

NOV 10 1958

Council Chambers, 4:00 P.M.
Monday, November 10, 1958

Council met in regular session. Present on roll call 7; Anderson, Goering, Humiston, Perdue, Porter, Price and Mayor Hanson. Absent 2; Bratrud and Easterday, Easterday taking his seat at 4:15 P.M.

It was moved by Mr. Anderson, seconded by Mr. Perdue to adopt the minutes as submitted. Motion carried on roll call: Ayes 5; Nays 1; Humiston (not voting); Absent 2, Bratrud and Easterday.

RESOLUTIONS:

Resolution No. 15534

BY HUMISTON:

Fixing December 23, 1958 at 4:00 P.M. as the date for hearing on L I D 1992 for sanitary sewers in East D Street from East 11th to East 3rd; and in East 7th, from East D to East F Street.

It was moved by Mr. Anderson to adopt the Resolution, seconded by Mrs. Pr

Adopted on roll call November 10, 1958
Ayes 7; Nays 0; Absent 2, Bratrud and Easterday

Resolution No. 15535

BY PRICE:

Designating the Housing Authority of the City of Tacoma as the official relocation agency for persons displaced by the Urban Renewal Program.

Mr. Rowlands explained that the Housing Authority has already agreed to do this, but he said they wanted to be sure of procedure by formalizing the Resolution forms and that the Housing Authority would have the authority to find places for relocate these people.

It was moved by Mr. Anderson to adopt the Resolution, seconded by Mr. Per

Adopted on roll call November 10, 1958
Ayes 7; Nays 0; Absent 2, Bratrud and Easterday

Resolution No. 15536

BY PORTER:

Authorizing the removal or distribution of berry brush and tall grass on the property of 1120 No. L Street, owned by Mrs. Myrtle Fiske.

Mr. Rowlands explained that according to Chapter 9.18 of the City Code any property owner within the City is required to remove or destroy any trees, plants, shrub, or vegetation on their property which is a menace to public health. This condition has been brought to the attention of the property owner and they were requested remove these berry bushes on several occasions by the Health Department.

Dr. Fargher, Director of Health, said that in July of this year several complaints were received from people in the No. 11th and L Street area and upon investi

It was found that the front part of the yard had grown up with berry vines, etc. and that several rats were harboring in the area. Several notices were served on the property owner requesting that the property be cleared. Inasmuch as the property owner had not complied with the City's request, it was the recommendation of the Health Department that the Public Works Department go out and clear the area and assess the cost against the property.

Mr. Lunetti, Sanitarian Rodent Control Supervisor, advised that complaints were received from property owners on July 30th that rats were running around in the area, and they sent a rodent control man to inspect the premises. He reported that most of the area is improved except this one lot. They set traps on this lot and trapped two rats. On August 7th they issued an abatement notice giving the property owner thirty days to have the harborage removed, and at that time they talked to Mrs. Fiske and she agreed to clear the lot. When the thirty days expired they discovered the abatement notice was incorrectly dated and did not have sufficient time to present it to Council. They were informed by the City Attorney, rather than issue another abatement notice they would send a letter direct to Mrs. Fiske and possibly they could get some action from that. At that time a ten day notice was given. Mr. Lunetti said they went back on October 16th and rechecked and found that nothing had been done.

On October 22, 1958 a new abatement notice was issued and taken to Mrs. Fiske personally. Mrs. Fiske signed, that she had received the notice; and at that time Mr. Lunetti told her that they did not want to refer this matter to Council or take any legal action and asked her if they could not have her cooperation. Mrs. Fiske said that she would take care of the problem but that she had high blood pressure and was trying to take care of it a little at a time. Mr. Lunetti suggested that inasmuch as this was rather heavy work for a woman, that she could call the Goodwill or Salvation Army and they would be glad to send someone out who would do the work very reasonable. She promised she would do that. On November 3, 1958, Mr. Lunetti again checked the property and there was very little indication that anything had been done; what brush had been cut was all piled up in the yard and still affording a harborage for the rats. Pictures were taken of the property, which were placed on file with the City Clerk.

Mr. Rowlands asked how many rats had been caught in the area. Mr. Lunetti said only two were caught, but they are still receiving complaints from people that rats are still running around. He said until the harborage is removed, they feel they are just battling a lost cause.

Mayor Hanson asked if Mrs. Fiske or her representative was present. No one responded. Vote was then taken on the Resolution resulting as follows:

Adopted on roll call November 10, 1958
Ayes 8; Nays 0; Absent 1, Brastrud.

Resolution No. 15537

by Hanson:

Confirming the reappointment of James L. Rondeau to the Board of Adjustment for the four year term expiring on September 30, 1962.

Mayor Hanson advised that Mr. Rondeau has given unselfishly of his time during his service on this board. Although he was not anxious to continue in this capacity because it is a thankless task, he did indicate that he would be willing to

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continue on this board if he was requested to do so. Vote was taken on the Resolution resulting as follows:

Adopted on roll call November 10, 1958
Ayes 8; Nays 0; Absent 1, Bratrud.

Resolution No. 15538

By Request of Hanson:

Confirming appointment by the Mayor of five members to the Elevator Safety Board.

Mayor Hanson advised that this is an important Board that will operate in an area of extreme importance, but will not be as time consuming as some of the other Boards. He said he had contacted these people and they have all agreed to accept the appointments.

Dr. Humiston advised that this matter comes up repeatedly when there are appointments to be made. He said he personally knew only two of the members. He said the Council has previously asked that they be furnished with a rundown on the appointees who they are, their qualifications, etc., and felt that this information should be furnished before the Resolution is sent out as long as there is no previous consultation on the matter.

Mayor Hanson advised there was a letter sent out to the Council members some time ago listing the members whom he was tentatively contemplating on appointing. Several Council members indicated they had not received this letter. Mayor Hanson said he was sure the letter had been sent out, but to clarify the matter he asked that the Resolution be set over for one week, until November 17, 1958.

Dr. Humiston then moved that the Resolution be postponed for one week, November 17, 1958. Motion seconded by Mr. Anderson. Roll call: Ayes 8; Nays 0; Absent 1, Bratrud.

Resolution No. 15539

By Anderson:

Awarding contract to Tide Company on their bid of \$39,883.00 for the New Wood Pole Installation of Street Lights for the 1958 Bond Street Lighting.

Moved by Mr. Perdue to adopt the Resolution, seconded by Mr. Anderson.

Adopted on roll call November 10, 1958
Ayes 8; Nays 0; Absent 1, Bratrud.

Resolution No. 15540

By Request of Humiston:

Authorizing the proper officers of the City to execute an agreement pertaining to the establishment of L I D 5301 for construction of cast iron water mains and appurtenances within the North Shore Country Club Estates Development.

Dr. Humiston said this Resolution which did not appear on the agenda is in reference to Ordinance No. 16215 regarding L I D 5301; and inasmuch as it has bearing on the Ordinance it should be considered after Ordinance No. 16215 has been passed.

It was then moved by Dr. Humiston, seconded by Mr. Anderson that the agenda be suspended to consider Resolution No. 15540 which did not appear on the agenda, and that it be taken up after Ordinance No. 16215 is passed. Motion carried. Ayes 8; Nays 0; Absent 1, Bratrud.

FIRST READING OF ORDINANCES:

Ordinance No. 16216:

Vacating that portion of the easterly 60' of East D Street between East 17th and East 18th Street. Read by title and placed in order of final reading.

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Ordinance No. 16217:

Vacating a portion of 6th Avenue lying on the south side of 6th Avenue between 1063.24' west of the intersection of Pearl Street and 6th Avenue. Read by title and placed in order of final reading.

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FINAL READING OF ORDINANCES:

Ordinance No. 16211:

Amending the Official Code relating to zoning by deleting property from Sec. 13.06.040 and adding a new section to be known as Sec. 13.06.120 (6), located adjacent to the S. E. corner of North 27th and Stevens Streets to be rezoned from an R-2 District to a C-1 Commercial District.

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Roll call: Ayes 8; Nays 0; Absent 1, Bratrud

Ordinance No. 16212:

Amending the Official Code relating to zoning by deleting property from Sec. 13.06.050 and adding a new section to be known as Sec. 13.06.120 (7). Located on the west side of So. Tacoma Avenue, from So. 38th Street approximately 360' south, to be rezoned from an R-3 District to a C-1 Commercial District.

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Roll call; Ayes 8; Nays 0; Absent 1, Bratrud

Ordinance No. 16214:

Creating a special fund in the Treasury of the City of Tacoma, to be known and designated as the Urban Renewal Fund.

Roll call; Ayes 8; Nays 0; Absent 1, Bratrud

Ordinance No. 16215:

Providing for the improvement of L I D 5301 for cast iron watermains in the North Shore Development.

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Resolution No. 15540 which was postponed earlier in the meeting will be taken up at this time.

Dr. Humiston said L I D 5301 was heard by the L I D Committee and at that time the main concern of the committee was whether or not the L I D Guaranty Fund would be put in any jeopardy by this type of an improvement. He said this is a little bit unusual, the process of putting in a water L I D without the area being platted. This was taken up with the City Attorney and they were asked by the L I D Committee to put together this companion Resolution, so that the entire matter could be considered together with all the conditions being put into this agreement which is attached to the Resolution.

Dr. Humiston asked Mr. Henriot, Assistant City Attorney in the Utilities, to explain this Resolution.

Mr. Henriot advised that when the L I D Committee had the hearing they were concerned that the City be protected if this development went through in the manner in which it was proposed. The developers at that time assured the L I D Committee that they would be willing to sign an agreement not to protest the assessment roll, which is not prepared in a break-down at the present time. Secondly, in the event of foreclosure the City and the grantees will acquire the right of access to the property. In effect it will destroy the exclusiveness of the development as it is now set up.

Mr. Jennings Felix, Secretary-Treasurer of the North Shore properties, Inc., said that in the event the agreement itself does not forego the exclusiveness of the necessary part of their concept, but it is in the event that if there is even any foreclosure, the City would have the right not only to foreclose the lot and sell it but also the grantee will have the right of free ingress and egress to the lot. The City will have the same identical rights in the event of foreclosure in this area, the same as any other L I D.

Letter of intent from the North Shore Properties, Inc., signed by Jennings Felix as Secretary-Treasurer, was sent to the Mayor, Council members and Mr. Benedetti on July 14, 1958 agreeing that they will install sanitary sewers on the same basis as any other L I D.

Mr. Anderson asked in reference to the sewerage in the area, what plans have they made.

Mr. Felix said he had a petition all prepared to go ahead with the sewer project. He said a project of this size should have sanitary sewers from a health standpoint, which is a necessary part for the type of development that they are going to have.

Dr. Humiston asked Mr. Felix if a person leases a lot and builds a home, does he automatically become a member of the Country Club.

Mr. Felix explained when anyone signs a lease they make an application for either one of two kinds of membership: (1) a social membership or (2) a playing membership in the golf course.

Dr. Humiston asked if the City foreclosed on a lot on the account of failure to pay for an L I D and the City were to sell the property to a third party, would the new owner have access to the Country Club?

Mr. Felix said the City could not foreclose on the membership in the Golf Course and Country Club.

Mrs. Goering asked if a person leases a lot and builds on it, do they have the complete right to sell their home the same as if it were a building lot that they owned.

Mr. Felix said the lease provides that if they desire to sell, they must give the company the first right to purchase and they must give either his price or the price set by three appraisers: (1) his appraiser (2) our appraiser (3) an appraiser appointed by the Probate Judge of Pierce County.

Mrs. Goering then asked if a person did not exercise his right and should sell to someone who for some reason is excluded from this club, would he have the right to sell in this manner.

Mr. Felix replied that if the company did not exercise their right to buy from them he could sell his lot to anyone he desired, and the lot would carry with it the applicable membership.

Mr. Rowlands advised that several meetings had been held with Mr. Felix regarding the sewer problem. At the present time the Engineers are checking with the State Pollution Control Engineers to make certain that the temporary Imhoff disposal tank would be acceptable, and the collection systems will be handled by the City if the City processes the L I D.

He also pointed out that the entire question of the sewerage is predicated on the approval of the Pollution Committee of the Imhoff tank or some other kind of disposal, which means that they are not contemplating Septic tank installations in the area.

Dr. Humiston advised that he believes the City's responsibility is two-fold. In the first place in respect to the L I D, he believes the end of our responsibility is to assure ourselves that the L I D Guaranty fund will be protected approximately as well as any other L I D that is put through. Secondly since the land is not platted, he has some doubt as to whether this is the proper time to pass on this. In this development, there are to be installed storm sewers, paving, etc., a good deal of which is going to be put in by the developers, rather than under the direction of the City. He asked if it would be proper to insist that the City obtain signed agreements of this type concerning each of the separate items before Council passes on any of them. He said he appreciated that we have letters of intent from the North Shore Group, but it would seem that we should give some consideration in combining this improvement rather than put the water mains in and then wonder what the next step is going to be.

Mr. Felix said they have worked with every department of the City since last January or February and have had many meetings with them to assure the Water Division that the mains would be put in correctly. Also they have checked with the Public Works Department to assure themselves that each and every legal description on the lots are correct. He said they have tried to work with the Browns Point and Wash Point people to see, rather than to utilize their own collection and disposal system, that they work with the City of Tacoma in order that they might hasten the installation of the main intercepting line around Marine View Drive so that, rather than build their own disposal plant by an L I D it will be put into the sewer interceptor. It is their feeling that these things would be taken one at a time. We

are completely stymied as far as builders are concerned, because you "can't build unless you have water." They have agreed with the buyers that the streets will go in without expense to them, they have also indicated both in private meetings and with the City Council. The City under its police powers have the right to insist by law, as it now exists, without any agreement, that the roads, if they are put in either by them or by the City that they must come up to minimum standards.

Mr. Anderson said he feels that the Council should go along with this improvement and pass this L I D. He said they have a letter of intent from the developers and if the Legal Department says it is correct, they should not throw any more blocks in their way. He said he thought this was a good thing for Tacoma and he would be in favor of passing it today.

Dr. Humiston asked Mr. McCormick if an agreement, rather than a letter of intent, would be more desirable for the City in order to proceed with the installation of the other utilities.

Mr. McCormick explained what Mr. Felix has said is true; as far as the City issuing building permits, they insist on the minimum requirements by State Law or the permits are not issued. As far as the sewer L I D is concerned, he assumed they would have to again, if it is passed, assess against each individual lot by what is described by metes and bounds as in this L I D. He said he did not think they would have any trouble getting the same kind of an agreement as they have in regard to the Water Division.

Mayor Hanson said he had been in the area several times and thought it has the potential of being a tremendous improvement to the City of Tacoma.

Mrs. Goering said that Mr. Felix remarked that our Police and Fire Departments would have access to the streets, and asked if this meant that the general public would not have access to the area.

Mr. Felix said that is correct; it is entirely up to the property owners. The City according to law has the right to send any law enforcement groups into the area as are necessary to do their job the same as any other area in the City.

Mr. Rowlands advised that in the second paragraph of the Ordinance on line two, the date of August 18, 1958 was incorrect and should be changed to September 8, 1958.

It was then moved by Mr. Perdue, seconded by Mr. Easterday that the date of August 18, 1958 be changed to September 8, 1958. Motion carried: Ayes 8; Nays 0; Absent 1, Bratrud.

Roll was then called on the Ordinance as amended.

Roll call: Ayes 7; Nays 0; Absent 1, Goering

Resolution No. 15540

By Request of Humiston:

Authorizing the proper officers of the City to execute an agreement pertaining to the establishment of L I D 5301 for construction of cast iron water mains and appurtenances within the North Shore Country Club Estates Development. Read by title.

Mayor Hanson advised that this is the agreement that was referred to during the discussions on Ordinance No. 16215.

Moved by Dr. Humiston to adopt the Resolution, seconded by Mr. Anderson. Ayes 8; Nays 0; Absent 1, Bratrud.

UNFINISHED BUSINESS:

The Director of Public Works presents the assessment rolls for the following local improvement districts:

(1) L I D 2276: Grading, ballasting, oil mat surface on Tacoma Ave. from So. 70th to So. 72nd Streets, also storm drainage from So. 70th to 400 feet south of So. 72nd Street. 517

(2) L I D 4610: Asphalt paving, etc., on No. 17th from Harmon to Lenore Drive; Bridgeview Drive from No. 17th to James; James from North 17th to Bridgeview Drive; No. 13th from Jackson to James; also the alley between James and Narrows Drive from No. 17th to Bridgeview Drive. Also grading, ballasting, storm sewer on Bridgeview Drive from James to Narrows Drive. 517

It was moved by Mr. Perdue and seconded by Mr. Anderson that Dec. 9, 1958 at 4:00 P.M. be the date set for hearing on the assessment rolls. Motion carried unanimously. Ayes 8; Nays 0; Absent 1, Bratrud.

The Director of Public Works presents the assessment rolls for the following local improvement districts:

(1) L I D 4591: Asphalt paving, curbs and gutters and storm drainage on Ridgewood Ave., from So. 12th to 14th; Tyler St. from So. 15th to 19th; Wilkeson St. from So. 19th to 23rd. 545

(2) L I D 4604: Asphalt paving, curbs and gutters on Alki St. from No. 43rd southeasterly approximately 500 feet to existing pavement; also on Orchard Road extension approx. 575' in length, also on No. 14th from Madison to Monroe Streets.

(3) L I D 4624: Asphalt paving of No. 9th from Pine to Lawrence No. 10th from Pine to Cedar; and So. Junett from So. 8th to So. 13th Sts. 545

(4) L I D 4627: Asphalt paving, etc. on S. 58th, 60th and 62nd Sts from S. Tacoma Way to Puget Sound Ave., also paving etc., between existing curbs on So. Junett from S. 62nd to So. 64th Sts. 545

(5) L I D 4631: Concrete paving N. 8th from Union to Proctor and Lawrence to Warner; No. 13th from Alder to Lawrence and Vista Drive from Jackson Avenue to Jackson Avenue. 545

It was moved by Mr. Anderson and seconded by Dr. Humiston that Dec. 23, 1958 at 4:00 P.M. be the date set for hearing on the assessment rolls. Motion carried unanimously. Ayes 8; Nays 0; Absent 1, Bratrud.

This is the date to which the Council postponed action on the petition of Allied Owners, Inc., for rezoning area bounded by the proposed freeway on the East; Pine St. on the West; So. 43rd on the North and So. 48th on the South, from an R-2 District, R-3 and C-1 Districts to a C-P-R Regional Shopping Center. 472

Mr. Porter asked if at the last hearing on the Allied Owners petition on October 27, 1958, motion was also postponed on the motion that was not voted on; that was to grant the request of the petitioners to rezone the property in question. Mayor Hanson said this was his interpretation:

Mr. Porter said with the consent of Mr. Easterday who seconded his original motion, he would withdraw the motion and restate it.

Mr. Porter then moved that the City Attorney be requested to draw up an Ordinance granting the request of the petitioner, and rezone the property in question from its various present zone classifications to that of a C-P-R Authorizing a Regional Shopping Center and also that an Ordinance be submitted for first reading at the next meeting of the City Council. Motion seconded by Mr. Easterday.

Mayor Hanson said that two weeks ago this matter was continued to this date; the intention was to give members of the Council an opportunity of asking questions concerning this subject and, he said, at that time he did say that he would accept comments from the public if they did not get into a repetition of what had already been said.

Dr. Humiston asked what procedure they should follow if this matter of whether they should or should not overrule the Planning Commission be in the form of a motion.

Mr. McCormick said what is before the Council is on the appeal from the Commission, and he said the proper procedure on the motion would be to grant the petition. Then the next step would be to bring in an Ordinance or make it all in one motion.

Mayor Hanson asked if it were necessary to include in the motion the overruling of the Planning Commission. Mr. McCormick said he did not believe it was necessary to state that they were overruled.

Mr. Porter advised that he believed in granting the appeal the same as were overruling the Plan. Commission and the matter of putting the two motions in one, he said he felt it would set it up for an earlier hearing which, he believed everyone was anxious to see.

Dr. Humiston said he would rather see a question as to whether or not the appeal is granted and it would depend on how that vote came out whether or not an Ordinance would be drawn.

Mayor Hanson said he did not think it was necessary if the Commission grants the petition to have a formal action of Council requesting an Ordinance because once the action is taken the Ordinance is automatically brought before the Council's consideration.

Mr. Tollefson, Attorney representing the Retail Trade Bureau, explained that it is an appeal before the Council and it should be ruled on such. After that ruling is made then they have to determine whether or not an Ordinance should come in. He said he felt the Council should abide by the rules of the appeal; that an Ordinance at this time is out of step. The first step should be that of affirming or overruling the Planning Commission.

Mr. McCormick said what was actually before the Council is the

petition for rezoning brought before the Planning Commission and it was denied and the petitioner appealed the decision of the Planning Commission. Now before the Council is whether or not the petition for rezoning should be granted.

Mayor Hanson said since there has been some reference to the position of the Council in regard to the recommendation of the Planning Commission, he asked Mr. Mc Cormick to give the legal status of the Council in regard to this petition at this point. Is the Council sitting in an appellant review position or are we looking at it on its merits.

Mr. Mc Cormick said he thought the Council was looking at it on its merits. The Planning Commission has denied the petition and has made its recommendation; and the procedure has been set up for an appeal before the Council by the petitioner on the denial and the Ordinance provides that the Planning Commission must provide reasons to Council which has been done. The ultimate decision on the merits itself which may include an adoption or denial, or an overruling, must be ultimately decided by a vote of at least five members of the Council.

Mayor Hanson said is he correct in saying that had there been no appeal, when the Planning Commission's recommendation could have been a decision; but when the appeal was perfected then it remains only a recommendation. Mr. Mc Cormick replied he did.

Dr. Humiston asked if this motion made by Mr. Porter failed to pass, would that be action on the appeal.

Mr. Mc Cormick said he thought that Mr. Porter should include in his motion, granting the petition for the rezoning and the drafting of an Ordinance for the rezoning.

Dr. Humiston said if Mr. Porter would restate his motion that the appeal be granted and that a proper Ordinance be drawn to effect that, it would be satisfactory to him.

The motion was again restated, and Dr. Humiston said it did not fulfill the qualifications that Mr. Mc Cormick pointed out.

Mayor Hanson said if the motion stated that the petition be granted and the City Attorney be requested to draw up an Ordinance granting the request of the petitioner and rezone the property in question from its various present zone classifications to that of C-P-R- Authorizing a Regional Shopping Center, and furthermore that said Ordinance be submitted for first reading at the next meeting of the City Council, would it fulfill the qualifications. Suggested by Mr. B. Anderson. Dr. Humiston said that was satisfactory to him.

Mr. Anderson asked Mr. Marsico if it were possible to have a Market Analysis prepared by some independent concern.

Mr. Marsico said they were of the opinion they have furnished such an analysis to the Planning Commission, and felt it met all the requirements of the ordinance.

Mr. Anderson said evidently the Planning Commission hasn't accepted it as such and he knows of three firms that do this type of work. He asked if his group has not considered something that is agreeable with the Planning Commission.

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Mr. Marsico said they would like to work with the Planning Commission in every way possible.

Mr. Anderson said one of the objections from the Planning Commission was the lack of a Market Analysis, and a Market Analysis from a reputable firm would be acceptable to them. Mr. Anderson said if this Market Analysis were overlooked with them, they would have to overlook it for someone else; then they would not be abiding by the Ordinance.

Mr. Marsico said Mayor Hanson has a letter from Guy G. Gordon, associated Professor on Marketing from the University of Washington, stating that the Market Analysis submitted by the Allied Owners, Inc. covered the scope of information usually covered by a market survey. Mayor Hanson also submitted letters from H. Dewayne Kreager, Washington State Department of Commerce and Economic Development.

Dr. Humiston said at the time the amendment was passed to the Zoning Ordinance, he entered as much of an objection as he could to the approach that was used setting up methods by which the requirements were set up for these shopping centers. He said he particularly objected to the language that had to do with the Market Analysis which is in "section on intent" which states the submission with a Market Analysis is intended in order to establish evidence with the need of a change in the comprehensive zoning plan for the City and to substantiate a finding that such a change would promote general welfare of the City" and he pointed out that in Section 8 of the Ordinance it updates the specific description of the type of Market Analysis and the use that should be made of it by the Planning Commission. Also included in this section is the determination of the residue of buying power to be expended in the existing shopping centers or commercial areas serving the trade area. Dr. Humiston said he interprets this section as directing the Planning Commission and the Council on an appeal to give serious consideration to what will happen to the existing stores and shopping centers in the City. He said he thought this was highly improper; but he felt the Planning Commission has given this their consideration in their recommendation that this be denied because of the effect it might have on the down town area and other areas. This is what they are directed to do by this Ordinance. Also there is a difference of opinion among the experts as to whether or not this Market Analysis satisfies the specifications in the Ordinance.

Dr. Humiston said he did not think that he could honestly vote to overrule the Planning Commission's decision as long as this Ordinance is in effect. He would like to see the Council deny this appeal on the basis of the fact there is doubt in the minds of some of the experts as to whether there is a proper Market Analysis as defined in this Ordinance and also to the extent that the individual members of the Planning Commission and City Council as directed by this Ordinance, have given consideration to the impact on other shopping areas. With that in mind he cannot vote to overrule the Planning Commission's recommendation because he felt they have adhered to the Ordinance. He would like to see an amendment to the Ordinance taking out the requirements of the City to have a developer produce a Market Analysis, and substitute provisions to show that he can be adequately financed.

Mr. Porter said he agreed with Dr. Humiston that the Market Analysis should not be included in the Ordinance. However, he felt in fairness to the petitioners who have spent considerable amounts of money and time that they should not completely ignore them. He thought they could accomplish the same results by voting affirmatively on his motion and then if the Council desires at the final reading of the Ordinance which will be two weeks from today, postpone the Ordinance until they can take further

tion on Dr. Humiston's suggestion on amending the Zoning Ordinance. Therefore the petitioners will not lose everything they have paid into the development.

Mrs. Goering said she felt that the Council should not be put in a position to pass on the wisdom of any projects; that should be up to the individual group; and she was in favor of an amendment to the Ordinance thereby changing the type of decision Council is required to make.

A ten minute recess was declared. Council reconvened at 6:05 P.M. with the following members present: Anderson, Easterday, Porter, Price, Goering, Humiston, Perdue, and Mayor Hanson. Absent 1, Bratrud. 300

Mr. Anderson then moved to postpone the hearing for twenty-eight days until December 8, 1958, and in the meantime the City Attorney bring in an amendment to the Zoning Ordinance. Mr. Porter seconded the motion.

Mr. Tollefson said he felt they should have a government of laws and he did not think that laws should be tailor-made for any particular applicant. He pointed out that the Zoning Ordinance had been passed after long and careful study by the Planning Commission and the Council. He said it was up to the Council to approve or deny this petition.

Mr. Tollefson explained the petition can be handled in the following manner: If the petition is denied the appeal is ended and the petitioner can be referred back to the Planning Commission, but if it is referred back to the Planning Commission it should not be referred back until after the Ordinance is changed because if the Ordinance is changed, a public hearing would have to be held and notices would have to be sent to notify the public of the hearing.

Mr. McCormick explained the matter that is before the Council at present is the motion to postpone for four weeks the determination of this appeal. Then when the four weeks are up the Council can at that time decide if they want to defer or act on it.

Vote was then taken on Mr. Anderson's motion to postpone the hearing for twenty-eight days until December 8, 1958 and in the meantime the City Attorney bring in an amendment to the Zoning Ordinance. Ayes 6; Nays 2, Goering and Perdue; Absent 1, Bratrud.

NEW BUSINESS:

MC - 231 - Annual ICMA Conference - Dallas, Texas, October 19 - 23, 1958. Placed on file.

Mr. Easterday suggested that the Association of Washington Cities urge the Legislature to add a cent to the gas tax and earmark the addition revenue for cities and counties. He said he felt this would go a long way toward easing the municipal burden by allowing cities to spend property tax revenue for services other than street construction and maintenance. 489

Mr. Rowlands said he checked with the County Commissioners in reference to a tour of the County City Building and they have set a date on Thursday, November 20, 1958 at 2:00 P.M. A number of the Council members indicated the time of 9:00 A.M. would be more acceptable.

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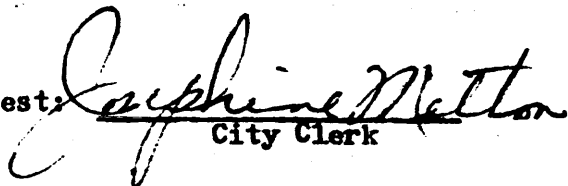
Mr. Rowlands explained to Council that he would like to place Bob Jacobson as a full time employee in the position of Urban Renewal Coordinator. He said Mr. Jacobson has been working together with George Smith for some time and is well qualified for the position.

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There being no further business or comments from the audience, the meeting adjourned at 7:10 P.M.


President of the City Council

Attest:


City Clerk

Mr. Anderson notified the Mayor and Council that he would not be present at the next meeting as there will be an Association of Washington Cities meeting with Governor Rosellini which will last all day.

Mayor Hanson said the City is allowed one voting delegate and one alternate to the American Municipal Association being held in Boston, and should send the names in as soon as possible.

Mr. Anderson moved that Mayor Hanson represent the Council as the delegate and Dr. Humiston as the alternate. Seconded by Mr. Porter. Ayes 8; Nays 0; Absent 1, Bratrud.