

CITY COUNCIL MINUTES

City Council Chambers, 4:00 P. M.
Tuesday, March 17, 1964

Council met in regular session. Present on roll call 7: Bott, Finnigan, Haley, Herrmann, Johnson, Murtland and Price. Absent 2: Cvitanich and Mayor Tollefson. Mr. Cvitanich arrived at 4:05 P. M. and Mayor Tollefson at 4:45 P. M.

Deputy Mayor Herrmann said Mayor Tollefson is trying a case in court and will arrive later.

Deputy Mayor Herrmann welcomed Mr. Johnson, the newly appointed City Council member.

Mr. Haley moved that the minutes of the meeting of March 3, 1964 be approved as submitted. Seconded by Mr. Finnigan. Voice vote taken. Motion carried.

Deputy Mayor Herrmann said he would entertain a motion to approve the minutes of the special meeting held at 11:30 A. M. on March 17th, 1964 at the Utilities Bldg. including Resolution No. 17814 which approved and accepted the offer of the First City National Bank to sell \$31,250,000 par value U. S. Treasury Bonds to the City, and Resolution No. 17815 which approves and accepts the bid of White, Weld and Co. and Associates, for the purchase of \$50,000,000 of Light and Power Revenue bonds of the City.

Mrs. Price moved that the minutes be approved. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

RESOLUTIONS:

Resolution No. 17807

Authorizing the proper officers of the City to execute an owner participation agreement with Signal Oil Co. at 1202 Center St., for Parcel N-8 in the Center St. Urban Renewal Project.

Mr. Finnigan moved that the Resolution be adopted. Seconded by Mr. Haley.

The Resolution was passed unanimously by voice vote.
Ayes 8; Nays 0; Absent 1, Mayor Tollefson

Resolution No. 17808

Authorizing the proper officers of the City to enter into an agreement with the Federal Aviation Agency for the operation and maintenance of a non-directional Beacon Transmitter in connection with the use of the Tacoma Industrial Airport.

Mr. Finnigan moved that the Resolution be adopted. Seconded by Mr. Haley.

Mr. Rowlands asked Mr. Phillips, Airport Manager, to give a brief explanation of the Resolution.

Mr. Phillips said this Resolution will authorize an agreement with the Federal Aviation Agency for the operation and maintenance of a non-directional beacon transmitter. It is used by the pilot of an airplane reading his instruments as a point to which an airplane can home. It is used by the Federal Aircraft Control System at a point over which an airplane descends to the airport. He said they have been operating the transmitter on a test basis for one week. It has been received at all points in the area and is working well. He added, it cannot be set into operation permanently until the maintenance agreement is signed.

The Resolution was passed by voice vote.

Ayes 7; Nays 1, Cvitanich; Absent 1, Mayor Tollefson

Resolution No. 17809

Authorizing the proper officers of the City to execute and deliver to the Port of Tacoma a quit claim deed for property located north of Hylebos Waterway and south of Marine View Drive for the total sum of \$286.80.

Mr. Finnigan moved that the Resolution be adopted. Seconded by Mr. Haley.

The Resolution was passed unanimously by voice vote.

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

Resolution No. 17810

Fixing Monday April 27, 1964 at 4:00 P. M. as the date for hearing on L I D 3575 for sanitary sewers in the vicinity of No. 14th to 18th from Orchard to Baltimore.

Mr. Finnigan moved that the Resolution be adopted. Seconded by Mr. Haley.

The Resolution was passed unanimously by voice vote.

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

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Resolution No. 17811

Fixing Monday April 13, 1964 at 4:00 P. M. as the date for hearing on L I D 4742 for paving on Westgate Blvd. from Visscher to Vassault Streets.

Mr. Haley moved that the Resolution be adopted. Seconded by Mr. Finnigan.

The Resolution was passed unanimously by voice vote.
Ayes 8; Nays 0; Absent 1, Mayor Tollefson.

Resolution No. 17812

Fixing Monday April 13, 1964 at 4:00 P. M. as the date for hearing on L I D 5386 for cast iron water mains in So. 7th and So. 11th from Lawrence to Puget Sound Ave.; So. 8th and So. 10th from Lawrence to Proctor and So. 9th from Lawrence to Union Ave.

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

The Resolution was passed unanimously by voice vote.
Ayes 8; Nays 0; Absent 1, Mayor Tollefson.

Resolution No. 17813

Rejecting bids received for the sale of eight 1941-41 passenger buses and assorted new parts.

Mr. Finnigan moved that the Resolution be adopted. Seconded by Mr. Haley.

Mr. Bott asked the amount of the bids that were submitted.

Mr. Lee, Director of Transit, said there were two bids received and the highest bid was \$795.00. He said they had estimated the value of the buses and parts at \$1500.00.

Mr. Rowlands said the Department feels a better bid can be received and contacts are being made with rural school districts expecting a better bid.

The Resolution was passed unanimously by voice vote.
Ayes 8; Nays 0; Absent 1, Mayor Tollefson.

FINAL READING OF ORDINANCES:

Ordinance No. 17560

Amending Section 1.24.976 of the Official Code relating to Civil Service and Personnel Rules regarding Railroad Yardmasters.

Roll call was taken on the Ordinance resulting as follows:

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

Ordinance No. 17561

Amending Chapter 13.06 of the Official Code of the City by adding a new subsection 13.06.220. A.6 and amending subsection 13.06.220. C.4 relating to a Text Change-Tri-plexes as permitted use in "R-3" Two Family Dwelling District.

Roll call was taken on the Ordinance resulting as follows:

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

Ordinance No. 17562

Amending Chapter 13.06 of the Official Code of the City by adding a new section 13.06.130-25 to include property on the NE. corner of So. 96th 181 St. and Park Ave. in a "C-2" Commercial District. (petition of J. Havlina & L. Boni)¹⁹⁹

Mrs. Sales, residing at 9436 Park Avenue and Mr. Wire residing at 9441 Park Avenue and some of their neighbors were present protesting the proposed "C-2" zone change.

Mrs. Sales stated that they had no objections to the dry cleaning establishment but feared other potential users of the property allowed in a "C-2" zone. Billiard parlors and Taverns were mentioned.

Mr. Duane Erickson, Attorney representing the petitioner, stated by remodeling the vacant building it will be an improvement to the neighborhood. He pointed out the petitioner will place a restrictive covenant on the property prohibiting the sale of intoxicating liquor for a 40-year period.

Dr. Herrmann asked how irrevocable is the covenant.

Mr. Erickson said if the covenant were violated and no one objected for a period of five or six years, then the courts could interpret that they have failed to exercise the right they have under the covenant. He stated if the property were sold to another person, than it would show on the title report as an encumbrance, so the person buying would be well aware of the restriction on the property.

Mayor Tollefson coming in at this time.

Dr. Havlina, petitioner, said they have a reliable couple who wish to open a cleaning establishment in this area, as they did not have adequate space where they are now located. He added, there would be adequate parking space.

Mrs. Price felt that the petitioners have given the residents in the area every guarantee possible that a tavern or any other establishment that might

serve liquor would not be located there.

Mayor Tollefson asked Mr. McCormick, City Attorney, if the City and the property owner could enter into an agreement to the effect that this would be the only type of business that would be installed and that it be a covenant on the land.

Mr. McCormick explained that has been done in some instances but in his opinion and the opinion of other City Attorneys it is very questionable as to whether it is legal or not, because what is actually being done is indirectly granting a variance.

Mayor Tollefson asked if it were possible to change some of the requirements which are in the "C-1" zoning to include a cleaning establishment. He asked Mr. Buehler if the Planning Commission has given any consideration to any such amendment.

Mr. Buehler replied, they had considered this in 1961 and 1962 but it was decided to leave it in the "C-2" zone, as the fluid is toxic and extra restrictions are in the "C-2" zone.

Roll call was taken on the Ordinance resulting as follows:

Ayes 2; Nays 6, Bott, Cvitanich, Finnigan, Haley, Johnson and Mayor Tollefson. Absent 1, Murtland, temporarily.

The Ordinance was declared LOST by the Chairman.

Ordinance No. 17563

Providing for the improvement of L I D 3572 for storm drains on So. 45th from Junett to Pine Streets.

Roll call was taken on the Ordinance resulting as follows:

Mr. Cvitanich left at this time.

Ayes 7; Nays 0; Absent 2, Cvitanich and Dr. Herrman, temporarily. The Ordinance was declared passed by the Chairman.

Ordinance No. 17564

Providing for the improvement of L I D 3576 for sanitary sewers in Ea. 19th from Ea. D eastward approx. 630 ft.; Ea. 21st from Ea. D to Ea. H; Ea. D from Ea. 19th to Ea. 21st Street.

Roll call was taken on the Ordinance resulting as follows:

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

Ordinance No. 17565

Providing for the improvement of L I D 5371 for cast iron water mains in East 48th and I to East L; East L from East 48th to East 50th; East 50th from East K to East L St.

Roll call was taken on the Ordinance resulting as follows:

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

Ordinance No. 17566

Providing for the improvement of L I D 5384 for cast iron water mains in Union Ave. from So. 19th to So. 18th and in So. 18th from Union Ave. to Lawrence St.

Roll call was taken on the Ordinance resulting as follows:

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

Ordinance No. 17567

Providing for the improvement of L I D 6834 for street lighting on So. 66th to So. 74th St. and from So. Alder to Pine Street.

Roll call was taken on the Ordinance resulting as follows:

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

Ordinance No. 17568

Providing for the improvement of L I D 6836 for street lighting on No. 24th from Stevens to Huson and on No. 14th from Stevens to Orchard St.

Roll call was taken on the Ordinance resulting as follows:

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

Ordinance No. 17569

Approving and confirming the assessment roll for L I D 3562 for sanitary sewers in Alaska from So. 80th to So. 82nd St.

Roll call was taken on the Ordinance resulting as follows:

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

Ordinance No. 17570

Approving and confirming the assessment roll for L I D 4701 for paving and storm drainage on Shirley from No. 18th to No. 26th; Winnifred from No. 21st to 23rd and on No. 21st from Shirley to Highland.

Roll call was taken on the Ordinance resulting as follows:

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

Ordinance No. 17571

Approving and confirming the assessment roll for L I D 5375 for water mains in Whitman from No. 42nd to No. 45th and in No. 45th from Whitman to Vassault Street.

Roll call was taken on the Ordinance resulting as follows:

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

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Report from the Tacoma Police Dept. for the month of January 1964.
- b. Report from the Water, Light and Belt Line Division for the month of January 1964.

COMMENTS:

Mr. Rowlands said he received a letter from the Washington State Restaurant Association protesting the licensing of pizza wagons and mobile restaurants.

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Mr. Rowlands said he has reproduced a copy of the report of the hearings before the sub-committee on Housing of the Committee on Banking and Currency, House of Representatives of the 88th Congress, First Session, held on Nov. 19, 20 and 21st, 1963, for the Council's information.

Mr. Bott said he would like to acknowledge the savings to the City of approximately \$ 4,000,000 in interest by the refinancing of the Utility Bonds. 186

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He added, Mayor Tollefson should be credited for his efforts and also, the Utility Board should be complimented.

Mayor Tollefson thanked Mr. Bott, stating it was realized through the efforts and cooperation of everyone concerned.

Mr. G. D. Hansen submitted to the City Council a rough draft of an ordinance they had prepared governing mobile restaurants. He read it in part to the City Council. ¹⁹³₂₁₃

Mayor Tollefson said they would consider this with the other draft that is under consideration.

Mr. Muse, President of Tacoma NAACP, read into the record a letter from the Tacoma Branch of NAACP requesting an Ordinance setting up 4 points, as follows: ^{88 x}₆₀₋₂₄₉

1. Making it unlawful for real estate brokers to discriminate against anyone because of race, creed or color.
2. Employing negroes in all City Departments and being upgraded according to their abilities.
3. Making it unlawful for City contracts to be let to anyone who employs union labor "when that labor union discriminates against Negroes."
4. A Human Relations Commission to investigate discriminatory practices and make recommendations for further Council action.

Mayor Tollefson said the entire Council is concerned about this matter. He added, the Council will examine these proposals with the hope that something can be accomplished in the manner that was suggested.

Mr. Muse asked for an estimate as to when a report would be forthcoming by the City Council.

Mayor Tollefson said this matter has many ramifications and will take a great deal of study, therefore, the Council cannot make any commitments, except to study the proposal.

Mr. Bott said he wanted to make it clear to Mr. Muse that the Council was not making any commitments and will take this matter under advisement with no time limit involved.

Mr. Frank Russell, Realtor, asked that the Council study the problem in an atmosphere of concern, not of compulsion.

Reverend J. R. Williams, said this is a moral issue with many ramifications. He said there has not been any demonstrations in Tacoma, and in this section of the country they have an opportunity to pursue this matter of extending equal opportunities to all people.

Reverend E. S. Brazill said they were disappointed in the outcome of the housing referendum, but not surprised, and requested the Council to give this matter consideration.

Rev. Williams said that a mass Christian witness assembly and palms for freedom rally will be held on Sunday at the County-City Building in support of the proposals. He said it is not a demonstration. He stated, he did not wish

to threaten the Council, but if they could not work this out through negotiations, there will seemingly be a hot summer in the Pacific Northwest, both in Tacoma and in Seattle, as well as other Cities in the State of Washington.

There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 6:00 P. M.



Mayor of the City Council

Attest: 

City Clerk