

CITY COUNCIL MINUTES

City Council Chambers, 4:00 P. M.
Tuesday, April 28, 1964

Council met in regular session. Present on roll call 7: Bott, Finnigan, Haley, Herrmann, Johnson, Murtland and Price. Absent 2: Mayor Tollefson and Mr. Cvitanich. Mr. Cvitanich arriving at 4:25 P. M.

In the absence of Mayor Tollefson, Deputy Mayor Herrmann presided.

Mr. Haley moved that Mayor Tollefson be excused from the meeting. Seconded by Mr. Finnigan. Voice vote taken. Motion carried.

Mr. Haley moved that the minutes of the meeting of April 14, 1964 be approved as submitted. Seconded by Mrs. Price. Voice vote taken. Motion carried.

Chief Reiser of the Fire Dept. presented the Grand Award Plaque which was given to him at the Daffodil Festival's banquet for the float entered by the City in the Daffodil Parade to Deputy Mayor Herrmann, who accepted it on behalf of the City. Mr. Reiser praised the work of those who participated in the decorating and constructing of the float, particularly Firefighter Paul McNail and Capt. Jack Harkins who designed the float.

HEARINGS & APPEALS:

This is the date set for hearing on the vacation of the alley from So. 30th²⁰³ St. vacated, south to So. Tacoma Way between Ash & Hosmer Sts. submitted by ²⁵⁹ the Atlas Foundry & Machine Co.

Mr. Bott moved to accept the recommendation of the Planning Commission and that an Ordinance be drafted approving the vacation. Seconded by Mr. Finnigan. Voice vote taken. Motion carried.

PETITIONS:

a. Petition submitted by D. W. Weaver requesting the rezoning of property located at the S. W. corner of No. 35th & Proctor St. from an "R-2" to an "R-4-L" District.

b. Petition submitted by Ramada Inns., Inc. requesting the rezoning of property bounded by So. 42nd, So. 43rd; Houghton Way & Prospect St. from an "R-4" to a "C-2" District.

c. Petition submitted by Tradewell Stores, Inc., requesting the rezoning of the property located at the N. W. corner of 6th Ave. & Union from an "R-2" to a "C-1" District.

Petitions a, b, and c referred to the Planning Commission.

RESOLUTIONS:

Resolution No. 17850

Awarding contract to Titus Motor & Mallon Motors for the furnishing of eight sedans and one truck.

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

The Resolution was passed unanimously by voice vote.
Ayes 7; Nays 0; Absent 2; Mayor Tollefson and Mr. Cvitanich.

Resolution No. 17851

Awarding contract to Tucci & Sons on its bid of \$3,890.75 for L I D No. 3572 which bid is determined to be the lowest and best bid.

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

The Resolution was passed unanimously by voice vote.
Ayes 7; Nays 0; Absent 2; Mayor Tollefson and Mr. Cvitanich.

Resolution No. 17852

Authorization to acquire title to a small parcel of land located within the boundaries of the relocated Eatonville-Alder Farm to Market Road to be conveyed to Pierce Co. by the City in accordance with agreement of 1943.

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

The Resolution was passed unanimously by voice vote.
Ayes 7; Nays 0; Absent 2; Mayor Tollefson and Mr. Cvitanich.

Resolution No. 17853

Authorizing the proper officers of the City to execute an owner participation agreement and restrictive covenant with the Home Service Company for parcels P-1 & P-9 in the Center St. Urban Renewal Project Wash. R-1.

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

The Resolution was passed unanimously by voice vote.
Ayes 7; Nays 0; Absent 2; Mayor Tollefson and Mr. Cvitanich.

Resolution No. 17854

Authorizing the sale of real property to Edward P. Lynam for Parcel #1 on his bid of \$2,725 and for Parcel #2 in the amount of \$1,260 in the area of Vassault and Bristol Streets between No. 42nd and No. 45th Streets.

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

The Resolution was passed unanimously by voice vote.
Ayes 7; Nays 0; Absent 2, Mayor Tollefson and Mr. Cvitanich.

Resolution No. 17855

Accepting the offer to sell property located at 1012 Center St. and 2914 So. J Street to Home Service Company on its bid of \$23,001.00 for D-16 and \$12,351.00 for D-17, D-21A and D-21B.

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

The Resolution was passed unanimously by voice vote.
Ayes 7; Nays 0; Absent 2; Mayor Tollefson and Mr. Cvitanich.

Mr. Cvitanich coming in at this time, 4:25 P. M.

Resolution No. 17856

Fixing Tuesday May 5, 1964 at 4:00 P. M. as the date for hearing on the rezoning of property located at the S. E. corner of No. 30th and Pearl Streets. (Westgate, Inc. petition)

Mrs. Price 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.

City Council Minutes - Page 4 - April 28, 1964

Resolution No. 17857

Fixing Tuesday May 5, 1964 at 4:00 P. M. as the date for hearing on the rezoning of the south side of So. 27th St. between Yakima Ave. and the alley between Tacoma Ave. and G Sts. (Petition of Urban Renewal)

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. 17858

Changing the regular meeting of the City Council of Tuesday May 12, 1964 at 4:00 P. M. to Monday May 11, at 2:00 P. M. so as not to conflict with the date of the convention of the Association of Washington Cities to be held on May 12 through May 15, 1964.

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.

Mrs. Price moved to suspend the Rules to consider Resolution No. 17859. Seconded by Mr. Johnson. Voice vote taken. Motion carried.

Resolution No. 17859

Authorizing the proper officers of the City to consent to the grant of the perpetual easement by the Port of Tacoma to the United States of America and to commit the Council to the vacation of portions of Lincoln Avenue .

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

Deputy Mayor Herrmann: I know several of the Councilmen were not at the study session yesterday when this Resolution was discussed and considered. If there are any questions, perhaps, they can be solved. It's obvious that the discussion with reference to this waterway has been going on for many years.

at least since 1955, maybe before then, and there are certain things that the Council would like to see resolved before we give or vacate the right, and lose Lincoln Avenue as a thoroughfare. If there are any questions with reference to this resolution, now is the time to resolve them.

Mr. Finnigan: I hope and trust that this resolution can serve as a vehicle to exchange faith and confidence between the two authorities, the City Council who is responsible to the whole City, and the Port Commission who is responsible; I hope, in checking some of the remarks made by the Tippitts, Abbott, McCarthy and Stratton Report that the Port Commission brought out back in 1955, I notice that the thing that we have been stressing, regarding traffic and so, was certainly emphasized by them. I notice one point, they stated, that in 1948 to 1954 that around 26,000 vehicles entered and left the industrial district, that was a 41% increase in '48 to '54, and they projected at that time that it would be doubled by 1975 or approximately 53,000. So we know according to these expert engineers, surveyors, that our traffic is going to increase tremendously. They also stated that in 1954 the Belt Line handled around 77,000 cars and by 1975 that it would be tripled, so this is of vital concern. I realize that the City Council is on the spot, we have to act immediately without getting sufficient answers to the questions with which we have been concerned. We have met with some of the people who have been representatives of industry, vital industries in the tidelands and industrial area. We have never heard, actually a true response from them, and what their attitude is toward this. We have only had an opportunity to meet with them very briefly because we have been under the gun so to speak, now it is pointed at our heads. I feel that we are as a Council 100% for improvements in the City of Tacoma, especially in our industrial area. We know the number of workers per acre of industrial ground is going to increase year by year, by the virtue of the improvements and enlarging of the areas in the industrial area. This is going to be an addition to our population, I hope; an improvement in our job status. I am just thoroughly concerned with this, along with the rest of the Councilmen. I notice, as I said before, a 100% of the Council members, no doubt, are as interested as the Port Commissioners are in the development of that particular property. But I just hope, very strongly, and trust that this resolution will serve as a strong reminder of the attitude that the City Council has at this time in trying to progress, and that the Port Commission in the future will utilize this resolution and recognize their responsibilities and obligations in the years to come. We hope that the necessity for traffic improvements will come about very soon down there, by virtue of their expansion to the industrial area. I read that report of Tippitts, Abbott, McCarthy and Stratton, quite thoroughly, in spots, not completely, of course, because it was quite a voluminous piece of information. There are many points in there that I think were not brought out during these discussions that we have had just recently with the Port Commissioners, and I think that it would be well for them to go back and look at them and remind themselves of the projection that these people in whom they have a great amount of faith and confidence. With this information, they can recognize what can transpire in the very near future. I hope that they can pace themselves and adjust their own thinking to be ready to cooperate with the City Council and other bodies in the community to make a better overall community. I have not been completely satisfied that the responsibility is totally ours to make this decision, or

if the thing collapses, I don't think that it should be placed in our laps this way. I feel that we haven't actually had sufficient time to state our case, but I recognize the intervention of the Federal Government in the loaning of funds, or the granting of funds to the Port Commission for this purpose. I hope that we are doing the right thing, if we do approve this at the present time.

Deputy Mayor Herrmann: I think those points are well take Mo, anyone else ?

Mr. McCormick, City Attorney: What's before the Council tonight is not the actual vacation of the street, this is a consent to be granted by the Port to the United States Government of a perpetual easement across the Lincoln Avenue area, 299 feet only at this time. However, the resolution does also commit the Council to the vacation later in a normal procedural process as set up by the State Law.

Mr. Haley: Mr. Mayor. It occurs to me, Mr. McCormick, in this situation, are we in any way risking a suit by any of those who have been using this street now by vacating and setting this up, is there any possibility that we could be hazarding this kind of a development.

Mr. McCormick: I should never say that there is never any possibility. I would say that in my opinion that there is no reasonable basis for any claim by any other industry for the cutting of this Lincoln Avenue vacation through the tideflats. They all will have access by other means, it may not be as convenient but it will not cut them off, actually.

Mr. Murtland: Pursuing down another step Mr. McCormick. As one of the men did mention about fire protection in the event that there should be a fire out there, and it could be proved beyond reasonable doubt or whatever you want to call it, that it is impossible for us to get our fire engines there. does the City stand responsible for something like that ?

Mr. McCormick: I don't believe we would, everything will be done within reason that can be done. In other words it won't be cut until there is a temporary bridge immediately thrown across it.

Mr. Murtland: Then we will have to take the other steps during the next two years to see how it redevelops. Mr. Mayor, I would like to say more on that. What Mr. Finnigan says, and I think most of us agree, and I just wish to express that I am not entirely happy with the resolution, not with the resolution, but with the failure of assurance, that we get from the Port Commissioners. I feel that we want to see the thing developed and the Port Commission knows that, and they feel that they can sit back and say that it is all ours, and either we grab the ball and run with it now, or if we don't the thing will fall because of it. There hasn't been enough time, I think what Mr. Finnigan said, particularly about talking with the industrialists, we didn't have the opportunity, maybe we could have had, in the last two weeks, but we didn't really avail ourselves of it. The letter that the Port Commission wrote us still leaves so much in the air and so much ambiguity in it; but I'm going to have to vote in favor of the resolution because we are at that point. All we can do is hope that the responsibility of the Port Commission in the future when we do need additional transportation areas there, that they will help us. That's all I want to impress, because I have come to doubt all the way through, this business that they are holding back, they're not wanting to give one inch.

Mr. Johnson: Mr. Mayor, I want to repeat what I said at the meeting that we had with the Port Commission, I feel it is completely their responsibility to prepare access roads to the east side of the industrial area because they are the ones that are taking the responsibility for putting in the waterway and severing our present Lincoln Avenue connection. They have agreed they will put in a temporary bridge as quickly as possible. It is estimated it will be two weeks. During that two weeks there will be a little problem, possibly in the case of fire, of getting fire rigs over there, especially if the 11th Street Bridge happens to be open. I don't know whether temporary rigs can be set over there or what provisions can be made, but we have to be aware of that problem. If the Port, of course, in their planning have worked this out, and I know that at least one of the Port Commissioners gave me his verbal opinion that they were responsible for preparing the adequate access roads due to the one being cut. I feel this letter still leaves a little bit to be desired in the way of promise. I also feel that we should have started working on this six-months ago and the Port Commissioners should have brought this matter to us earlier. I agree with Mr. Murtland that we have no option at this time. They apparently will not go ahead with the project, the United States Army Engineers will not, unless they have this document signed by us, and it is the lesser of two evils to go ahead with the program, therefore, I will vote for it.

Mr. Finnigan: It just seems to me Mr. Mayor, I know its been pointed out before, as Mr. Johnson says, it is the complete responsibility of the Port to provide these access roads, arterials etc. As the Mayor pointed out after accepting the standards by the City of Tacoma in the 1940's they had to agree practically to spend millions of dollars in relocating sections of State Highways, etc. I think the Port Commission should have recognized this a little stronger. We have'nt been able to get them to recognize this responsibility officially. I also think that a good many of the industries in that particular area will recover from the shock after a bit and realize that there is going to be a considerable additional expense involved in transportation, etc. in conducting their daily duties along with the very vital concern of fire protection.

Mr. Haley: I hate to belabor the point, but you've heard me say this before, and it would appear that I won't have another opportunity to express myself in this regard, at least for awhile. But I believe that we also have a responsibility as a Council in getting industry to join us in the development of all of Tacoma, which encompasses far more than our industrial efforts, and this isn't in any way meant to reduce their importance. But there are many people living now to the east of the Port industrial area. This area is going to grow and become saturated just as we have observed in Lakewood, University Place and other neighborhoods outside of the City limits. I think that we must be careful and should look to the time when we can attract those people into Tacoma. To recognize our potential as a metropolitan area, there is no question in my mind that sometime in the not too distant future, we are going to have to make a special effort to make it easy for those people to come to the City of Tacoma to carry on their business affairs. I'm not suggesting that they're going to come to buy groceries, but they will need furniture, etc. If we don't recognize this potential, then by default we'll be letting others develop, if those people living in that area will not look to downtown Tacoma, the metropolitan Tacoma as their

main source and in effect this I think will affect this whole complex across the tidelands. We must keep in mind that we don't know at this point whether they're going to go up Lincoln Avenue, or round-the-end, 11th street, or where. I think we should suspend our decision as much as possible until determinations can be made so we haven't "burned our bridges behind us or before us", we will make it possible in our actions that we can get a fuller development.

Mr. Murtland: Maybe we shouldn't vacate.

Mr. Haley: I'm not sure we have any choice in the matter and I'm not sure that this message has been put across.

Mr. Rowlands: I have a few points, Mr. Mayor. So this will be part of the record proper documentation is essential. First of all I thought the Councilmen might be interested in knowing the general status and procedure now being undertaken by the Congress on this particular appropriation. Congressman Tollefson just wrote me a couple of days ago and said last year's Congress appropriated funds for preliminary survey work on this project and this year the Port is requesting additional funds. He said the appropriations bill will not be drawn until after all testimony had been completed, then the sub-committee will write up a bill and introduce it. I'd like to put a few more things in the record so we will have them for future reference. For example, Mr. McCormick and Mr. Hamilton did a fine job in putting together this proposed resolution. They have reviewed this with the Mayor and myself and we believe that all possible points mentioned in the Port Commission's letter to the City Council and City Manager have been covered. I think all agree that some of their answers were not as specific and precise as they could have been leaving some ambiguity, but at least they indicated intent. Now in connection with the utilities, I want to point out that we can't talk about relocating sewers across Lincoln Avenue at the present time because sewers do not exist. However, it should be pointed out that the Belt Line cost of relocation, the water line cost of relocation, the electric utility cost of relocation, are all being borne by the Port. In the future it appears inevitable that a sewer line will be constructed across Lincoln Avenue to serve that portion of the industrial area. According to present plans, you are talking about an additional expenditure of between \$80,000 and \$100,000 over what you would be spending if Lincoln Avenue remained. I'm assuming, for the record that the Port will expect the industries developing there to absorb that additional cost through an L I D, otherwise the Port should assume this cost. Also, as pointed out by the Council members today, I can't stress too emphatically that the N. B. F. U. did say, in a letter to Chief Reiser, which I requested he write, that there would be moderate deficiencies assessed against the City when an overall analysis were made in the future. To what extent the cutting of Lincoln Avenue will have in the overall fire rating and grading in the next 5, 8 or 10 years is a matter of conjecture. I want to pose the possibility of an additional station there sometime, and if that occurs, you are talking about an additional operational cost of \$120,000 a year; you're talking about an additional capital out-lay of approximately \$150,000, so I don't think we can ignore that possibility. I, also think it is important, Mr. Mayor, to incorporate the memorandum which Mr. Schuster sent to me, which was reproduced and sent to the Council members, dated April 21, 1964 or the

O & D count of the Port Industrial Area. It might also be necessary for some type of local circulation be provided at a later date. In its reply to the City Council, the Port Commission has recognized that a bridge across the Waterway, generally in the vicinity of Lincoln Avenue, might be necessary in the future.

I think it would also be advantageous for the record to include a memorandum prepared by City Attorney Marshall McCormick and Mr. Bob Hamilton dated April 22, 1964, in which certain presentations were made by the Corps of Engineers in Seattle recently. The representatives of the Corps reviewed the data filed by the Port Commissioners with the Corps of Engineers at the hearings held in Tacoma in 1957. At that time, the Port indicated that it would improve the Port of Tacoma Road around the Extended Waterway and then through Alexander Avenue Extended at a total cost of about \$421,000. Regardless of what finally does occur in the way of road development, it is obvious that the Port, as Councilman Johnson pointed out, should be responsible for providing adequate circulation in this area. Mention should also be made at this time of a letter sent to the members of the City Council dated April 24, 1964, which explains the general thinking of the Mayor on this subject and which asks the other Members of the City Council for opinions on this proposal. By incorporating all of these comments in these minutes, misunderstandings might not occur five to ten years from now when other city officials are looking at the record.

You'll notice that right now 35% of the workers are utilizing Lincoln Avenue to get to certain points in the industrial area. Just today I talked to Mr. Kerslake, District Engineer of the State Highway Dept. Mr. Kerslake said he thought he would have the data from Mr. Mladinov of the Puget Sound Transportation Study at the end of May. He can then proceed with the State's reconnaissance study of N. E. Tacoma, 11th St. and the Port industrial area.

Mrs. Price: If I remember, in the meetings we had with the Port Commissioners when we asked about the time table on that proposed extension of Alexander Avenue, they informed us that there were no definite plans at the present time.

Mr. Rowlands: It is true that the Port Commissioners indicated that they did not have definite plans to proceed with the Alexander Avenue development at this time. The Port Commissioners did indicate the possibility of utilizing Marshall Avenue, although they thought they might have to move south of Marshall Avenue at the main intersection so that the approaches would be less dangerous. Actually, the Port's plan for a specific road are rather nebulous at the present time, but they have reiterated consistently that they would build an approved road, and the City will just have to wait and see what their plans are when finalized. From the City's standpoint, I can assure you that the City Manager's office and the Public Works' Dept. will try to maintain liaison with the representatives of the Port so that we can keep the City Council fully informed as to their plans for proper road construction in this area. It is hoped by following this procedure that another crisis will not develop at the last moment.

Mr. Cvitanich: Dave, what is the status of that again, that is going to be referred into Committee.

Mr. Rowlands: Yes, hearings are being conducted in Washington, D. C. today. After the hearings are completed, the Sub-Committee will prepare a Bill.

part of which will be the appropriation for the Port Industrial Waterway Extension. In addition to the project, there will probably be about 25 other projects throughout the United States. Therefore, the final Bill will include all of these projects, and the Congress will make the appropriation to cover all of the projects.

Mr. Cvitanich: There's no doubt about getting the funds then?

Mr. Rowlands: There doesn't seem to be because Mr. McCormick's discussion with the Corps indicated that they are expecting to advertise on May 4th.

Mr. Cvitanich: What I had in mind was, perhaps, some stipulation that if the funds weren't appropriated, we wouldn't vacate.

Mr. Rowlands: We would know this before the official vacation takes place. It requires at least six weeks to two months to clear through the Planning Commission.

Mr. Buehler: Unless this agreement at the present time binds us to the stipulation that we will vacate when presented.

Mr. McCormick: The Corps will advertise for letting of the contract and the calling of the bids on May 4th and the contract is then awarded. This is normal procedure apparently on this type of a contract insofar as the government is concerned. They stipulate in writing and they will do the work if the money is appropriated but they are bound when the contract is let for the entire project. The contractor is taking his chances on the appropriations of the money each year, everybody bids on it with that procedure in mind.

Mr. Finnigan: Mr. Mayor, I think there is one more point to show how incomplete their plans have been. Within the last week the Council has been informed of two changes that we were not aware of before. One was the fact that we thought this extension was going to cut off Marshall Ave., but we found they were going to cut off the extension 300 or 400 hundred feet so there would be a straight line on Marshall Avenue. And just within the last weeks of our Councilmen learned from one of the Port Commissioners they decided it would be good shoreline property to use industrially so they are going to detour Marshall Avenue by putting a little jog to provide for 500 feet of land at the extremity of the extension. This thing is constantly changing. As far as we Council members are concerned on this proposed Alexander Ave extension, they're not sure whether they're going to put that in or not because they do not know whether it's going to damage or destroy the value of the property they want to use in this waterfront. The whole thing is just so up in the air. It's difficult for the Council members to decide and I think that we're being very generous in going along with this very incomplete proposition that the Port Commissioners have tried to give us.

No other comments were made.

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

OFFICERS

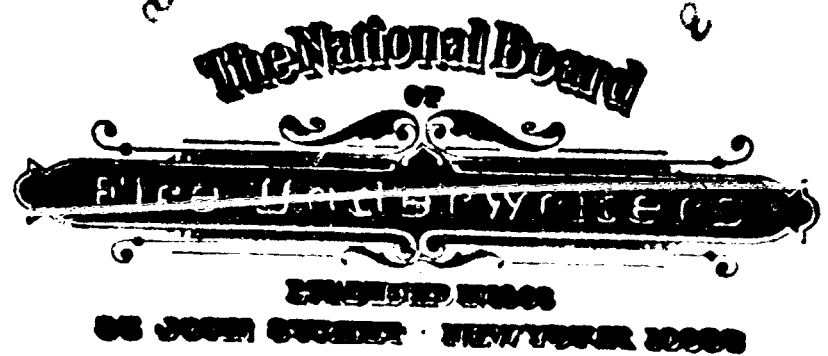
SMITH, PRESIDENT, NEW YORK

NEWCOMB, VICE PRESIDENT, NEW YORK

JERVEY, SECRETARY, BOSTON

FRIS, TREASURER, NEW YORK

GENERAL MANAGER, NEW YORK



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A. C. SEYMOUR, NEW YORK

F. W. WRENN, NEW YORK

E. W. FOWLER, CHIEF ENGINEER

CARL A. WEERS, ASST. CHIEF ENGINEER

April 16, 1964

Chief J. W. Reiser
 Tacoma Fire Department
 823 A Street
 Tacoma, Washington

Dear Chief Reiser:

This will acknowledge your letter of April 9 concerning the proposed extension of the Port Industrial Waterway.

The vacation of Lincoln Avenue and the frequent opening of the Industrial Waterway Bridge along 11th Street would adversely affect the "distribution of companies" (concentration) for those areas on the northeast side of the Waterway and would also be reflected in "conditions affecting fire department operations", in our analysis of the city's fire protection in this area.

The construction of the proposed East Tacoma Thruway and extension of Alexander Avenue would give additional access to the northeast, but response distances to the industrial area northwest of 11th Street and northeast of the Port Industrial Waterway would be excessive. These areas, which required a fire flow of 7500 gpm during our last survey, would be an excessive distance from a ladder company and a second engine company and from a concentration of companies for multiple alarms, when the bridge is open. We cannot determine the number of deficiency points that would result from the proposed extension of the waterway without additional information and a more complete study. However, because of the importance of the industrial areas involved and the large fire potential and assuming the increased time and frequency that the bridge will be open with the waterway extension, the conditions would possibly be considered as moderately deficient in our overall analysis of the fire department.


Chief J. W. Reiser

- 2 -

April 16, 1964

We would suggest that some consideration be given to relocating the ladder truck and pumper at Ladder Co. 4 quarters with Engine 15 after Lincoln Avenue is vacated so that at least adequate first alarm response into the area is provided.

Very truly yours,


Carl A. Weers
Assistant Chief Engineer

7-OR G. TOLLESON
BY: CHAPMAN, WASHINGTON

HOUSE CHIEF
1-10-64 CHIEF (CHIEF)
WASHINGTON, D.C.

241
COMMITTEE
MEMBER MARKS AND PETERSON

SUBCOMMITTEE
MARINE AFFAIRS
FISH AND WILDLIFE

Congress of the United States

House of Representatives

Washington, D. C.

April 22, 1964

AIR MAIL

Mr. David D. Rowlands
Manager of the City of Tacoma
County-City Building
Tacoma, Washington

Dear Dave:

I have your letter of April 17, in which you request copies of bills pending before Congress regarding the extension of the Port Industrial Waterway.

The Waterway Project was authorized in a public works authorization bill approved by Congress a couple of years ago. Last year Congress appropriated funds for preliminary surveying work on the project. It was contained in the regular public works appropriations bill. This year the Port is requesting additional funds for the project, and Mark Anderson is coming back here to testify before the Subcommittee on Appropriations in behalf of the funds. I will also testify before the Subcommittee but on a different day than will Mark. The Appropriations Bill will not be drawn up until after all the testimony is completed. Then the Subcommittee will "write up" a bill and introduce it. Thus, there are no bills pending which I can send to you.

Once in a while a congressman will introduce a separate bill to authorize a project. This he does for political reasons so that he can send out a story to newspapers. This process is completely unnecessary because all public works projects, if approved by the

Mr. David D. Rowlands

-2-

April 22, 1944

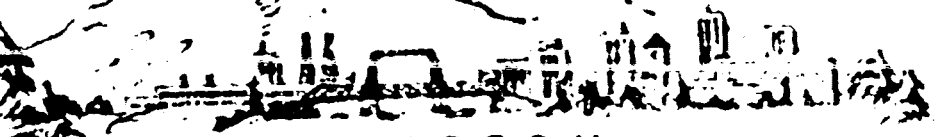
Public Works Committee, are bundled together in a single bill after the Committee concludes its hearings. Their procedure is very similar to that followed by the Appropriations Committee.

Sincerely yours,

THOR C. TOLLEFSON, M.C.

TCT:pjs

CITY OF TACOMA



WASHINGTON

HAROLD M. TOLLEFSON
MAYOR

April 24, 1964

Members of the Tacoma City Council

Gentlemen:

On the Study Session Agenda you will find a proposed resolution dealing with the problem of the Port of Tacoma's cutting of Lincoln Avenue. We have thrashed out this problem for a considerable period of time and I am sure that we all agree there is no easy, complete, nor certain solution which will permit a definite conclusion for the future. I have a feeling, however, that all of us wish to achieve some degree of certainty and to permit the extension of the port industrial waterway.

With this object in mind I called together on late Thursday after court proceedings, Marshall McCormick and Bob Hamilton from the Attorney's Office, and Dave Rowlands. We discussed the numerous communications between the Port and the City, as well as those from the Corps of U. S. Army engineers. Mr. McCormick and Mr. Hamilton reported on their findings in Seattle as contained in the voluminous record of the U. S. Engineer's hearing on this matter in Tacoma in 1957.

Believing that as much commitment had been made as could be made under the circumstances by the Port of Tacoma; and believing that these Commissioners and/or future Commissioners would keep their word, I recommended the drafting of the proposed resolution for your consideration and approval.

No one recognizes more than I that nine heads are better than one. Please examine the proposed resolution carefully. If there are areas which need amendment please do not hesitate to amend. Thereafter, if you feel as I do, you will pass this resolution recognizing that with every major improvement or development within the City there is apt to be a proportionate degree of disruption of existing methods of communication and transportation.

Yours very truly,

H. M. TOLLEFSON
MAYOR

REPORT OF MEETING WITH ARMY CORPS OF ENGINEERS

Date: Wednesday, April 22, 1964

Present:

Calvin Greenstreet
Chief of Real Estate Division
U. S. Army Engineers

Fred Abraham
District Counsel
Army Corps of Engineers

Ferd J. Schaaf
Realty Officer and Attorney

Marshall McCormick
City Attorney
City of Tacoma

Robert R. Hamilton
Chief Assistant City Attorney
City of Tacoma

The purpose of the meeting was to discuss the pending problems concerning the improvement of the Port Industrial Waterway by the Army Corps of Engineers and the cutting of Lincoln Avenue during construction of the project.

Mr. McCormick first outlined generally the history and background of the project insofar as the City of Tacoma is concerned, indicating that at the time the District Engineers held the hearing on the project the City reserved to itself the right to further negotiate the closure of Lincoln Avenue and the substitution of alternative routes, either by bridge or alternate roadways. Following his introductory remarks, further discussion ensued; questions were asked and answers given.

It was finally resolved that the Corps would accept a vacation of Lincoln Avenue, the granting of a perpetual easement from the abutting owners--i.e., the Port to the Army Engineers--and thereafter the Port could quitclaim back to the City the former Lincoln Avenue right-of-way so that the City would, in the end, own the underlying fee.

Bids for the construction will be advertised on May 4th and 5th. The normal opening date of bids for the Corps of Engineers is approximately thirty days after bid call. Normally, the contract will be awarded within about sixty days following the date of opening. None of the gentlemen representing the Corps had before him the exact schedule concerning this particular construction job.

The Corps must have all of the rights-of-way before advertising for bids, and if this problem is not resolved the Corps will not advertise for bids the 4th of May and probably will abandon the project, at least for the time being. Mr. Greenstreet advised us that Colonel Perry had indicated that the Corps of Engineers must know within ten days from the date of the meeting--that is, within ten days from April 22--whether or not the City and Port can reach an agreement concerning Lincoln Avenue, and further, can provide for the vesting of title on that portion of Lincoln Avenue to be bisected by the waterway.

He further stated that the Council must, within ten days, sign the permanent easement agreement heretofore furnished to the Port of Tacoma by the Corps of Engineers, copies of which are available in Mr. McCormick's file, which agreement unequivocally commits the City of Tacoma to vacate. He stated the Corps of Engineers cannot hold the funds already appropriated after the expiration of the ten-day period for this project.

He further indicated that there is presently available in the budget for their current fiscal year expiring June 30, 1964, only \$30,000 to \$40,000. They explained this type of improvement is of a nature which calls for continuing appropriations by Congress during the course of construction. This apparently is routine procedure insofar as the Corps of Engineers is concerned. These men are confident that prior to the expiration of the fiscal year there will be appropriated, each year, sufficient funds to carry on construction for the ensuing year.

This project is authorized by virtue of the Rivers and Harbors Act of 1962, Public Law 87-874.

We were advised that the authorizing act requires that the Port obtain initially and convey to vendees needing or utilizing water transportation all land adjacent to the waterway and included in a strip _____ feet back from the waterway. None of the men knew the exact dimensions of the strip. This provision will necessitate the cutting of Marshall Avenue as it presently exists.

Mr. McCormick and myself then had an opportunity to examine certain documents and a transcript of the proceedings at the hearing with reference to statements by the Port Commission concerning Lincoln Avenue. We found that in Exhibit 2A, a map of Appendix 1 to the presentation by the Port of Tacoma to the District Engineers, the Port represented that certain new roads would be constructed which roads were delineated on said map in a yellow color and, generally speaking, paralleled the proposed waterway extension utilizing only a small portion of existing roadway.

We further discovered that on page 17 of the transcript of the proceedings involving testimony by the Port Commissioners at the hearing, reference was made to Exhibits 1 and 2, Appendix 1, when referring to the relocation of Lincoln Avenue. Page 18 of said presentation set forth certain cost estimates to be expended by the Port, among which was a right-of-way for Lincoln Avenue-- the estimate set forth in the following words:

"d20. Provision for a road to extend around the southerly end of the industrial waterway as extended to replace Lincoln Avenue - estimated cost, \$421,500.00."

The transcript of the hearing further discloses, in pages 5 and 6, that Commissioner Blair testified as follows:

"Thirdly, before extension of the Port Industrial Waterway can be undertaken, we must provide rights-of-way for road and railroad around the proposed southerly end of that waterway . . ."

The official transcript of the hearing, as well as Appendix 1, contains certain other references to the obligations of the Port of Tacoma to relocate Lincoln Avenue.

We were advised that the scheduling of this project is critical and, as has heretofore been indicated, any delay which would preclude the calling for bids on the 4th and 5th of May may well cause an abandonment of the project at this time.

We were further advised that it would be solely within the discretion of the United States Government whether or not it would ever permit a bridge across the waterway at or near the location of the existing Lincoln Avenue.

We were further advised that the Corps of Engineers, as such, is not concerned with the agreements between the Port of Tacoma and the City of Tacoma concerning the relocation of Lincoln Avenue traffic or the possible construction of a bridge. They further indicated that this project is similar to most projects throughout the country; that is, it is up to the local authority to provide the government the necessary rights-of-way and to make provisions for relocation of roads, utilities, bridges, etc.

The Corps of Engineers admitted that they had assumed all along that the Port had resolved the right-of-way problems and, acting on that assumption, had scheduled the project for construction at this time. Apparently, certain representations were made concerning the acquisition of the rights-of-way and other problems involved in relocating utilities, etc.

ROBERT R. HAMILTON
Chief Assistant City Attorney

RRH/ejd

FIRST READING OF ORDINANCES:

Ordinance No. 17598

Amending Sections 1. 24, 240 & 780 of the Official Code of the City relating to Civil Service & personnel Rules.

Mr. Bixel, Director of Personnel, stated these amendments were adopted by the Civil Service Board at their last meeting with the recommendation that they be submitted to the City Council for their approval.

The Ordinance was placed in order of final reading.

UNFINISHED BUSINESS:

- a. L I D 3546 for sanitary sewers in Ainsworth Ave. from So. 76th to So. 80th and other nearby streets.
- b. L I D 3563 for sanitary sewers in the vicinity of So. 80th & Sheridan Ave.
- c. L I D 3565 for sanitary sewers in the vicinity of No. 21st & Pearl Sts.
- d. L I D 6829 for street lighting and underground wiring along "C" St. from So. 48th to So. 50th and on So. 52nd from Fawcett Ave. to G Street.

Mr. Finnigan moved that Monday May 25, 1964 at 4:00 P. M. be set as the date for hearing. Seconded by Mr. Haley. Voice vote taken. Motion carried.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Personnel report for the month of March 1964.
- b. Fire Dept. report for the month of March 1964.
- c. Police Dept. report for the month of March 1964.
- d. Report from the Light Division for the months of Feb. and March, 1964.
- e. Report from the Water & Belt Line Divisions for the month of March 1964.
- f. Report from the Traffic Division for the month of March 1964.
- g. 75th Annual Report from the Fire Dept. - 1963.

COMMENTS:

Mr. Rowlands asked that some member of the City Council move to refer the proposed amended Urban Renewal Plan for the Center Street Urban Renewal Area Project, Wash. R-1, for review and recommendation as to conformance with the Comprehensive Plan of the City. The proposed amendment would require minor changes, he added.

City Council Minutes - Page 12 - April 28, 1964

Mr. Haly moved to refer the proposed amended Urban Renewal Plan for the Center Street Urban Renewal Area Project, Wash. R-1 for review and recommendation as to conformance with the Comprehensive Plan of the City. Seconded by Mr. Finnigan. Voice vote taken. Motion carried.

Mr. Rowlands said the West Coast Airlines will take every 4th grader in Tacoma for a 12 minute flight over the City of Tacoma, at the Airline's expense. There are approximately 3,000 children in the 4th grade, he added.

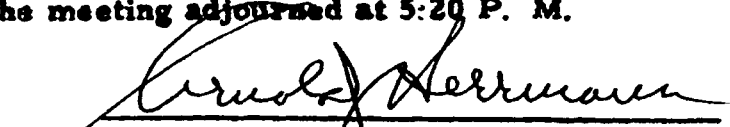
He invited the Council members and press to be present for a flight which will take off at 2:00 P. M., Thursday, April 20, 1964.

Mr. Cvitanich asked if any thought had been given to obtain Enabling Legislation for the Transit System deficit through the Association of Washington Cities.

Mr. Rowlands said that he intended to devote most of the Study Session next Monday on this subject. He said he is recommending to the City Council that they have a specific subsidy earmarked for the Transit System. He stated information will be available to the Council members on this subject. He said the Transit System this year will have a deficit of approximately \$230,000.

Mr. Cvitanich requested the City Manager to submit a report showing in what area service can be reduced to the bare minimum in the Transit Dept.

There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 5:20 P. M.


Deputy Mayor of the City Council

Attest: 
City Clerk