to screen the commercial area from the residential.

Mayor Hanson said the screening wall then could be required even under the existing C-1 zone.

Mr. Buehler said that would be his interpretation.

Mr. Bott said that means then that the City would be able to require that a wall be placed around the parking lot in a C-1 zone.

Mr. Buehler said this has been done many times throughout the City.

Mr. Bott said he had been under the impression that this would not be required under a C-1 zoning, and had predicated his previous vote on this fact. In light of this he would move for a two week's postponement until more information can be obtained on the matter. Seconded by Mr. Cvitanich.

Mr. Hugo Metzler, Jr., Attorney for Mr. Bailey, said Mr. Bailey is ready to begin immediately with the Shopping Center. Many stores have indicated a desire to be located here, the property is arranged for and the project ready to go. This is a ten million dollar project which is needed; approximately seven million dollars will be spent in this area if this center is constructed.

Mr. Metzler added, Mr. Bailey has at the present time all the property within this area although he does hold some options. These options will expire on June 30 and if this Ordinance is postponed he will have complications in closing these options. He asked that this be taken into consideration as it is desirable that these dollars come into the City.

Mr. Porter said, noting that the 4 corners were zoned C-1 and that 200 feet in all directions could be utilized for parking, which would about total the area Mr. Bailey is asking for, it seemed to him that it would be much better to have it contained in one piece with the parking off the highway rather than having it bottling up both South 64th Street and Yakima Avenue.

Mr. Bott said inasmuch as these options do not expire until June 30th, the Council would have one more week's grace before taking final action on the Ordinance. He still felt it would be well to have this clarified. Therefore, he moved that the Ordinance be postponed for one week.



City Council Minutes Page 17 - June 20, 1961

Dr. Hammen and Mrs. Dolzing, both residents of the area, spoke in opposition to the rezoning.

Since no one has seconded Mr. Bott's motion, Mayor Hanson said he would do so at the present time.

Mr. Porter questioned the Mayor's right to second a motion.

Mayor Hanson said he believed the Charter said that he could speak and vote as any other council member.

Mr. Porter said, but not to make a motion or second a motion, however.

Mayor Hanson said, it is obvious the motion will not pass. He asked if there was any specific reference to any limitations in the Charter, and requested that a legal opinion be prepared on this as it would be well for everyone to know exactly what is proper.

Mayor Hanson said much concern was expressed about the need for a shopping center in the freeway area. Here we have a situation of a proposed shopping center surrounded by other shopping centers, in the midst of many people who do not want a shopping center, and yet the Council is not one bit concerned about the actual need, the actual service to the public involved. This he could not understand.

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

Ayes 6; Nays 2, Bott and Mayor Hanson; Absent 1, Murtland.  
The Ordinance was then declared passed by the Chairman.

Ordinance No. 16830:

Amending Sec. 5.20.110 of the Official Code of the City in reference to Commercial Service-Cash Deposit on Garbage. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

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

Ordinance No. 16831:

Amending Sec. 5.20.180 of the Official Code of the City by changing the table of rates for use of the Refuse Disposal area to include a schedule of rates for County residents. Read by title.

Mr. Easterday said he would like to amend this Ordinance by changing the words, "Rates for County Residents" to "Non-residents of City of Tacoma charges". Seconded by Mrs. Price. Voice vote taken. Motion carried.

Mr. Bott leaving at this time.

Roll call was then taken on the Ordinance as amended.

Ayes 7; Nays 0; Absent Bott, Murtland.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16832:

Vacating a 17 foot strip of property on the east side of Union Ave. 52:438  
between So. 47th St. and So. 48th St. (petition of Roger A. Guilmett, et al.)  
Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 7; Nays 0; Absent 2, Bott and Murtland.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16833:

Approving and confirming the assessment roll for L I D 1992 for  
sanitary sewers in Ea. D from Ea. 11th to Ea. 3rd and in Ea. 7th from  
Ea. D to Ea. F Streets. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 7; Nays 0; Absent 2, Bott and Murtland.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16834:

Approving and confirming the assessment roll for L I D 3504 for  
sanitary sewers in various streets and alleys from Ea. 50th to Ea. 72nd Sts.  
between Ea. K and Ea. N Streets. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 7; Nays 0; Absent 2, Bott and Murtland.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16835:

Approving and confirming the assessment roll for L I D 3514 for  
sanitary sewers in Woodlawn & Pearl from So. 13th to 19th Streets and  
in the vicinity of Sunset Heights Add. and at So. 30th & Tyler Sts. Read  
by title and passed.

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

Ayes 7; Nays 0; Absent 2, Bott and Murtland.

The Ordinance was then declared passed by the Chairman.

**Ordinance No. 16836:**

Providing for the improvement of L I D 3524 for sanitary sewers in Mildred; Lexington; No. 17th; No. 23rd and No. 24th Streets. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 7; Nays 0; Absent 2, Bott and Murtland.  
The Ordinance was then declared passed by the Chairman.

**Ordinance No. 16837:**

Providing for the improvement of L I D No. 5330 for cast iron water mains in 41st and 43rd Sts. N. E. from 45th to 49th Ave. and in 45th Ave. N. E from 41st to 43rd N. E. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 7; Nays 0; Absent 2, Bott and Murtland.  
The Ordinance was then declared passed by the Chairman.

**UNFINISHED BUSINESS:**

The Director of Public Works presents the assessment roll for the cost of L I D 3502 for sanitary sewers in the area of So. 66th from Wapato Street to Sprague Ave.

Mr. Easterday moved that Monday, July 24, 1961 at 4:00 P. M. be fixed as the date for hearing on the assessment roll for L I D 3502. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

**REPORTS:**

**MC - 357 - Financial Status.**

Mr. Easterday asked if it would be possible to have a projection on the deficit that will exist as of June 1st and if Mr. Rowlands could make an estimate on how much this will be increased by January 1st of the coming year.

Mr. Rowlands said what is definitely proposed is to see that everything is in balance. Of course, no one can anticipate the emergency Ordinances that might have to be adopted the last three months of the year. This is what causes the difficulties. As it stands now, unless there is some unusual circumstance beyond the control of anyone, by the end of the year, the budget will be in balance.

Mrs. Olson asked if at the next Tuesday noon study session the Council could bring the 1961 budget and go over the areas, it is felt some savings might be affected. It seems this should be done periodically. The Charter

City Council Minutes - Page 20 - June 20, 1961

calls for a check into expenditures and income once every quarter to see if they are going to balance, and if not to do something about it.

Mayor Hanson said there have been a number of occasions when the Council has been brought up to date with reference to the status of these accounts. However, he did think it would be well to take it up in conjunction with the employees' request for the contingent half step raise.

**ITEMS FILED IN THE OFFICE OF THE CITY CLERK:**

- a. Report from the Fire Dept. for the month of May, 1961.
- b. Report from the Ident. & Records Dept. & Traffic Div. of the Police Dept.

**COMMENTS:**

Mr. Rowlands commented on his trip to Washington D. C. He said he had the opportunity to confer with Congressman Tollefson and Senators Magnusson and Jackson on the Mt. Rainier Depot situation. Military officials contend sufficient room for ammunition storage is not available at the local depot. A hearing will be held some time soon before a House of Representatives committee, and Congressman Tollefson will present the local case. Consideration is being given to other proposed military uses for the facility, although nothing is definite on this.

He also said that the subject of the Smelter situation which is becoming so serious because of the cornering of copper ore by subsidized Japanese firms was also mentioned. The Washington legislators have been assured the situation will be discussed with Japanese Prime Minister Hayato Ikeda, who is in Washington for talks with President Kennedy and other top administration officials.

Mr. Rowlands said he also had the opportunity to meet with Urban Renewal Officials while in Washington.

\*\*\* Mr. Bott coming in at this time. \*\*\*

Mr. Porter said on June 6th, Ordinance No. 16828 received first reading. Last week he was not at the Council meeting, but the Ordinance was put on the Agenda for final reading which is in violation of the Charter provision providing that 15 days shall elapse from the date of first reading before a franchise Ordinance receives final reading. He was certain this was simply an error and in order to rectify this, he suggested that someone present at the meeting last week who voted on the prevailing side, vote to reconsider the Ordinance.

Mr. Easterday moved for reconsideration of Ordinance No. 16828. Seconded by Mrs. Price. Voice vote taken. Motion carried.

Mr. Porter moved that Ordinance No. 16828 be placed on the agenda for June 27th under final reading of Ordinances. Seconded by Mrs. Price. Voice vote taken. Motion carried.

Mr. Porter said he has been working with several other people toward a compromise amendment on this subject and he hoped it would reach the City Attorney for his study as to the legality in order that it go out on the

52:440  
34  
70

City Council Minutes - Page 21 - June 20, 1961

Agenda Friday.

Mrs. Price said that Ordinance No. 16828 had the unanimous vote of all those present June 13th. She thought everyone was under the impression that an agreement had been reached on this and that it was agreeable to everyone concerned.

Mr. Rowlands said the Ordinance was inadvertently placed on the Agenda for June 13th, as there is the 15 day waiting period mentioned by Mr. Porter.

He told the Council that under the existing franchise, Ordinance No. 16660, the Statewide Advertising Company has received notices to remove some benches. 30 days have elapsed since these notices were sent out, so the City theoretically has the right to remove the benches if the Company has not done so. He asked if the Council would, in view of the facts, like to await final decision on Ordinance No. 16828 before the benches are removed.

Mayor Hanson said he thought it would be well to wait to see what the final determination is.

\*\*\*

\*\*\*

\*\*\*

Mr. Bott asked if the Council might be provided with a list of all the changes made in the Fire Code.

Mr. Rowlands said such a list would be provided.

\*\*\*

\*\*\*

\*\*\*

Mayor Hanson said he would make a report on his trip at the next meeting. There will be at least two matters that will involve policy questions on the part of the Council.

\*\*\*

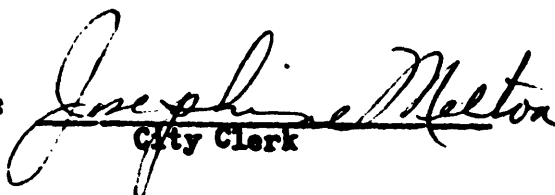
\*\*\*

\*\*\*

There being no further business to come before the Council, upon motion duly passed and seconded the meeting adjourned at 11:15 P. M.

  
Mayor of the City Council

Attest:

  
City Clerk