

CITY COUNCIL MINUTES

City Council Chambers, 4:00 P. M.  
Tuesday, October 9, 1962

Council met in regular session. Present on roll call 6: Finnigan, Haley, Herrmann, Murtland, Price, and Steele. Absent 3: Bott, Cvitanich, and Mayor Tollefson. Mr. Bott arrived at 4:20 P. M. Mr. Cvitanich arrived at 4:26 P. M.

Deputy Mayor Arnold J. Herrmann, M. D. presided as Chairman in the absence of Mayor Tollefson.

Mrs. Price moved that the minutes of September 5, 1962 be approved as submitted. Seconded by Mr. Haley. Motion carried.

HEARINGS & APPEALS:

a. The City Planning Commission recommending the denial of the request of M. E. Chase for the rezoning of property located at So. 74th & 183 Tyler Sts. from the "R-2" to the "R-4-L" District.

Mrs. Price moved to concur in the recommendation of the Planning Commission to deny the application. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

b. The City Planning Commission recommending the denial of the request of Frank R. Coonan for the rezoning of property located at 614 No. Myers St. from the "R-2" to the "C-1" District. <sup>265</sup>

Mrs. Price moved to concur in the recommendation of the Planning Commission to deny the application. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

c. The City Planning Commission recommending the denial of the request of August F. Gratz for the rezoning of property located lying north of So. 74th & West of Sprague St. from the "R-2" to the "C-F-V" District. <sup>255</sup>

Mrs. Price moved to concur in the recommendation of the Planning Commission to deny the application. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

d. This is the date fixed for hearing on the petition submitted by John P. Bachholt et al, for the vacation of that portion of No. 34th St. lying between Union Ave. and the alley between Union & Puget Sound Ave. <sup>347</sup> <sup>425</sup>

Deputy Mayor Herrmann asked if there was anyone present who wished to address the Council on this matter.

Mr. Cyrus Clapp, 3423 No. 34th protested the proposed vacation stating that this area was being used as a path way to gain access to the bus and also for the children to walk to school. He requested they provide a path or stairs in the event of the vacation.

Mrs. Price asked Mr. McCormick, City Attorney, if the property were vacated and the City maintained a walk, would they be liable.

Mr. McCormick said, if the City is cognizant of the fact and maintains a walk through there, then they would be liable.

Mr. Murtland asked if it were possible to vacate a part of the street.

Mr. McCormick said, under State law the Council has the right to vacate any portion of a street.

Dr. Herrmann asked if it were possible to place the burden and responsibility of a pedestrian walkway on the petitioner, Mr. Bechtolt.

Mr. McCormick said the City itself can retain easements for Utility purposes but cannot conditionally vacate a street, if this is to be made a public thoroughfare, the City is responsible; it cannot force the abutting property owner to provide a walkway.

Mr. Rowlands said, since the terrain is extremely steep, and if a pedestrian easement or walkway were to be maintained, it would be incumbent upon the City Council to direct the staff to construct a stairway and maintain it and then the City would be responsible.

Mr. Bechtolt explained, at present the people in the area are using his stairway and are free to do so at any time.

Mr. Finnigan asked, approximately how much would it cost to construct a stairway for the pedestrians.

Mr. Schuster, Public Works Director, said he could not give an exact figure at this moment, but could get the figures for the next Council meeting.

Mrs. Price moved that the Council concur in the recommendation of the Planning Commission and that the proper Ordinance be drawn vacating the property. Seconded by Mr. Steele.

Roll call was taken on the motion. Ayes 4: Nays 4, Cvitanich, Haley, Murtland and Deputy Mayor Herrmann.

Mr. Steele said, before the vote is announced, he would like to change his vote to "No" so as to call for reconsideration of this matter next week.

Roll call-Ayes 3; Nays 5- Motion fails.

Dr. Herrmann felt some method could be found to vacate and yet maintain an access.

e. This is the date fixed for hearing on improvement SCF No. 61 for the construction, reconstruction of sidewalks in various parts of the City.

Mr. Donald McFadon, residing at 609 No. D St. protested his assessment stating he received a statement from the City Treasurer with an approximate increase of 35% over the original charge quoted. He said the reason for this increase was due to the fact that it was necessary to construct one more square of sidewalk to bring it up to the level of the rest of the walk. He thought this was poor planning since this was not known when the original estimate was quoted. He asked that his statement be reduced to the original estimate of \$174.10 instead of the increased figure of \$235.45, a difference of \$61.35.

Mr. Charles McFail, Engineer in the Public Works Dept. , explained when the sidewalk was repaired it was found that Mr. McFadon's driveway was lower than the sidewalk so he asked the City to raise the driveway to the level of the sidewalk. The sidewalk had to be raised more than a foot which necessitated the filling in of soil which was an added expense .

Mr. Finnigan asked if this charge for this extra work was submitted in writing and presented to Mr. McFadon before the work was done.

Mr. McFail said it had not been.

Mr. Finnigan said, in a particular instance such as this, he thought the property owner should be notified in writing so as to protect the City from any misunderstanding.

Mr. Rowlands said there are over 300 people involved in this sidewalk program. Estimates are sent to each property owner and if they have any questions they are answered. Unless there are unusual circumstances the estimates have been quite accurate, he added.

Mr. Cvitanich said, when there is a variation such as this, a letter of explanation should be sent explaining the additional charge.

Mr. Rowlands said, normally after the hearing an Ordinance is brought in, however, if the Council wishes to make any adjustments they can be made.

Deputy Mayor Herrman asked Mr. McFadon if he would be satisfied if the City paid 15% of the difference which would mean 1/4 of the \$61.00.

Mr. McFadon felt the fair way would be to settle on a fifty-fifty basis.

Mr. Finnigan moved that the City pay the amount on a fifty-fifty basis as suggested by Mr. McFadon. Seconded by Mr. Haley.

Mrs. Price said the Council would be setting a precedent if they agreed to this.

Mr. Bott also indicated he did not think they could make such an adjustment as there may be other property owners who are in the same circumstances. If we make an adjustment for one , it would have to be made for all of them.

Roll call was taken on Mr. Finnigan's motion to share the extra cost with Mr. McFadon.

Ayes 4; Nays; 4; Bott, Murtland, Price and Steele. Motion Lost

Mr. Bott moved that the proper Ordinance be drawn approving the assessment roll for SCF No . 61. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

PETITIONS:

Petition submitted by Hokold Inc. requesting the rezoning of property located on So. Ash from So. 76th to So. 80th St. from the "R-4-" to the "C-F-P" District. <sup>491</sup>

Referred to the Planning Commission.

**RESOLUTIONS:**

**Resolution No. 17220:**

Fixing Monday, October 29, 1962 at 4:00 P. M. as the date for hearing on L I D 3544 for Sanitary sewers in East B from East 43rd to 178 feet north of East 45th Street.

Mr. Bott moved 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.

**Resolution No. 17221:**

Fixing Monday, October 29, 1962 at 4:00 P. M. as the date for hearing on L I D 4715 for paving on No. 28th St . from Huson to Ferdinand and other various north end streets.

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

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

**Resolution No. 17222:**

Fixing Tuesday, October 30, 1962 at 4:00 P. M. as the date for hearing on the vacation of property in the vicinity of East 26th & M Streets. (petition of Fred Berto) 439

Mr. Haley moved 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.

**Resolution No. 17223:**

Authorizing the execution of a lease between the City of Tacoma and O. J. and Vernon Swanes d/b/a Northern Fish Products Co. for the occupancy of the premises at 1181 Dock Street for a term of (15) years.

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

Voice vote taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

**FIRST READING OF ORDINANCES:**

**Ordinance No. 17183:**

Adopting the annual budget for the year 1963. <sup>405</sup> 427

The Ordinance was placed in order for final reading.

**Ordinance No. 17184:**

Fixing the amount of tax levies necessary to raise the amount of the estimated expenditures for the General Fund for the fiscal year 1963.

The Ordinance was placed in order for final reading.

**Ordinance No. 17185:**

Vacating a portion of Pearl St. between So. 19th and So. 18th Sts. <sup>397</sup>  
(petition of Cornelius P. Kelly et al.) 427

The Ordinance was placed in order for final reading.

**Ordinance No. 17186:**

Amending Section 13.04.190 of the Official Code of the City relating to Subdivision Ordinance Text Change.

Mr. Murtland explained when this Ordinance was discussed at yesterday's meeting he questioned the matter concerning the length of blocks and pedestrian ways, and why there were two differentials; one that could be waived and the other which was a matter of an affirmative finding. At that time he requested a substitute ordinance be prepared for the Council's consideration for tonight's meeting. This amendment would not change the affect the Ordinance would have except that it would give the Planning Commission the power to waive the finding of a walkway for every block over 800 feet and also could require additional walkways upon a finding of fact as set forth in the waiver of block lengths and widths, namely, traffic requirements, land use requirements, topographic conditions or other unique conditions.

Mr. Murtland moved that this substitute Ordinance be adopted. Seconded by Mr. Haley. Voice vote taken. Motion carried.

Mr. Steeb asked that a copy of the proposed draft be mailed to the Staff of the Department of Commerce of Economic Development in Olympia, Washington.

The Ordinance was placed in order for final reading.

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Ordinance No. 17187:

Amending Section 1. 30. 300 of the Official Code of the City relating to membership in the Retirement System.

The Ordinance was placed in order for final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 17161: (postponed from the meeting of Sept. 18, 1962)

372  
450

Amending Section 6. 70. 040 of the Official Code of the City relating to Utilities Gross Earnings Tax.

Mr. Haley moved that the Ordinance be set over to November 7, 1962. Seconded by Mr. Steels. Voice vote taken. Motion carried.

Ordinance No. 17176:

Vacating the east 15 feet of East "E" from East 3rd Street, north. 399  
(petition of Puget Sound Plywood, Inc. )

Roll call was taken on the Ordinance resulting as follows:

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

Ordinance No. 17177:

Amending Chapter 13. 06 of the Official Code of the City by adding a new section 13. 05. 065-25 to include property located on the S. E. corner of No. 27th and Madison Sts. in the "R-4-L" Low Density Multiple-Family Dwelling District. 399  
(petition of O. H. Brasier)

Roll call was taken on the Ordinance resulting as follows:

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

Ordinance No. 17178:

Amending Chapter 13. 06 of the Official Code of the City relating to zoning by adding a new section 13. 06. 120-30 to include property on the north side of So. 12th St. between Puget Sound Ave. & Union in the "C-1" Commercial District. 399  
(petition of Healy Bros. Inc. )

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

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

Ordinance No. 17179:

Amending Chap. 13.06 of the Official Code of the City by adding a new Section 13.06.120-31 to include property on the east side of So. Manitou Way approximately 150 feet north of South 66th in the "C-1" Commercial District. (petition of Healy Bros. Inc.) <sup>399</sup>

Roll call was taken on the Ordinance resulting as follows:

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

Ordinance No. 17180:

Amending Sec. 1.12.130 of the Official Code of the City in reference to-Allowance for Employees at Isolated Locations.

Roll call was taken on the Ordinance resulting as follows:

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

Ordinance No. 17181:

Amending Chapter 12.06 of the Official Code of the City by adding a new section 12.06.242 entitled "Interruptible Power Rate-Schedule CP-2.

Roll call was taken on the Ordinance resulting as follows:

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

Ordinance No. 17182:

Amending Section 6 60.060 of the Official Code relating to License fees for Dogs.

Mr. Hatfield from the Garage Local #461 said he was representing the Humane Society employees and is requesting that the Council give consideration in allowing the Humane Society employees a pension system the same as other City employees. This program would cost the City approximately \$2,491.20 a year. This plan would also be made available to the Manager and Assistant Manager of the Society if they so desire. Mr. Hatfield stated the plan would cover (9) people plus the Manager and Assistant Manager.

Mr. Rowlands pointed out that the Society intends to hire one more employee and also buy another vehicle. They will need more money for incidental costs from the City to make ends meet. He said he wanted to point out these facts to the Council. He thought the Board of Directors of the Society should make the determination as to where they want the money spent.

Mr. Rowlands further stated he thought Mr. Hatfield should discuss the pension plan with the Board of Directors of the Humane Society and get their opinion, and then submit a report to the City Council.

Mr. Bott said he appreciated Mr. Hatfield's position in asking for pensions for the employees, but he thought that was a matter of negotiation between the Union and the Society.

Mrs. Price asked Mr. Fidler, Manager of the Humane Society, if they could use monies from their endowment fund to help with the maintenance of the building.

Mr. Fidler stated that the Board of Directors have refused to use any of the endowment fund for City purposes, however, the Society will have some \$6,000 from interest and dividends that they can use.

Mr. Murtland asked that a letter be sent to the Humane Society from either the Manager or Mayor's office requesting that a report be submitted to the City Council regarding how much money is in the endowment fund and also the terms on which this money can be used.

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Tollefson

The Ordinance was then declared passed by the Chairman.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Personnel Report for the month of August 1962.
- b. Employees Retirement System report for the month of Sept. 1962.
- c. Planning Dept. report for the month of Sept. 1962.

COMMENTS:

Mr. Rowlands informed the Council there would be a ribbon cutting ceremony for the opening of a section of the Tacoma-Seattle-Everett Freeway. He said if any of the Council members wished to attend, they should meet at the Mayor's office on Wednesday morning at 9:45 A. M.

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Mr. Rowlands stated the National Restaurant Association had extended an invitation to the Council for dinner Tuesday, October 16, 1962 after the Council meeting, in one of Tacoma's restaurants as this month is National Restaurant Hospitality month.

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Since this is Fire Prevention Week, the Civil Defense Station in the old Naval base will have an open house this Saturday, October 13, 1962.

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Mr. Rowlands stated, there will be a public meeting at the Utilities Bldg. to discuss legislation on Tuesday, October 30th, 1962.

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Deputy Mayor Herrmann asked that Mayor Tollefson be excused as he was attending a meeting of the Chamber of Commerce Industrial Bureau in Alaska.

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Mr. Cvitanich requested that a crosswalk be painted on North 30th and Union for a school crossing.

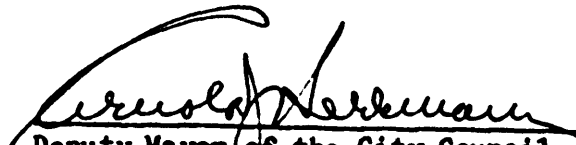
Mr. Rowlands stated that was contemplated as soon as the street is completed.

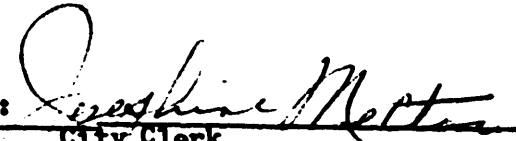
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The Council was invited to attend a show at the Moose Temple on October 19, 1962, the proceeds going toward the construction of a swimming pool at Rainier School in Buckley.

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There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 6:10 P. M.

  
Deputy Mayor of the City Council

Attest:   
City Clerk