

CITY COUNCIL MINUTES

City Council Chambers, 4:00 P. M.
Tuesday, October 1, 1963

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

Mayor Tollefson said Mrs. Price wished to be excused because of illness.

Mr. Haley moved to excuse Mrs. Price. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

Mr. Haley moved that the minutes of the meeting of September 17, 1963 be approved as submitted. Seconded by Mr. Finnigan. Voice vote taken. Motion carried.

HEARINGS & APPEALS:

a. This is the date fixed for hearing on the vacation on the petition submitted by Day's Tailor-D Clothing Co. in the area of So. 29th St. between Pacific Ave. and "A" St. and the alley & easement adjacent thereto. 56-372

Mr. Buehler, Director of Planning, said the necessary easements have been executed and the Petitioner has agreed to meet all of the conditions set forth by the Planning Commission.

Mr. Buehler stated, the Bates Boat Co. have requested that they be given access from the alley to "A" Street, which the Planning Commission has approved.

Mr. Steele moved that the proper Ordinance be drafted approving the vacation. Seconded by Dr. Herrmann.

Mr. Bott said sometime ago an Ordinance was before the City Council that was requested by Tony Ricono, to rezone property to a commercial zone for the sole purpose for a building for Day's Tailor-D. He asked if Mr. Day planned to use that property.

Mr. Day said he did not request this rezoning; it was made by Mr. Ricono.

Mr. Bott stated, it was presented to the City Council as property for a Day's Building and that it had to be rezoned immediately.

Mr. Rowlands, City Manager, explained that a couple of years ago the City was trying to work out some alternative, in the event that the Day's plant had to be removed to make room for the Freeway. Therefore, in order to make it as flexible as possible, this area was recommended for zoning.

Mr. Rowlands said Lincoln Heights is now zoned Light-Industrial. However, it could be changed to some other zoning.

Mr. Bott asked that the records be checked to determine what had transpired at that time in regard to the zoning.

Voice vote was taken on Mr. Steele's motion to draft an Ordinance.
Motion carried.

b. This is the date fixed for hearing on the vacation on the petition submitted by the Tacoma School District #10 in the area in East 53rd St. between McKinley Ave. & I St., also the alley. (Sheridan School) 56-392

Mr. Buehler said a petition was submitted with eight signatures of property owners in the area protesting the vacation. However, no protests were made at the Planning Commission's hearing. He added, all of the Departments have reviewed this petition and no objections were made for the enlargement of the playground at the Sheridan School. 66
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Mr. Phil McHenry, residing at 921 Ea. 53rd St., protested the permanent vacation of the street. He asked that the street be closed only during school hours.

Mayor Tollefson remarked that a similar situation occurred at Lowell School when some property was vacated and at that time property owners pointed out the danger and the lack of safety and suggested that the street be vacated only during school hours, but after a hearing the majority of the Council decided to vacate a portion of the street.

Mr. McHenry also brought to the attention of the Council that a drainage problem exists in East 43rd between McKinley and I St. and that basements in the area flood during the winter.

Mayor Tollefson asked Mr. Buehler if there was drainage in that area and if the vacation would create a problem.

Mr. Buehler said this vacation would not create any more surface water. He added, the Public Works Dept. did not raise any question during the hearing, however, the sewer easements will be retained.

Mayor Tollefson asked Mr. McHenry if there were storm drains there now.

Mr. McHenry said he thought there was a storm sewer.

Mayor Tollefson said he thought that point ought to be investigated and retained as a condition to the vacation. He suggested that the hearing be postponed for one week so that the drainage problem can be investigated and if there is drainage, that condition be placed on the vacation.

Mr. Bott moved that the hearing be postponed for one week, until October 8, 1963. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

c. This is the date fixed for hearing on the vacation on the petition submitted by the Tacoma School District #10 in the area of So. 12th to So. 19th St. (Vocational-Technical School) 56-392

No one appearing to be heard. Dr. Herrmann moved that the proper Ordinance be drafted for the vacation. Seconded by Mr. Steele. Motion carried. 65

Mr. Rowlands said inadvertently Resolution No. 17612 that was postponed last week was omitted from the Agenda.

Mr. Steele moved that the Rules be suspended to consider Resolution No. 17612. Seconded by Dr. Herrmann. Voice vote taken. Motion carried.

RESOLUTIONS:

Resolution No. 17612: (postponed from Sept. 24, 1963)

Authorizing a proposition to be placed on the ballot on March 10, 1964, amending Section 9.1 of the Charter of the City of Tacoma, providing the manner of selling, leasing or disposing of real or personal property belonging to the City of Tacoma. 56-421 21

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

Mr. Murland moved to accept the substitute Resolution as presented. Seconded by Mr. Haley. Voice vote taken. Motion carried.

Mr. Bott said he had an amendment prepared by the Legal Dept. but they were unable to prepare it in form to present it to the Council members tonight.

Mr. Bott stated he would like to postpone the Resolution for one week, until October 8, 1963 to allow the Legal Dept. to prepare the amendment in proper form. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

Resolution No. 17632:

Accepting the Replat of Wick's First Addition in the area bounded by No. 24th, 25th, Verde and Cheyenne Streets.

Mr. Steele moved that the Resolution be adopted. Seconded by Mayor Tollefson.

Mr. Haley asked if the report concerning services to be located at the rear of the property as discussed in a prior Council meeting was available.

Mr. Rowlands stated that information has been requested from the Planning Staff and it will be forthcoming.

Mayor Tollefson asked Mr. Buehler if the Planning Commission has made any study regarding the aesthetics in plat development or in regard to aesthetic appearance of buildings in the downtown area in the last 10 years.

Mr. Buehler said there has been no specific study on aesthetics, however, he said a recommendation is being made by the staff to the Planning Commission on the waterfront property, particularly Ruston Way.

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

Resolution No. 17633:

Accepting the approval of the Final Plat of Geiger Heights, area between

Jackson Avenue and Meyers St. in the vicinity of Leif Ericson Drive extended.

Dr. Herrmann moved that the Resolution be adopted. Seconded by Mr. Cvitanich.

Mr. Haley asked if the services were to be in the front street or in the alley.

Mr. Buehler explained the services will be on the front street as there are no alleys.

Mr. Murthand asked if it would be possible to attach conditions so as there would be underground wiring, or be located in the alley, in the new subdivisions.

Mr. McCormick, City Attorney, said he did not know how far they could go inasmuch as the utilities are already placed on the front street with overhead wiring. He said before he could submit an opinion he would have to check it thoroughly, as there are property rights involved.

Mr. Haley thought the City Council should not accept any additional plate until this matter is resolved.

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

Resolution No. 17634:

Appointing Roger W. Crusan as a member of the Board of Adjustment for the term commencing on October 1, 1963 and expiring Sept. 30, 1964.

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

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

Resolution No. 17635:

Authorizing the proper officers of the City to execute a release of easement rights of the City for property in the area between So. 12th & 19th Sts. on Jackson Avenue.

Mr. Steele moved that the Resolution be adopted. Seconded by Dr. Herrmann.

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

Resolution No. 17636:

Authorizing the sale of property located South and East of Lincoln Ave. to the Port of Tacoma for the sum of \$4,950.00.

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Mr. Steele moved that the Resolution be adopted. Seconded by Dr. Herrmann.

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

Resolution No. 17637:

Authorizing the proper officers of the City to execute an agreement with the State of Washington, acting by and through the Washington State Highway Commission for the cleaning and painting of certain steel girder ramps under the west approach of the 11th Street Bridge at the City's expense.

Mr. Steele moved that the Resolution be adopted. Seconded by Dr. Herrmann.

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

Resolution No. 17638:

Providing for the withholding of City Motor Vehicle Allotments to guarantee payment of costs of improving East 11th Street Bridge.

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

Mr. Rowlands stated the Resolution provides that if the City does not pay for its share of the painting of the bridge, the State Highway Department could deduct the amount from the Motor Vehicle allotment. The bridge should be painted within the next year or two and the payment will not have to be made by the City until 1965.

Mr. Finnigan asked what percentage of the cost of the bridge is the City's responsibility.

Mr. Rowlands said it represents approximately \$8 to \$9 thousand dollars, so it will be approximately 1/10th of the area as everything below the columns supporting the 11th Street Bridge belongs to the City.

Mr. Finnigan said he would like a report submitted regarding several questions: (1) What is the annual maintenance on the bridge. (2) When was the bridge last painted. (3) What percentage of the cost is the City's responsibility. (4) What is the traffic count over the ramp.

Mr. Rowlands stated he would have such a report submitted.

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

Resolution No. 17639:

Awarding contract to Crown Coach Corporation on its bid of \$8,654.08 including sales tax for the furnishing of a fire pump installation.

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

Mr. Rowlands said this installation is for a hose wagon purchased in 1961. Since that time the National Board of Underwriters has issued further revisions to the National Code. By installing a pumper on this hose wagon the City of Tacoma will receive full credit for the one engine company instead of having to have two units. In effect, this will be creating another pumper for \$8,654.08. If the City purchased a new pumper, it would cost approximately \$32 to \$35 thousand dollars.

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

Resolution No. 17640:

Awarding contract to Coast Contractors on its bid of \$18,614.00, plus tax, for demolition and site clearance contract for the Fawcett St. Urban Renewal Area, which was determined to be the lowest and best bid.

Mr. Steele moved that the Resolution be adopted. Seconded by Dr. Herrmann.

Mr. Tom Cook, Assistant Urban Renewal Director, explained 17 buildings were involved and they are scattered throughout the project area. He also explained to the City Council the procedure and work followed by the contractor, Urban Renewal and the Fire Department, in conjunction with the demolition and site clearance of these properties. He said the actual finished grading and the removal of all of the concrete is not included in this contract.

The Resolution was passed by voice vote.

Ayes 7; Bott, Finnigan, Haley, Herrmann, Murtland, Steele and Mayor Tollefson;
Nays 1, Cvitanich; Absent 1, Price.

Resolution No. 17641:

Awarding contract to H & C Construction Co. on its bid of \$13,104.00 including tax for disassembling tower and reassembling tower as designated, which was determined to be the lowest and best bid.

Mr. Steele moved that the Resolution be adopted. Seconded by Dr. Harrmann.

Mr. Bott asked if the possibility of disposing of the radio tower in its present position, as compared to the cost of installing a new tower, has been explored.

Mr. Rowlands said the tower that is being removed and being reassembled near 12th St. and Ainsworth Ave. , will be one of the two towers. He stated he did not have an opportunity to check further on the matter.

Mr. Bott asked what the cost would be to erect a new tower in this position rather than disassemble the present tower.

Mr. Rowlands said he did not have that information available at this time.

Mr. Cvitanich moved to postpone the Resolution for one week, until October 8, 1963 so that information can be submitted on the matter. Seconded by Mr. Bott. Voice vote taken. Motion carried.

Resolution No. 17642:

Settling the claim of Frida Johnson in the amount of \$1,175.25.

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

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

FIRST READING OF ORDINANCES:

Ordinance No. 17457:

Creating and establishing a new fund known as the Auditorium Study Fund and appropriating the sum of \$40,000 or so much thereof as may be necessary for making a complete study concerning the auditorium.

The Ordinance was placed in order of final reading.

Ordinance No. 17458:

Amending Chapter 13.06 of the Official Code relating to zoning by permitting Veterinary-Out-Clinics in Community Shopping Centers and in "C-2" Commercial Districts and redefining the regulations concerning pet shops in these districts.

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56-404

Mr. George Marisco, Attorney representing Drs. Pinckney and Peckenpaugh, owners of a Veterinary Hospital and proponents of the proposed Ordinance change, stated, presently in Tacoma there are three Veterinary Hospitals within the City limits which are confined to an "M-1" or a Light Industrial District. This Veterinary-Out-Clinic would provide for treatment of small animals. In the event hospitalization is required, they would be sent there for confinement. It is requested that clinics be allowed in Community Shopping Centers and in "C-2" Commercial Districts. These would be similar to a Doctors' office in a residential area.

Dr. Peckenpaugh, 2909 South "M", spoke in favor of the proposed Ordinance.

Dr. Ryncars, 10234 Pacific Ave., said there are 15 Veterinary Hospitals outside of the City. He felt that the veterinary service in the City was adequate. He stated, in 1947 he tried to establish a Veterinary Hospital inside of the City but could not on account of zoning requirements so he had to practice on the outskirts of Tacoma.

Dr. Jones, 3222 So. Union, protested the proposed Ordinance, stating the Ordinance is drafted differently than what was presented at the Planning Commission meeting. He felt there wasn't sufficient business in the City to support such a clinic. He said the clinic will eventually end up being a hospital as many times the pets are left or forgotten for the night and in some cases are abandoned.

Dr. Burke asked what provisions have been made for disposal of waste products and of dead animals.

Mr. Murtland said he assumed the refuse department would pick up the waste and, perhaps, the owner would dispose of the dead animals.

Mr. Murtland asked if the requirements could include, "that in order to establish an Out-Clinic they would have to maintain a hospital or have an agreement with a hospital for overnight care of animals."

Mr. McCormick said he thought that would be quite restrictive, as it would be almost impossible to police the hospital. A paragraph could be included to say, "an animal could not stay after certain hours of the day."

Mr. Haley asked if the applicant who wished to rezone for an Out-Clinic would be required to get a permit as in other zones.

Mr. Buehler said they would not need a permit. He stated, the Planning Commission thought that the requirements for this type of structure would limit the building of too many of these clinics. They also felt that this Ordinance was workable and would not create any economic crisis with this type of business.

Mr. Buehler submitted copies of the Report on Zoning of Veterinary Hospitals and household pet Clinics from 1960.

Mayor Tollefson said this is only the first reading of the Ordinance and more discussion can be held next week when the Ordinance comes up for passage.

The Ordinance was placed in order of final reading.

Ordinance No. 17459:

Amending Chapter 13.06 of the Official Code by adding Chapter 13.06.050-11 to include the N. W. & S. W. corners of No. 39th & Cheyenne in a "R-3" 26

District. (Petition of R. C. Magnusson.)

The Ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Mr. Cvitanich leaving at this time.

Ordinance No. 17451:

Vacating Asotin Street and the alley west of Alaska St. from So. Tacoma Way to the N. P. R. R. (petition of R. T. Davis Investment Co. 56-424
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Roll call was taken on the Ordinance resulting as follows:

Ayes 7; Nays 0; Absent 2, Cvitanich and Price.

The Ordinance was declared passed by the Chairman.

Ordinance No. 17452:

Amending Chapter 13.06 of the Official Code of the City by adding a new section 13.06.065-29 to include property on the east side of Sheridan Avenue between So. 37th & So. 38th in an "R-4-L" District. (petition of Cecil Walrath) 56-424

Roll call was taken on the Ordinance resulting as follows:

Ayes 7; Nays 0; Absent 2, Cvitanich and Price.

The Ordinance was declared passed by the Chairman.

Ordinance No. 17453:

Providing for the improvement of L I D 4733 for paving on So. 64th from J to M Sts, So. 68th from K to Sheridan; L from So. 64th to So. 70th and on M from So. 64th to So. 72nd St.

Mr. Baarslag, Engineer, said the Water Dept. is anticipating the installation of water mains in So. 66th St. and these should be put in before the paving is constructed. He stated this was discussed before the L I D Committee and it was their suggestion that the paving be held up until a Resolution is passed by the Utility Board fixing a date for the hearing on the water mains.

Mr. Baarslag said a Resolution will go before the Utility Board for this improvement at their next meeting which is on October 9th, 1963 and before the City Council the following Tuesday.

Following a discussion by the City Council, it was decided to postpone the Ordinance until November 19, 1963 to allow sufficient time for the Resolution to be passed by the City Council.

Mr. Finnigan moved to postpone the Ordinance until November 19, 1963. Seconded by Dr. Herrmann. Voice vote taken. Motion carried.

Ordinance No. 17454:

Providing for the improvement of L I D 4736 for paving between Jackson & Cascade Ave. from No. 15th to 17th; No. 27th & 28th Sts. from Proctor to Adams; also sidewalks on both sides of So. 9th from Winnifred to So. Shirley Street.

Roll call was taken on the Ordinance resulting as follows:

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

Ordinance No. 17455:

Approving and confirming the assessment roll for L I D 3547 for storm drainage on So. 15th to So. 17th and the alley east of Adams St. from So. 15th to So. 17th Sts.

Roll call was taken on the Ordinance resulting as follows:

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

Ordinance No. 17456:

Approving and confirming the assessment Roll for L I D 5364 for cast iron water mains in So. 72nd , Alaska to Ash St; So. 72nd to So. 74th from So. 76th from Wilkeson to Ash St. produced.

Mr. Bott said this property is undeveloped and has water mains abutting all four sides which are assessed. He did not think Mr. Brendon, who had protested his assessment at the L. I. D. meeting, should be assessed for this improvement.

Mayor Tollefson called the Council's attention to the L. I. D. minutes which explained that the Committee did not make a firm recommendation except that the assessment be modified. He pointed out that Mr. Brendon had been his client for a number of years and that he could not sit in on the discussion.

Mayor Tollefson left temporarily.

Mr. Baarslag explained to the City Council that the amount of the assessment was based on the zone and termini method according to State Law. He said the Legal staff had checked into the matter and felt that Mr. Brendon's property was benefited. His property is currently zoned "R-2", however, the property immediately to the west has been rezoned Commercial to permit construction of a service station. The legal question of benefits to a piece of property is based upon its ultimate use and not on its present status. It is likely that this property will be zoned for Commercial use.

Mr. Brendon was present and protested the assessment.
Dr. Herrin said, since the assessment is based on State statutes he did not think the Council could make any change.

Roll call was taken on the Ordinance resulting as follows:

Ayes 5; Nays 1, Bott; Absent 3; Cvitanich, Price and Tollefson.
The Ordinance was declared passed by the Chairman.

REPORTS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Report from the Employees' Retirement System for the month of September 1963.
- b. Report from the Light, Water and Belt Line Divisions for the month of August 1963.

COMMENTS :

Mr. Rowlands asked the Council if they wished to have the Maintenance Center Report which included the changes that were discussed.
The City Council asked that it be sent out in their Friday's agenda.

Mr. Rowlands stated the visit of President Kennedy cost the City \$4800. This amount was not budgeted, he added.

Mayor Tollefson said he had received David Lyall Jamison's resignation from the Board of Adjustments. He said he would like for the Council to assist him in selecting someone for the vacancy on the Board.

Mayor Tollefson mentioned that there is a new bill, but didn't know whether it had passed or not, with regard to Libraries. He said there would be \$25,000,000 that would be available for cities contributing to construction of libraries and additions thereto. Prior to this time, he added, it applied only to cities of 10,000 or less in population, now it pertains to all cities.

Mayor Tollefson said a letter was received from Dr. Mortvedt, P L U thanking the City for their assistance during President Kennedy's visit.

There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 7:30 P. M.

W. M. Jolly
Mayor of the City Council

Attest: Josephine M. Nelson
City Clerk