

CITY COUNCIL MINUTES

City Council Chambers, 7:00 P. M.
Tuesday, December 19, 1961

Council met in regular session. Present on roll call 9: Bott, Cvitanich, Easterday, Murtland, Olson, Porter, Price, Steele and Mayor Hanson.

Mr. Easterday moved that the minutes of December 5, 1961 be approved as submitted. Seconded by Mrs. Price.

Mrs. Olson called attention to the minutes on Page 6, stating that Resolution No. 16845 doesn't show a disposition of the Resolution. Mrs. Olson then moved that Resolution No. 16845 be amended to indicate that it was adopted. Seconded by Mr. Porter. Voice vote taken. Motion carried.

It was moved by Mr. Easterday that the minutes of December 5, 1961 be approved as amended. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

HEARINGS & APPEALS:

This is the date to which the decision on the petition submitted by Albert DeLeon for the rezoning of property located at East 38th and Portland Ave. from an "R-2" to a "C-2" District has been continued. 283

Mr. Steele explained that the decision on Mr. DeLeon's petition for the rezoning of this property was postponed until this date for the reason to allow the Council members to survey the area. He said he had visited the area and feels it would be in order to allow the rezoning to a "C-1" district.

Mrs. Price felt the property would be of no other value than for this type of business such as a coin-operated dry cleaning establishment.

Mr. Porter asked Mr. Bushler if the Planning Commission considered this spot or strip zoning.

Mr. Bushler said this would be a question in which there would have to be a ruling on the legality of the zoning.

Mr. Porter said he thought that was one of the two reasons that the Planning Commission had denied the rezoning.

Mr. Rowlands stated, this was discussed last week, the possibility of extending the "C-1" zone to 38th Street so that it would be contiguous, which would eliminate the spot zoning criticism. However, he thought the Planning Commission's Staff was also considering the possibility of including this particular use of the "C-1" so if the use were included in the "C-1" zone, then it would fit into this category if the extension were made.

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Mr. Easterday said from his observation of the area, the owner could not make any other improvement other than allowing an establishment such as the coin-operated dry-cleaning machines.

Mrs. Olson said she thinks one of the functions of the Planning Commission is to institute zoning in certain areas, rather than act as a zoning board or committee, and to act only upon the applications of individuals who are interested in zoning commercial establishments on non-commercial property. She asked Mr. Buehler how long it would take, should the Council be inclined to make a study of this area, and perhaps institute a "C-1" zoning in the entire four block radius and whether or not it would be feasible.

Mr. Buehler said he would have to present it to the Commission and to the Council, and it would be their decision if they wish to drop something else on the program since the budget is already adopted. It would be a matter of the Planning Commission to determine with a recommendation by the City Council.

Mr. Steele said in view of the fact that the property is under one ownership and it could either be zoned "R-4-L" or "C-1", depending upon the owner's decision, he feels now it would not be advisable to initiate a zone at the present time due to the indecision of the owner as to land use.

Mayor Hanson said, since there is no further discussion on the matter, they have a motion before the Council to overrule the recommendation of the Planning Commission to grant the petition of the rezoning.

Roll call: Ayes 3: Nays 6, Bott, Cvitanich, Murtland, Olson, Porter and Mayor Hanson. Motion failed.

PETITION:

Claude F. McLaughlin submitting a petition requesting the rezoning of property in the area located approx. 200' west of Pacific Ave. and So. 80th Street from an "R-2" to a "R-4-L" District.

Referred to the Planning Commission.

RESOLUTIONS:

Resolution No. 16855:

Awarding contract to Radio Corporation of America for the furnishing of Mobile Radio Units for the sum of \$3,680.00 plus sales tax.

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

Mr. Rowlands said although these mobile radio units are on order now, payment will be made out of the 1962 budget with matching funds from the Federal Government to make up the total of \$3,680.00 plus sales tax. These additional units should almost complete the equipment on the cars, he added.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

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Resolution No. 16856:

Awarding contract to the Tacoma Daily Index for the official printing for the calendar year 1962.

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

Mr. Rowlands said this was the only bid submitted. It is rather difficult for any other paper to handle this, as the Ordinances and Resolutions have to run sometimes 4 and 5 days consecutively as required by State Law. There is a 15% increase in price over the previous year, however that is expected as their bid has always been quite low in the past, he added.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16857:

Authorizing the proper officers to execute a quitclaim deed to William F. and Lenore G. Wiese for the sum of \$1.00 to remove said cloud from the title of their property located on the north side of So. 76th between Sheridan Avenue and South J Street.

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

Mr. Rowlands explained this area of property should not have been included on the assessment role for foreclosure, therefore, this Resolution authorizes the City to clear the cloud from the title.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16858:

Authorizing and directing the Mayor of the City of Tacoma to execute a file a petition with the Board of County Commissioners for the establishment of a Municipal Dept. of the Justice Court in accordance with the provisions of Chap 299 Laws of 1961.

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

Mr. Rowlands said as a result of the discussions at the Council meeting last week, Mr. McCormick, City Attorney, has incorporated the provisions which were suggested in the motions by the Council.

Mr. Porter asked Mr. McCormick if any changes should be made at this time.

Mr. McCormick said the only question that was raised by the Council members was whether or not the part time judge should devote a half, 1/4 or 1/3 time in carrying out his duties in the Municipal Department, however,

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his opinion is that 1/2 of his time would be sufficient as set up in this Resolution.

Mrs. Olson said, in view of the fact that an increase in registration of vehicles has developed considerably within the past 10 years, she thought a half-time judge would probably be more adequate.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman .

Resolution No. 16859:

Authorizing the proper officers of the City of Tacoma to enter into an agreement with the Port of Tacoma and the United States of America for parking of automobiles on Department of Public Utilities properties.

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

Mr. Erdahl, Utilities Director, said the Resolution will conform with the rights set forth in the National Security Clause in regard to parking automobiles on Department of Public Utilities properties.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16860:

Authorizing the settlement of a claim in the amount of \$, 398.66 to the Northern Pacific Railway Co. , for damages arising out of the failure of a water main under their Tract #36.

It was moved by Mr. Steele 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. 16861:

Authorizing the proper officers of the City to enter into an agreement for a five year term with the Alpine Evergreen Company for future cultivation of Christmas trees.

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

Mr. Erdahl said this is a renewal of the contract with the Alpine Evergreen Company along the Cushman right-of-way. He thinks this is the beginning of the third 5 year contract and presumably they do a good job of

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clearing Cushman transmission line right of way, in addition to the City receiving some revenue and providing City employees with Christmas trees.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16862:

Authorizing the proper officers of the City to execute a lease for property situated on the Light Division's Cushman transmission line right-of-way for the purpose of a parking lot.

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

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16863:

Authorizing the proper officers of the City to enter into a 20-year agreement with the Onop Mutual Light Company for the purchase of power and energy

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

Mr. Erdahl explained that this is the first contract negotiated between the City of Tacoma and Onop Mutual Light Company. They have in the past operated without a contract.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16864:

Fixing Monday, January 8, 1962 at 4:00 P. M. as the date for hearing on L I D 5345 for cast iron water mains in So. 76th from Sheridan to K Street.

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

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

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Resolution No. 16865:

Fixing Monday, January 8, 1962 at 4:00 P. M. as the date for hearing on L. I. D 5299 for cast iron water mains in Bell from So. 52nd to 56th; So. 52nd from Pacific Avenue to A and in So. 54th from Bell to A.

It was moved by Mr. Bott 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.

FIRST READING OF ORDINANCES:

Ordinance No. 16956:

Creating an "Equipment Rental Fund" in the Treasury of the City of Tacoma and amending Ordinance No. 16108. Read by title.

Mr. Rowlands said information has been distributed to the Council members in regard to the present and proposed rates showing the cost of operation with the salary adjustments and maintenance costs reflected in the rates which should be in effect and are included in the 1962 budget.

Mr. Cvitanich called attention to Section 3 (c) and asked why there is a difference in price between a police car and a special police vehicle.

Mr. Rowlands explained that a special police vehicle is more expensive as it has more horsepower.

The Ordinance was then placed in order of final reading.

Ordinance No. 16957:

Amending Sec. 11.34.130 of the Official Code of the City in reference to designating arterial streets. Read by title.

Mr. Rowlands referred to a map designating arterial additions and deletions. He said also attached is a list of changes which become more of an interest and value to the City since the State is providing considerable sums to Tacoma and other cities for arterial street programs.

The Ordinance was then placed in order of final reading.

Ordinance No. 16958:

Amending Sec. 6.64.050 of the Official Code of the City by increasing

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the Business and Occupation tax on persons engaged in carrying on a telephone business and for the transmitting, distributing and selling of Natural gas. Read by title.

Mr. Murtland said he has been attempting to have certain portions of the budget deleted so that additional revenue would not have to be sought. He said he did not think the two sources outlined in the Ordinance were the best to use for that purpose if additional revenue is to be raised. He had asked Mr. Rowlands to prepare a list of possible sources whereby additional revenues could be had which was distributed to the Council members. He said in checking over the list he has found two items that are not now taxed by the Business and Occupation tax which will raise the amount required. The first item is the sale of beer, wine and Class "H" licensees. This tax is not on the article itself, but on the activity to be taxed at the rate of .1 of 1% on their gross sales. This would mean additional revenues to the City in the amount of \$100,000 a year. The second item proposed is the B & O tax of .1 of 1% on all contractors and their suppliers who enter contracts with the City of Tacoma, whose actual performance are located outside the City limits; this would amount to \$50,000 a year. He thought it would be easier to impose a tax on these two items rather than on the Pacific Telephone or Gas Company who would pass it on to their customers, which he thought unfair to everyone.

He further stated, these two areas at the present time are not paying the .1 of 1% that they should pay. By imposing these taxes the City will obtain the proposed revenues needed to replace the amount which we would derive from the Telephone and Gas tax.

Mr. Murtland added, there may be other sources that are unexplored which could be tapped, however, due to the perplexity of the situation the revenues would not be available to us immediately and could not be considered until at a later date. He stated he proposed to bring in an Ordinance next week covering these items.

The Ordinance was then placed in order of final reading.

Ordinance No. 16959:

Vacating streets and alleys within that area generally bounded by Pine Street, So. 43rd, Tacoma Freeway (P. S. H #1) and So. 48th Street. (petition of Southcenter Corp.) Read by title.

Mr. Rowlands said a letter was transmitted to the Planning Commission from the Southcenter Corp. indicating that later on if a "turn around" is necessary an easement will be made available. All other property owners of the streets to be vacated have presented no problems.

Mr. Buehler explained that the area belonging to Mr. McIlvenna has been excluded and if a "turn around" is needed at a later date an easement will be available for that purpose. Mr. McIlvenna will not be isolated, he will have the same access he had before.

The Ordinance was then placed in order of final reading.

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Ordinance No. 16960:

Amending the Official Code of the City relating to zoning by adding a new section 13.06.180-16 to include property located in the area generally bounded by the future Narrows Freeway (P. S. H. #14, Mildred St.; 6th Avenue and Vassault St., extended in a "C-2" Commercial District. (petition of Leon J. Kleiner) Read by title.

The Ordinance was then placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 16940: (postponed from the meeting of Dec. 12, 1961)

Amending (12) sections of the Official Code of the City in reference to the Compensation Plan for 1962. Read by title and passed.

Mr. Murtland said that he will again move that the compensation plan be amended to provide a 1/2 range increase for all employees. Lost for want of a second.

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 1, Murtland. Absent 0.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16949: (postponed from the meeting of Dec. 12, 1961)

Amending the Official Code of the City relating to zoning by adding one new section 13.06.117 to include property in the area generally bounded by So. 43rd, Tacoma Freeway, So. 48th and Pine Sts, in a "C-P-R" Planned Regional Shopping Center District. Read by title.

Mr. Rowlands explained there was an amendment submitted to the Council members on the Ordinance.

Mr. Buehler said the description in the Ordinance was rewritten to reflect the deletion of the Jensen and McIlvenna property; also on the second page, line 12, where it reads "said west line of 14'; then east along the line running," it should read "said west line of 14'; then west along the line running."

Mr. Rowlands said it was the Council's intention to pass the rezoning Ordinance at the time the vacation Ordinance comes up for passage. Therefore, this Ordinance should be postponed until next week.

Mr. Steele moved that the Ordinance be amended by substituting in the description on Page 2, line 12, "east for west". Seconded by Mr. Porter. Voice vote taken. Motion carried.

Mrs. Price moved that the Ordinance be held over one week, until December 26, 1961. Seconded by Mr. Steele. Voice vote taken. Motion carried.

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Ordinance No. 16950:

**Amending the Official Code of the City relating to zoning by adding a new section 13.06.115-5 to include property located on the east side of 49th Avenue, N. E. at the Pierce County - King County line in the "C-P-N" Planned Neighborhood Shopping Center District. (petition of W. D. Kelly)
Read by title and passed.**

Mr. Buehler pointed out on the map, the proposed zoning on the east side of 49th Avenue N. E. at the Pierce-King County line to permit construction of a neighborhood shopping center.

Roll call was taken on the Ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16951:

Providing for the improvement of L I D 6790 for modern lights on Ornamental poles on So. I from So. 80th to So. 83rd Street. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 9; Nays 0. Absent 0.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16952:

Providing for the improvement of L I D 5342 for cast iron water mains in Bell from So. 74th to So. 76th St. and in So. 76th from Pacific Avenue to A Street. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 9; Nays 0. Absent 0.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16953:

Providing for the improvement of L I D 4700 for paving on alleys near No. 37th and Tyler, also various other north end alleys and sidewalks. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 9; Nays 0. Absent.

The Ordinance was then declared passed by the Chairman.

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Ordinance No. 16954:

Providing for the improvement of L I D 3532 for storm drainage in Highland, So. 12th to So. 18th ; Winnifred from So. 13th to So. 19th; So. 15th from Highland Avenue to Winnifred. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 9; Nays 0. Absent 0.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16955:

Providing for the improvement of L I D 2328 for an oil mat surface on So. 12th to So. 18th; Winnifred from So. 13th to So. 19th; So. 15th from Highland Avenue to Winnifred, also on Woodlawn from So. 17th to 19th Streets. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 9; Nays 0. Absent 0.

The Ordinance was then declared passed by the Chairman.

UNFINISHED BUSINESS:

a. The Director of Public Utilities presents the following assessment rolls for hearing. Fixing Tuesday, February 13, 1962 at 4:00 P. M. as the date.

- a. L I D 5330 for water mains in 41st & 43rd Sts. N. E. from 45th to 49th Ave. N. E. and in 45th Ave. NE from 41st to 43rd N. E.
- b. L I D 5331 for water mains in the area bounded by Union Ave., No. 36th, Lawrence and No. 33rd Streets.
- c. L I D 5336 for water mains in So. 31st from Tyler to Bantz Blvd.; Bantz Blvd. from So. 31st to Center; Center from Bantz Blvd. to Orchard Street.

Mr. Easterday moved that the date of February 13, 1962, at 4:00 P. M. be set as the date of hearing. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

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REPORTS:

a. M C - 373 - Budgetary Outlook for 1963.

Mr. Rowlands said this report indicates the severity of the situation for 1963. He pointed out that the general conclusion which they hope to come up with is a balanced budget in 1963. However, he added, there is not too much available for further adjustments in salaries or L I D programs. He added, under item six on the last page of the report, they had hopes of securing more financial assistance in State collected, locally shared taxes from the State Legislature at the 1963 session, but is afraid that is not forth coming as the Ass'n. of Washington Cities Board did not see fit to go ahead with the program.

In connection with this report, Mr. Rowlands added, he would like to tie in MC 376 which pertains to Real Estate Tax Load per family in cities of the United States. This type of report is received every year and an analysis made from 94 to 100 cities reporting. It is very significant to note that the citizens of Tacoma have one of the smallest Real Estate Tax load per family in the United States, and Tacoma ranks 90 out of 94 cities. This is one reason, among others, that Tacoma is faced with a financial crisis since the property tax is certainly not as productive as was originally contemplated when this constitution was adopted when the 50% of assessed valuation figures were included. He also pointed out that in many states and cities where the property tax is relatively low, the cities in those states are receiving sales tax revenues. The City of Tacoma is getting cut to pieces by a two-edged sword with the low property tax and the fact that we do not receive a cent of the sales tax. Since the City Council has been faced with diminishing revenues and additional expenses for the past 2 or 3 years, it has made it most difficult to balance the budget.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

Report from the Fire Dept. for the month of November 1961.

COMMENTS:

Mr. Rowlands stated that Calabrese & Sons have agreed to proceed with the construction of the Airport shortly after the first of the year. The job should be completed by July of 1963, weather permitting.

There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 9:30 P. M.