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City Council Chambers, 7:00 P.M.
Wednesday, November 9, 1960

Council met in regular session. Present on roll call; 7, Bott, Cvitanich, Easterday, Olson, Porter, Price and Steele. Absent 2, Murtland and Mayor Hanson. Mr. Murtland coming in at 7:10 P.M. Mayor Hanson coming in at 7:30 P.M. Mr. Porter, Deputy Mayor, presided as Chairman in the absence of Mayor Hanson.

Mrs. Price moved that the minutes of October 25, 1960 be approved as submitted. Seconded by Mr. Steele. Voice vote resulted as follows: Ayes 7; Nays 0; Absent 2, Murtland and Mayor Hanson.

HEARINGS AND APPEALS:

This is the date to which the hearing on the petition of the American Mfg. Co. on the vacation of the alley between Pacific Ave. and A Street, between so. 21st and 22nd Streets, has been continued from the meeting of September 6, 1960.

Mr. Rowlands explained that this vacation was heard before the Council on August 30, 1960, and at that time the Planning Commission recommended approval of the vacation. At the time of the hearing before the City Council, many objections were raised and it was felt that further study should be made, so the petition was referred back to the Planning Commission for a second hearing. Since the two abutting property owners opposed the vacation, at the second hearing the Planning Commission recommended the petition be denied. This recommendation was reported to the City Council on September 27, 1960 and a new date of hearing was set in order to conform with the State Law.

Mr. Rowlands said he and several of the staff members including Mr. Buehler, Planning Director, Mr. Schuster, Public Works Director, and Mr. Kosai, Traffic Engineer, met with representatives of the American Manufacturing Co. and a reasonable and agreeable solution was reached. The plan was to post signs to make the alley a non-thoroughfare in order to service the businesses abutting the alley.

Mr. Murtland coming in at this time.

Mr. Cvitanich then moved that the recommendation of the Planning Commission be sustained and the petition be denied. Seconded by Mr. Easterday. Voice vote: Ayes 8; Nays 0; Absent 1, Mayor Hanson.

This is the date set for hearing on the petition of the Tacoma School District No. 10 for the vacation of the alley adjacent to South 6th and Grant Street.

Mr. Rowlands said this petition was heard by the Planning Commission at their meeting of September 19, 1960 and it was recommended that the vacation of the entire alley be approved subject to several conditions set forth.

Mr. Buehler explained that information relative to the petition is circulated to the various utilities, also to the Gas Company and Telephone Company and in this case the Telephone Company had made the recommendation that the vacation be granted subject to the removal and location of pole facilities which would cost approximately \$330. Mr. Buehler said Mr. Hopkins, Assistant Superintendent, Tacoma Schools, is here this evening relative to this condition being placed on the vacation.

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Mr. Hopkins said he was present tonight on a matter of principle, rather than the amount of funds involved in this particular instance. He said it is often necessary for the School Board to request vacations of streets and alleys, and to his knowledge this particular problem has always been arranged without it being a condition on the vacation. He said he felt this condition should not be put on the vacation because the type of utility involved does not have a franchise to operate on the streets.

Mr. McCormick said it is the position of the Telephone Company that they do not need a franchise insofar as the City of Tacoma is concerned, due to the fact that under the Old Federal Act they had the right to place their poles on City Streets. He said the Telephone Company pays an 8% B & O tax for the use of the streets for pole purposes. In the past, he added, there have been occasions when the cost of moving these poles has been paid by the private parties desiring the vacation. Mr. McCormick said he thought this problem was a matter for the School Board to work out.

Mr. Hopkins said he would like to have a definite policy established on these vacations, therefore eliminating any argument that may arise when a petition is presented in the future.

Mr. Steele said Mr. Hopkins raised a good point, as he felt this should not be a condition on the vacation.

Mrs. Price asked if these conditions usually pertain to a private company as in this case.

Mr. McCormick explained that the State Law specifically sets up the procedure for vacations. He said the only condition the State Law authorizes the cities to place on vacations is, the reservation of utility rights such as Sewers, Water, and Lights, and those conditions can be placed in the Ordinance itself, but other conditions cannot be included in the Ordinance.

Mrs. Price said, it seemed to her, that this problem was one that should be worked out between the School Board and the Telephone Company.

Mr. McCormick said that was correct, that once the property is vacated it becomes private property and the legal matter is between the School District and the Telephone Company. However, the Council could, as has been done in the past, not vacate the street until the matter is settled.

Mr. Easterday moved that the proper Ordinance be drafted vacating this street. Seconded by Mr. Cvitanich.

Mr. Britz Berntsen, representing the Telephone Company said the Telephone Company will move, relocate, etc., their telephone poles and equipment, if requested by the City when it is necessary for the widening of a street. However, he said he felt since the School Board is not a department of City Government, the Telephone Co. should be paid for relocating the poles. He, too, thought this was matter of principle.

Mr. Bott said it seemed to him that when a Company is operating legally and another party decides to change matters, the latter should be the one who should pay any costs arising from the change.

Mr. Easterday said he felt that the policy as to whether the Telephone Co. has the right to expect compensation for the moving of a utility, should be determined in Court and not by the Council.

Mayor Hanson coming in at this time.

After further discussion, the Council decided that the vacation should be granted excluding condition 3 and 4 on the recommendation pertaining to the Telephone Co.

It was moved by Mr. Easterday that the necessary Ordinance be drawn vacating the street, with the exception of condition 3 and 4 of the recommendations of the Planning Commission. Seconded by Mr. Cvitanich. Voice vote on the motion resulted as follows: Ayes 9; Nays 0; Absent 0. Motion carried.

Mr. Buehler said if the policy were adopted, relative to private development requesting the vacations of alleys or streets effected by some public agency the Planning Department will not continue their practice of submitting this in-

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formation to the various utilities for their recommendations, if the Council so desires.

Mayor Hanson said he would like to request that the same procedure be followed and transmitted with the Ordinance so that the Council can, between now and the action on the Ordinance, examine further the possibility of establishing a policy in this regard.

Mr. Buehler said they would continue their present policy, until otherwise notified by Council.

The City Planning Commission recommending the denial of the petition submitted by Mrs. Gertrude M. Southard, Joseph and Louise McCaffrey, for rezoning of property located at the southwest corner of So. 38th and J Streets to be rezoned from an "R-3" District to a "C-1" District.

Mr. Easterday moved that November 29, 1960 be fixed as the date for hearing on the appeal. Seconded by Mrs. Olson.

Mr. Rowlands asked if the date could be changed to December 6, 1960 instead of November 29, 1960.

Mr. Easterday then amended his motion that December 6, 1960 be fixed as the date for hearing on the appeal. Seconded by Mrs. Olson. Voice vote on the motion resulted as follows: Ayes 9; Nays 0; Absent 0. Motion carried.

PETITIONS:

Petition from the North Shore Country Club Estates requesting the rezoning of the property located at the southeast and northeast corners of the intersection of McMurray Road with Marine View Drive, to be rezoned from an "R-2" - "R-4" District to a "C-2" District.

Referred to the Planning Commission.

Petition from C. E. Loveless requesting the rezoning of property located at So. 64th from Park to Yakima Ave., to be rezoned from an "R-2" - "R-4" District to a "C-2" District.

Referred to the Planning Commission.

RESOLUTIONS:

Resolution No. 16335:

Fixing Monday, November 28, 1960 at 4:00 P.M. as the date for hearing on L I D 4675 for permanent paving in the area of So. 45th and J Streets.

It was moved by Mr. Steele that the Resolution be adopted. Seconded by Mrs. Price. Voice vote taken on the Resolution resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16336:

Fixing Tuesday, December 6, 1960 at 7:00 P.M. as the date for hearing on the vacation of property on So. Alder from the south line of So. 38th Street to the north line of Lot 22 extended. (Petition of Leland E. Jones, et al)

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It was moved by Mrs. Price that the Resolution be adopted. Seconded by Mr. Steele. Voice vote taken on the Resolution resulted as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16337:

Commending George Smith, Executive Assistant City Manager, for his loyal and faithful service to the City of Tacoma for the period from May, 1957 to November, 1960. 496

It was moved by Mr. Bott that the Resolution be adopted. Seconded by Mr. Easterday. Voice vote was taken on the Resolution resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16338:

Authorizing the proper officers of the City to execute a written lease between the City of Tacoma and the Pacific Machine Shop, Inc., for property located at 1133 Dock Street.

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

Mr. Rowlands said the City for some time has been checking the leases with various tenants on the Dock Street property. About 2-1/2 years ago appraisals were made indicating the approximate rental that should be charged for some of these properties, therefore enabling negotiations for new leases.

Mr. Rowlands added that there has been a slight error made in the agreement on Page 1, Section 2. He said the date should be October 1960, in place of October 1959. The agreement is for 6 years terminating on the 30th day of September, 1965, for \$50 a month. It also provides that the Lessee shall carry liability insurance which would take care of the proper maintenance of the property. The City is well protected, he added.

Mr. Bott moved that the agreement on Page 1, Section 2, be amended, changing the date of October 1959 to October, 1960. Seconded by Mrs. Olson. Voice vote on the motion resulted as follows: Ayes 9; Nays 0; Absent 0. Motion carried.

Voice vote was then taken on the Resolution resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16339:

Accepting certain offers to sell real property situated within an Urban Renewal Project designated Project No. Wash. R-1 (Center Street project.)

Mrs. Price moved that the Resolution be adopted. Seconded by Mr. Steele. Voice vote taken on the Resolution resulted as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

FIRST READING OF ORDINANCES:Ordinance No. 16667:

Amending the Official Code of the City relating to zoning by adding a new section known as Sec. 13.06.065 (7) to include property located in the west side of Pearl St. between the Drive-in Theater at No. 11th south to the right-of-way for the future Tacoma Narrows Freeway, in a "R-4-L" Low Density Multiple Family Dwelling District (Petition of Martin Miller, Jr) Read by title.

Mr. Rowlands said this Ordinance has been reviewed carefully by the Planning Commission.

Mr. Buehler, Planning Director, explained that Mr. Miller originally petitioned for a "C-1" Commercial District and an "R-4" Multiple Family Dwelling District. However, the Planning Commission recommended denial of this request, and recommended that the property be zoned to an "R-4-L" Low Density Multiple Family Dwelling District. They further recommended reducing the total area to reflect the most recent revised right-of-way line for the future freeway connecting with the Narrows Bridge. He said this type of zoning is more restrictive than the one requested. He added that the petitioner had proposed building two twenty-four unit apartment buildings, a restaurant, and two office-type rental buildings. Mr. Buehler said Mr. Miller, the petitioner, was advised of his right to appeal the recommendation of the Planning Commission; however, he added, no appeal has been filed.

Mr. Cvitanich asked how this would fit in with the future planning on the west end development.

Mr. Buehler said since this is directly adjacent to the Drive-in Theater and the entryway to the Freeway, it would not adapt itself to single family units. The "R-4-L" zoning will serve as a Transitional or Buffer zone between Single Family Dwelling Districts, Commercial Districts and Arterial Streets and Highways.

FINAL READING OF ORDINANCES:Ordinances No. 16664:

Approving and confirming the assessment roll for Sidewalk Construction Fund No. 60 for sidewalk replacements and construction in various locations throughout the City. Read by title and passed.

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

Ayes 0; Nays 0; Absent 0.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16666:

Authorizing the proper officers of the City to condemn (19) pieces of property for the development of the Peninsula Airport site. Read by title.

Mr. Bott asked if this Ordinance provided that the City could negotiate as well as institute condemnation proceedings to acquire this property.

Mr. Rowlands said that was correct. This Ordinance gives protection in the event negotiations fail. However, he added, it gives the City the right to institute condemnation action if necessary.

Mrs. Olson asked if the City Council will act upon each individual piece of property, after the property is condemned.

Mr. McCormick explained that it would not be necessary to do this by Ordinance or Resolution, although, in former cases, he added, it was taken up with Mr. Rowlands, City Manager, who in turn presents it to the Council, with the price and the report on the appraisal.

Mr. Bott asked if these 19 pieces of property comprise the full extent of the property.

Mr. Anderson, City Engineer, said the 19 parcels set up in this Ordinance constitute 230 acres, or about 60% of the total.

Mr. Bott asked if the City is anticipating in obtaining sufficient property to take care of any future development in the event that longer runways are needed.

Mr. Anderson replied that there is no provision for any future expansion.

Mayor Hanson he thought it would be well for the City Council, after the necessary property has been acquired, to look into the possibility of expending funds necessary to acquire additional property.

Mr. Easterday asked if the bonds have been sold.

Mr. Rowlands answered they had not, as they want to thoroughly discuss the project first.

Mr. Easterday said the Federal Grant is based upon the fact the \$550,000 will accrue from the sale of inside levy bonds together with the \$350,000 of revenue bonds. He asked if the F A A grants are subject to the fact that this amount of money is had by the City?

Mr. Rowlands said all of the estimates are predicated upon the contribution of \$900,000 by the City and the Port of Tacoma. The entire proposition is based upon a certain amount of money from the Federal Government, the Port of Tacoma & the City. So it is true that these bonds must be sold as quickly as possible, he added.

Mr. Cvitanich said he noticed that the Ordinance provides that, in the event the Airport Construction Fund is insufficient to pay for the lands, the remainder shall be payable from the General Fund. He said it seemed to him that the City is relying quite heavily on the General Fund for too many things.

Mr. McCormick said that particular language is necessary due to the fact that four or five years ago the Supreme Court held that under the condemnation Statute it provides that it must be paid out of the General Fund. So now in the Ordinance it states "in the event said fund is insufficient, then the compensation for the lands to be taken shall be payable from the General Fund."

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

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

UNFINISHED BUSINESS:

The Director of Utilities presents the assessment roll for the cost of L I D 5316 for cast iron water mains in the area bounded by Alaska Street, So. 88th, Park Avenue, and So. 96th .

Mrs. Price moved that Monday, December 12, 1960 at 4:00P.M. be fixed as the date for hearing on the assessment roll for LID 5316. Seconded by Mr. Steele. Voice vote: Ayes 9; Nays 0; Absent 0.

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COMMENTS:

Mr. Rowlands brought up that some of the members of the L I D Committee have indicated that they would like to tour the areas that will be discussed at

the L I D hearings. He asked if the Committee members would like to make this tour on the same day of the hearing, and if so, he will arrange to have someone from the Public Works Department conduct the tour with them.

Mr. Bott said the Committee has not yet decided whether they want to take this tour on a Monday or not. He thought it should be left up to the Committee to decide. Mr. Rowlands said he thought that was a good suggestion, and at the time the Committee wishes to make this tour someone from the Public Works Department will take them out.

Mr. Rowlands said, as the Council knows, the construction on the two escalators is moving along in the area of the Blue Mouse Theatre and the Stationers Building. He said the City now has acquired the Cameo Building, and the staff would like authorization to proceed with the removal of that building. He added that it may take a little longer to acquire the property where the Weisfield's Store is located, since the City may have to go through condemnation.

Mr. Bott asked if they plan on having an escalator in operation by Christman.

Mr. Rowlands said they hope to have the escalator completed from Pacific to Commerce at the Stationers Building site and the one from Commerce to Broadway in the Blue Mouse Theatre site by Christman.

Mayor Hanson said the removal of the Cameo Building is certainly consistent with the policy established previously with the other sides, unless there are any objections from the Council.

Mr. Schuster advised the Council that Mr. Wing of Worthen, Wing, Seifert & Forbes is present this evening to give a report on the Airport situation.

Mr. Wing said he presumed the Council is aware of the steps necessary to complete the information to be submitted to the Federal Aviation Agency in February. One of the important progress steps is the submittal of the formal project application, copies of which are available for each Council member.

Mr. Rowlands said he intended to send these out with the Agenda for the next Council meeting.

Mr. Wing said the application requires a number of items. One is the completion of the construction drawings and specifications for the project and certain cost estimates. During the last three weeks, he said, his firm has met with the necessary agencies to gather information needed in order to make certain they are proceeding in the right direction. He said they have just about completed the survey of structures in the area according to the FAA requirements. The first economic study is well on its way in reference to the exact alignment and the placing of the various facilities for planning purposes, He added.


Mr. Easterday asked if Mr. Berry, the Consultant, had completed any of the contour maps.

Mr. Wing replied that the working maps have been delivered and are being used to base many of the calculations. He said the engineering studies are slightly ahead on a tight schedule.

There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 8:15 P.M.


Mayor of the City Council

Attest:


City Clerk