

CITY COUNCIL MINUTES

City Council Chambers, 4:00 P. M.
Tuesday, February 9, 1965

Council met in regular session. Present on roll call 6: Finnigan, Haley, Herrmann, Johnson, Murland and Price. Absent 3: Mayor Tollefson, Bott and Cvitanich. Mayor Tollefson arriving at 4:10 P. M.; Mr. Bott at 4:12 P. M. and Mr. Cvitanich at 4:15 P. M.

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

Mr. Johnson moved that the minutes of the meeting of January 26, 1965 be approved as submitted. Seconded by Mr. Haley. Voice vote taken. Motion carried.

HEARINGS & APPEALS:

This is the date set for hearing on the rezoning of property located at the N. W. corner of So. 74th & Pacific Avenue from an "R-2 and R-4-L" District/8/ to a "C-P-N" Planned Neighborhood Shopping Center. (Petitioner, Helen and Walter Firth)

Mayor Tollefson arriving and assuming the Chair.

Mr. Bott arriving at this time.

Mr. Buehler, Director of Planning explained that the petitioner intends to have a planned shopping center, consisting of a supermarket, drug store and other commercial retail shops. He said approximately 40 residents of the area have signed a petition protesting this rezoning.

He added, the Planning Commission voted 8 to 1 to recommend rezoning of the property as they felt a planned shopping center would be an asset to the neighborhood. He said the site abuts a "C-2" Commercial District and fronts on Pacific Avenue, which is an arterial street.

Mr. Bott asked Mr. McCormick, City Attorney if the buildings on the site were 60% razed, would the property revert to a single dwelling zone. He said at present the property is a non-conforming use and is used as a "C-2" district, but it is not zoned a "C-2" District.

Mr. McCormick replied at present there is a non-conforming use of the land and of the building, consequently the land could be used for a "C-2" as well as the existing buildings.

Mr. James from Mercer Island, Wash. stated his firm investigated the matter and with the aid of statistical information a comprehensive feasibility

Mr. Cvitanich arriving at this time.

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study was prepared for the area of 74th and Pacific for a shopping center. This indicated there is presently ample disposable income to support the proposed development.

Mayor Tollefson asked if this property were rezoned, when would this plan be effective.

Mr. James said he assumed they would start within 90 days.

Mrs. Rider and Mr. Thomas, property owners in the neighborhood, stated they were in favor of the property being rezoned as a shopping center.

Mrs. Triggs and Mr. Chilton, residing at So. 74th and D Street, protested the proposed rezoning as they were not in favor of another supermarket in the neighborhood and also of an L I D which would be necessary for the development of a shopping center.

Mr. Bott said he was hesitant in rezoning this property which adjoins residential property on South D Street.

Mr. Johnson said, the consensus is that some people would like to have it remain as a nice residential district, yet others, feel that it will ultimately go into commercial zoning, so there are two points of view. He concurred in the recommendation of the Planning Commission that it would be an asset to the community.

Following discussion by the Council members, Mrs. Price moved to concur in the recommendation of the Planning Commission that a proper Ordinance be drawn approving the rezone. Seconded by Mr. Haley. Roll call was taken, resulting as follows: Ayes 4; Nays 5, Bott, Finnigan, Haley Murtland and Mayor Tollefson MOTION LOST.

RESOLUTIONS:

Resolution No. 18181

The City of Tacoma through its governing body the City Council, 139, expresses regret at the passing of C. Val Fawcett and tenders to his family, friends, and associates its condolences.

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

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

Resolution No. 18182

Authorizing the proper officers to sell approximately sixty ton of Scrap Cast and Steel Metal to General Metals of Tacoma, Inc. for the total sum of \$1,114.20.

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

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

Resolution No. 18183

Fixing Tuesday, Feb. 23, 1965 at 4:00 P. M. as the date for hearing on the rezoning of property on the west side of Sprague between So. 70th and 74th Streets. (petition of Hillcrest Investment Co.)

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

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

Resolution No. 18184

Accepting the bid of Tacoma Narrows Lumber, Inc. for the sale of timber in the amount of \$17,050.00 located in the Cushman area, west of Skokomish River.

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

Mayor Tollefson requested that Mr. Rowlands, City Manager and Mr. Erdahl, Director of Utilities, make a study of the properties owned by the City as to the best use of the land, whether it is for the purpose of sale or for recreational areas or any other use, and that this report be submitted to the City Council for their consideration.

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

Resolution No. 18185

Approving the action of the Public Utility Board in adopting Res. No. U-2306 on Feb. 3, 1965 authorizing the issuance and sale of \$50,000,000 principal amount of Light and Power Revenue Bonds of the City.

Mr. Haley 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. 18186

Authorizing the proper officers of the City to enter into a 20-year lease and permit agreement with Alderbrook Inn for an access road over the Cushman Transmission line right of way in the vicinity of Union, Mason County Washington.

Mr. Haley 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. 18187

Granting an easement to Public Utility Dist. No. 1 of Mason County for construction and maintenance of a transmission and distribution line, between Alderbrook Inn and Union, Washington.

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

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

FIRST READING OF ORDINANCES:

Ordinance No. 17770

Amending Sec. 2 & 3 of Ordinance No. 14386 providing for the plan for the extension and betterment of the electric Utility System.

Mr. McCormick stated that a correction should be made on Page One, Section 2, sixth line from the bottom of the page, that the figure 1700 be changed to 1300.

Dr. Herrmann moved to amend the ordinance to read 1300 instead of 1700. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

The Ordinance was placed in order of final reading.

Ordinance No. 17773

Amending Chapter 13.06 of the official code by adding a new section 13.06.045-2 to include property on N. W. and N. E. corners of So. 66th and Stevens Sts. in an "R-2" District. (petition of M. R. Lingley)

The Ordinance was placed in order of final reading.

Ordinance No. 17774

Amending Chapter 13.06 of the official code by adding a new section 13.06.130-28 to include property on the north side of So. 96th St. between Pacific Ave. and A St. in a "C-2" District. (petition of Glenn Ash)

The Ordinance was placed in order of final reading.

Ordinance No. 17775

Amending Sec. 6.68.345 & 6.68.370 of the official code relative to Failure to pay tax or Underpayment of tax.

Mr. Rowlands stated, in the past penalties have been evoked. This Ordinance gives the City the power to apply the tax, however, there is no change in the penalty.

Mayor Tollefson said he thought the Council should exercise its discretion and the taxpayer should have the right to appeal to the City Council regarding the penalty.

Mr. McCormick suggested that a proviso be included in the Ordinance so that the Council can make the final determination.

Mr. Haley moved that an amendment be prepared by the City Attorney to include the provision that the taxpayer shall have the right to appeal to the City Council from any such assessment of penalty and/or interest. Seconded by Dr. Herrmann. Voice vote taken. Motion carried.

The Ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 17764

Approving and confirming the assessment roll for L I D 3549 for sanitary sewers on Locust Lane from No. 7th to No. 8th and other nearby streets.

Mr. Robert Comfort, representing H. Brickley Jones, residing at 8350-6th Avenue, said Mr. Jones has had sewer service prior to 1952. He added, an affidavit is to be secured from the prior owner but she is out of the City. Mr. Comfort said when the affidavit is secured the City staff assured his client that he will not be assessed for the L I D as he has had sewer service all of these years.

Mr. Finnigan moved to postpone the Ordinance for two weeks until February 23, 1965. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

Ordinance No. 17766

Appropriating certain sums from the General Fund in order to pay outstanding obligations incurred during 1964.

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Mr. Cvitanich. (temporarily)
The Ordinance was declared passed by the Chairman.

Ordinance No. 17767

Appropriating surplus moneys from the General Fund to various City funds for the acquisition of Capital Outlay equipment.

Roll call was taken on the Ordinance resulting as follows:

Ayes 7; Nays 0; Absent 2, Mr. Cvitanich, Mr. Murtland (temporarily) .
The Ordinance was declared passed by the Chairman.

Ordinance No. 17768

Decreasing the Health Dept. budget in the amount of \$7,825.00 and appropriating said sum to the Public Works Dept.

Roll call was taken on the Ordinance resulting as follows:

Ayes 7; Nays 0; Absent 2, Mr. Cvitanich, Mr. Murtland (temporarily) .
The Ordinance was declared passed by the Chairman.

Ordinance No. 17769

Amending Title 13 of the official code of the City by amending Sec. 13.04.380 relative to Dedication of Plat-Language.

Roll call was taken on the Ordinance resulting as follows:

Ayes 7; Nays 0; Absent 2; Mr. Cvitanich, Mr. Murtland (temporarily).
The Ordinance was declared passed by the Chairman.

Ordinance No. 17771

Vacating certain streets and alleys within the Center Street Urban Renewal area, Project Wash.s R-1.

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Cvitanich. (temporarily).
The Ordinance was declared passed by the Chairman.

Ordinance No. 17772

Providing for the improvement of L I D 4764 for paving on So. 19th from Bennett to Mildred and sanitary sewers from Whitman to Mildred Sts.

Mr. Eugene Falk, 1838 So. Shirley, protested the paving on So. 19th Street, stating that it will decrease the value of his property. He said the additional traffic that will generate from the improved street will be a hazard for the many children in the neighborhood.

Mayor Tollefson said the Council appreciated the feeling of the property owners in the area, but arterial improvements are necessary. He added, the street will be patrolled and controlled by the Town of Fircrest.

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 1, Dr. Herrmann; Absent 0.
The Ordinance was declared passed by the Chairman.

UNFINISHED BUSINESS:

The Director of Public Works presents the assessment roll for the cost of the improvement for L I D 6827 for street lighting on Warner from So. 66th to So. 76th Street.

Mr. Haley moved that March 22, 1965 at 4:00 P. M. be set as the date for hearing on L I D 6827. Seconded by Mr. Finnigan. Voice vote taken. Motion carried.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

Report from the Personnel Department for the month of Dec. 1964.

COMMENTS:

Mr. Haley asked to be excused from next week's Council meeting as he would be out of town on business.

Dr. Herrmann moved to excuse Mr. Haley. Seconded by Mr. Finnigan. Voice vote taken. Motion carried.

Mr. Benedetti, Assistant Director of Utilities, reported on the bill before the Legislature relative to the opening of municipal watersheds. He said this would mandate cities to open their municipal watersheds to the public for all recreational uses, except such restrictions as a five mile distance above the intake point of a public water supply distribution system. The State Pollution Control Commission would have the authority to prescribe rules and regulations governing watersheds for recreational uses. This would repeal present laws giving cities authority over property and would make persons violating the law guilty of a gross misdemeanor. He added, the City of Tacoma opposes the opening of the watershed as the misuse of the watershed can cause contamination and pollution. When water has become degraded it must be treated by sedimentation and filtration in addition to chlorination. He stated if the watersheds are opened, the treatment required by the State Health Department will cost cities millions of dollars which would necessitate the increase in water rates up to 50%. He noted there is no pressing need for additional recreational facilities as less than 1% of the State is used for municipal watersheds. He said the State already has 32% set aside for recreational purposes. In addition, 50% of the population in the State depends on these watersheds for its water supply.

Mayor Tollefson reviewed again the meeting in Washington D. C. with John A. Baker, Assistant Secretary of Agriculture and members of our Congressional delegates from Senator Magnuson's, Senator Jackson's and Congressman Hicks' offices concerning the opening of the watershed. He said the whole program was presented to them. This is a difficult situation and Tacoma is opposing the opening of the watershed. He stated the City acted in good faith in the 1914 agreement and would like to think of it as a covenant between the Federal Government and the City of Tacoma, whereby we took


them at good faith. Tacoma had a license to have a pure water supply and we think it carries with it the implied promise to have a pure water supply in the future. He said the City since 1914 has worked diligently to eliminate sources of pollution and this is borne out by the fact that our water tests in the area are improving year after year.

If the Forest Service requests us to enter into a new agreement, then in this correspondence that we are trying to frame now, we will ask for a new written agreement because Tacoma still has faith in written agreements and has faith in the Federal Government, though its faith may be shaken as far as the Forest Service of the Federal Government is concerned. He stated when Stampede Pass Road was put in, that of course was a semi-violation of our agreement because it permitted more people to come in from the east. He said until that time it was more or less a wilderness area. They feel because there is occupancy in the watershed, it is necessary for them to come in and patrol it and make it better for use. "Tacoma does not want that kind of help." He said Tacoma has asked them to let it be solved at the local level. He stated invasion of the watershed is not needed, nor is it the highest and best use of the land, also the majority of the people in the State say, "No".

There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 6:45 P. M.



Mayor of the City Council

Attest: 

City Clerk