

## CITY COUNCIL MINUTES

City Council Chambers, 4:00 P. M.  
Tuesday, October 8, 1963

Council met in regular session. Present on roll call 9: Bott, Cvitanich, Finnigan, Haley, Herrmann, Murtland, Price, Steele and Mayor Tollefson.

Dr. Herrmann moved that the minutes of September 24, 1963 be approved as submitted. Seconded by Mr. Haley. Voice vote taken. Motion carried.

### HEARINGS & APPEALS:

a. This is the date to which the hearing on the vacation of property in East 53rd St. from McKinley Ave. to East I St. has been continued. (petition of Sheridan School) 59

Mayor Tollefson said at last week's meeting there was a protest made against the vacation, but he understood it had been resolved and there have been easement rights reserved for the purpose of drainage and any other use.

Mrs. Price moved that the proper Ordinance be drawn approving the vacation. Seconded by Mr. Steele. Voice vote taken. Motion carried.

b. This is the date fixed for hearing or the vacation of portions of K & L Sts. abutting So. 30th & Center Sts. (petition of Urban Renewal Dept.) 40

Mr. Maffin, Urban Renewal Director, explained that a portion of K & L St. in this proposed vacation has not been completely negotiated with the owner. In the event negotiations do not materialize for this area, it can be deleted at the final reading of the Ordinance.

Dr. Herrmann moved that the proper Ordinance be drawn approving the vacation. Seconded by Mrs. Price. Voice vote taken. Motion carried.

### PETITIONS:

a. Petition submitted by John W. Schuur requesting the rezoning of the property located at the east side of 61st Ave. N. E. between 29th St. N. E. & 31st St. N. E. from an "R-2" to an "R-4-L" District. 51

b. Petition submitted by Don L. Clark et al requesting the rezoning of property located on the West side of Sprague between So. 64th & 66th Sts. from an "R-2" to an "R-4-L" District.

c. Petition submitted by Burns Peo, Jr. requesting the rezoning of property located at the NW. corner of No. 26th & Madison from an "R-2" to a "C-1" District.

Referred to the Planning Commission.

**RESOLUTIONS:**

**Resolution No. 17612: (substitute Resolution ) (postponed from the meeting of October 1, 1963)**

Authorizing a proposition to be placed on the ballot on March 10th, 1964, amending Section 9.1 of the Charter of the City of Tacoma, providing for the manner of selling, leasing or disposing of real or personal property belonging to the City of Tacoma. <sup>3</sup><sub>8-3</sub>

Mrs. Price moved that the Resolution be adopted. Seconded by Dr. Herrmann.

Mr. Bott moved to amend the Resolution in Section 9.1 to read as follows:

"Section 9.1--The City shall never authorize the sale or disposal of any wharf, dock, pier, or waterfront property belonging to the City. Subject to the provisions of state law, the City Council by ordinance may lease such property for such time and upon such terms and conditions as it shall determine.

"The sale, lease or disposal of all other real or personal property belonging to the City shall be authorized only pursuant to resolution of the City Council; provided, that machinery or equipment may be leased from day to day on a written agreement therefor, approved by the City Manager or Director of Utilities, as the case may be, and filed with the Director of Finance. All conveyances, contracts, and leases shall be executed by the Mayor and attested by the City Clerk."

Seconded by Mr. Finnigan.

Mr. Steele said he did not think Mr. Bott's amendment would improve the Ordinance. He felt the City should not be involved in property management and it is better to sell the property if the opportunity presents itself and then it would be put on the tax rolls.

Mr. Bott asked Mr. Steele, as a member of the Freeholders who drew up the Charter, why this provision was put into the Charter.

Mr. Steele explained this language has been in the charter since 1890 and carried over because of the time element involved in drawing up the Charter.

Mr. Bott thought it was good business to retain the waterfront property as long as possible.

Mayor Tollefson thought it should be decided by a vote of the people whether or not any City Council should or should not have the power to dispose of dock property.

Roll call was then taken on Mr. Bott's amendment, resulting as follows: Ayes 4; Nays 5, Haley, Murtland, Price, Steele and Mayor Tollefson. Motion lost.

The Resolution as amended was passed by voice vote.  
Ayes 7; Nays 2, Bott and Cvitanich; Absent 0.

Resolution No. 17641:

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

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

Mr. Rowlands read into the record, in part, MC 423, regarding the feasibility of the relocation of the radio tower as requested at the last Council meeting. He said the total cost of this move will be \$15,800, and the available funds are \$12,250, which leaves additional funds required in the amount of \$3,550.

Mr. Rowlands mentioned to the Council that the City has to deduct \$60,000 from their budget; \$50,000 of that amount was taken away from the City by the Liquor Board.

Mr. Haley thought, perhaps, the tower should not be moved at this time and wait until a more auspicious time.

Mr. Steele disagreed, stating it is a matter of efficiency in the department and that was far more important.

Mr. D. McDonough, Police Dept. radio engineer, explained this tower was vitally needed as there were dead spots in Tacoma which hampers the efficiency of the Police and Fire Depts; he hoped that this tower would alleviate this problem.

After some discussion voice vote was taken on the Resolution.

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

Resolution No. 17643:

Fixing Tuesday October 29, 1963 at 4:00 P. M. as the date for hearing on the vacation of property on portions of No. 11th St. between Union<sup>50</sup> Ave. & Lawrence St. (petition of University of Puget Sound.

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

Dr. Thompson, President of U. P. S., asked the City Council if it were possible to approve this vacation this evening as they were eager to start construction of the new stadium while the weather is still favorable for construction. He stated they have complied with all regulations. The University owns property on both sides of the proposed vacation and no protests have been received from the neighbors.

Mayor Tollefson said State Law requires that a hearing be held within a certain period of time before the street can be vacated, therefore, the City Council could not approve a street vacation tonight.

**City Council Minutes - Page 4 - October 8, 1963**

**Mr. Steele, as a member of the Planning Commission Board, said at the Planning Commission meeting yesterday, no one appeared in opposition.**

**The Resolution was passed unanimously by voice vote.  
Ayes 9; Nays 0; Absent 0.**

**Resolution No. 17644:**

**Authorizing the proper officers of the City to execute and deliver to William C. Johnston and D. J. Hewitt property, located at No. 46th and Bristol and So. Durango between So. 66th and 67th Streets for the sum of \$25.00.**

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

**The Resolution was passed unanimously by voice vote.  
Ayes 9; Nays 0; Absent 0.**

**Resolution No. 17645:**

**Appointing George F. Marsico to fill out the unexpired term of David L. Jamieson on the Board of Adjustments for a four year term, ending September 30, 1966.**

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

**The Resolution was passed unanimously by voice vote.  
Ayes 9; Nays 0; Absent 0.**

**Resolution No. 17646:**

**Awarding contract to Morris Construction Co. for L I D 3563 on its basic bid of \$41,439.55 and on the supplemental bid in the amount of \$8,964.80 including sales tax.**

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

**Mr. Finnigan questioned the engineer's estimate as being approximately \$20,000 higher than the amount submitted by the bidder.**

**Mr. Schuster, Director of Public Works, explained, the engineer's estimate was made on the same basis as the others. Occasionally, he added, a bid comes in real low; he stated, certain times of the year the City receives better prices than at other times.**

**The Resolution was passed unanimously by voice vote.  
Ayes 9; Nays 0; Absent 0.**

Resolution No. 17647:

Rejecting all bids received on L I D 6824 for the installation or street lighting and underground wiring on So. I St. from Division to 6th Avenue.

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

Mr. Schuster explained the reason the bids were rejected was the fact that when McWik Enterprises executed his bid he stated the work would be completed in 90 days and a 60 day provision to complete the work was in the proposal.

The Resolution was passed unanimously by voice vote.  
Ayes 9; Nays 0; Absent 0.

FIRST READING OF ORDINANCES:

Ordinance No. 17460:

Vacating the area of So. 29th St. between Pacific Ave. & A St. and alley and easement adjacent thereto. (petition of Day's Tailor-D Clothing Co.) 1/40

Mr. Rowlands said, this matter was discussed last week. Extracts of the minutes regarding the rezoning of property requested by Mr. Ricone have been submitted to the Council members.

Mr. Bott stated, in the extracts, it was understood that day's Tailoring was to move out there and that was the reason for the rezoning.

The Ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 17457:

Creating and establishing a new fund to be known as the Auditorium Study Fund and appropriating the sum of \$40,000.00 or so much thereof as may be necessary for making a complete study concerning the auditorium.

Roll call was taken on the Ordinance resulting as follows:

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

Ordinance No. 17458:

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

Mr. Marsico, Attorney representing Dr. Pinckney & Dr. Peckenpaugh of Buttons Veterinary Hospital said his clients are requesting that a "C-2" and "C-P-C" be allowed in order to establish an animal clinic. He stated, the clinics would be a convenience for pet owners and would not be offensive to other commercial establishments. He noted that "C-2" zones allow pet shops, taverns, bowling alleys and billiard parlors. He said the opposition, some of whom are located within the City, feel it would be a financial loss to them; but from the technical standpoint he didn't think that was the basis upon which the City zones property.

Dr. Jones read into the record a statement signed by (12) Veterinarians in the community, two of whom practice inside the City limits, protesting the proposed Ordinance change. He explained these hospitals would put the veterinary in jeopardy if clinics are allowed to skim off the most lucrative business.

Dr. Pinckney said the Out-patient Clinics were studied a few years ago by the Planning Commission but the studies were tabled for lack of enough material at that time. Over a period of years this has been discussed by the Planning Commission and other Departments of the City with our organization and particularly in regard to the technical phase of the building and how it should be set up. Discussion began against last spring and at that time Mr. Marsico was engaged by us to bring it before the City Council, after a full hearing by the Planning Commission with their approval.

Mr. Cvitanich asked where they intended to build the out-patient clinic.

Dr. Pinckney said it will be built across from the Big Bear Stores on Highland Hill.

Mr. Bott said economic pressures are involved in all businesses but inasmuch as these firms are practicing in Tacoma, there would be a tax gain to the City. He felt the Council has an obligation to the business people of Tacoma to support the request and the recommendation of the Planning Commission.

Dr. Herrmann said he opposed the Ordinance as it was changing the rules and that they should support local industry already in practice.

Mr. Haley suggested that the Ordinance be referred back to the Planning Commission and that a special zone be set up for Veterinary Clinics.

Mrs. Price moved to delete on top of page (2) in Sec. 13.06, 010-63-(1) the complete paragraph relative to overnight boarding and hospitalization for household pets. Seconded by Mr. Steele.

Mayor Tollefson said he could see emergencies arising whereby the animal should not be moved and that it would be better for the animal to stay overnight. He thought the emergency provision should remain in the Ordinance.

Roll call was taken on the amendment: Ayes 3; Nays 6, Herrmann, Murtland, Bott, Cvitanich, Finnigan and Mayor Tollefson. Absent 0. Motion failed.

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

Ayes 5; Nays 4; Finnigan, Haley, Herrmann and Mayor Tollefson; Absent 0.  
The Ordinance was declared passed by the Chairman.

Ordinance No. 17459:

Amending Chapter 13.06 of the Official Code by adding Chapter 13.06.050-11 to include the N. W. & S. W. corners of No. 39th & Cheyenne Sts. in an "R-3" District. (petition of R. C. Magnusson, D. D. S.)

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

Ayes 9; Nays 0; Absent 0.  
The Ordinance was declared passed by the Chairman.

REPORTS:

- a. MC-422-Questions regarding proposal painting of City's portions of the 11th Street Bridge.
- b. Parcels of property offered for sale in the Center St. Urban Renewal Project.
- c. Special Report on the Financial Condition of the City of Tacoma as of December 31, 1963.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Report from the Planning Dept. for the month of Sept. 1963.
- b. Report from the Tacoma Police Dept. for the month of Aug. 1963.

UNFINISHED BUSINESS:

- a. L.I.D. 3542 for Sanitary sewers in various south end streets.
- b. L.I.D. 4683 for paving on Geiger & Meyers Sts. from So. 12th to So. 19th Sts.
- c. L.I.D. 6798 for street lighting on C between So. 76th to 660 feet south and in A St. from So. 84th to So. 96th St.
- d. L.I.D. 6805 for street lighting on Mt. View Ave. from 6th Ave. to Suspension Drive.

Mr. Finnigan moved that Monday October 28, 1963 at 4:00 P. M. be set as the date of hearing on L.I.D. 3542 and 4683, and Tuesday, November 12, at 2:00 P. M. as the date for hearing on L.I.D. 6798 and 6805. Seconded by Mr. Steele. Voice vote taken. Motion carried.

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There being no further business to come before the Council, upon motion duly seconded and passed the meeting adjourned at 6:30 P. M.

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City Council Minutes - Page 8 - October 8, 1963

Mayor Tollefson said, they will now proceed with the Budget Hearing which was recessed from Monday night.

Mayor Tollefson asked if there was anyone in the Council who wished to speak on the Budget.

No one wishing to speak, the Budget Hearing was recessed until Wednesday at 7:00 P. M.

  
Mayor of the City Council

Attest

  
City Clerk