

OCT 11 1960

Council Chambers 7:00 P.M.
Tuesday, October 11, 1960

Council met in regular session. Present on roll call 9: Bott, Cvitanich, Easterday, Murtland, Olson, Porter, Price, Steele and Mayor Hanson.

Mr. Steele moved that the minutes of September 27, 1960 be approved as corrected. Seconded by Mr. Cvitanich. Voice vote on the motion resulted as follows: Ayes 9; Nays 0; Absent 0.

HEARINGS AND APPEALS:

The City Planning Commission recommending the denial of the petition submitted by Otto C. Siburg for the reclassification of property located at 9201 Pacific Avenue from an "R-2" District to a "C-1" District. An Appeal has been filed.

Mayor Hanson said the Planning Commission has suggested that November 15, 1960 be fixed as the date for hearing on the appeal.

Mr. Steele moved that November 15, 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

The City Planning Commission recommending the denial of the petition submitted by Carter Lee and Lawrence J. Steele requesting the rezoning of property in the N.E. corner of So. 10th and Woodlawn, rezoned from an "R-2" District to an "R-4" District. No appeal has been filed.

Mr. Steele moved that the Council concur in the recommendation of the Planning Commission that the petition be denied. Voice vote: Ayes 9; Nays 0; Absent 0

This is the date fixed for the hearing on the appeal of Cecil A. Willis, requesting the rezoning of property located at So. 46th and Yakima Avenue from an "R-2" District to a "C-1" District.

Mr. Paul Benson, Assistant Planner, explained that the Planning Commission had recommended denial of this petition mainly for the following reasons:

1. It was not established that a public necessity and the general welfare would be served by this application. Within the present zoned district at South 48th Street, about 50% of the land is not used for commercial purposes. Of the four commercial districts in the vicinity of Yakima - Thompson Avenues between South 38th and So. 64th, 37% of all the land within the commercial districts is not presently used for commercial purposes. A number of potential service station sites are presently to be found in these districts.

2. If the property were zoned commercially as proposed a number of potential traffic congestion problems could be created.

3. A number of the neighboring residents opposed the rezoning.

Mr. Benson said the appeal submitted by Mr. Willis states that improper notices were sent to the surrounding property owners with the incorrect day of the week given. He explained the date was correct on the notice although there was an error made in the day of the week. However, Mr. Lowry, Assistant City Attorney, advised that this was not a sufficient error to invalidate the hearing.

Mr. Robert A. Jacques, Attorney representing Mr. Willis, said a slight error was made in the notices sent out giving the incorrect day of the week of the hearing. As a result the interested parties and surrounding property owners did not receive proper notice that the hearing would be held on the day it was held. He said one property owner appeared and objected to the rezoning. Several telephone

calls also were received objecting to the rezoning. Mr. Jacques said a telephone call proves nothing, as anyone could make such a call.

Mr. Jacques said he is requesting at this time that the City Council refer this petition back to the Planning Commission for reconsideration. He said he felt quite frankly that the presentation was not properly made and they would like an opportunity to accumulate their data and present it again to the Planning Commission. He said this piece of property forms an island. It is situated so as to be a traffic island and is not suitable for a residence. Therefore it is understandable that it would be an ideal spot for a business site such as a service station.

Mr. Easterday said he felt it would be proper for the Planning Commission to rehear this. Therefore he moved that the petition be sent back to the Planning Commission for further study. Seconded by Mr. Cvitanich.

Mr. Steele said he recalls prior discussions before the Council concerning the increase of service stations and the desire to restrict them. He said it would seem that no useful purpose would be served by sending this back to the Commission other than to indicate to them that the Council is in favor of having a service station at that site. He said he certainly does not favor a station in this location and thought the Council should abide by the Planning Commission's decision and deny Mr. Willis's appeal.

Mrs. Olson asked if the error in the hearing date was a major issue.

Mr. McCormick, City Attorney, said it was the Legal Office's opinion that in light of the fact that the day of the month was listed correctly although the wrong day of the week was given and the petitioner was present at the hearing, this was not a sufficient error to invalidate the hearing. Also in light of the Planning Commission's decision to recommend denial, no adverse effect has been rendered the appellant, and in fact if any damage had been rendered it would have been to home owners opposing the rezoning.

Mrs. Olson asked exactly how many protests had been received.

Mr. Benson answered that one property owner had appeared at the hearing to protest and four telephone calls had been received from other property owners protesting. The names of these people are on record.

Mrs. Price questioned the legality of protests received by telephone.

Mr. McCormick said in this type of hearing there are no legal protests. The weight the protests carry, whether received by person or telephone, depends upon the determining body.

Mr. Heritage of 4610 So. Thompson, who was present, said he was the individual who had appeared at the Planning Commission meeting to protest this rezoning. He said Mr. Willis desires that this property be rezoned for a gas station. However, he pointed out, in an eight block radius there are ten gas stations now. He could not see how another one could survive.

Also, he said, basically this is a residential area. The only commercial area has been at 48th and Yakima. He said he has been living in this vicinity for 30 years and in that 30 years the commercial area has deteriorated constantly.

Mr. Steele said Mr. Heritage's remarks bear out his previous observations and he moved the previous the previous question.

Mr. Bott said he did not think the building of gas stations was the issue at all. The Council has no stand on gas stations. However, he added this would be considered spot zoning and the attempt has been to prevent such zoning.

Mayor Hanson said the motion before the Council is to refer the petition back to the Planning Commission. The council could make it very clear that it is not the recommendation that they change their position, but that this is simply granting the petitioner an opportunity of the presentation of further facts. However, it would seem the facts are quite basic and the report seems quite adequate.

Mr. Steele then moved a substitute motion that the appeal be denied. Seconded by Mr. Murtland. Roll call on the motion resulted as follows: Ayes 5; Nays 4; Cvitanich, Easterday, Porter, Price; Absent 0. Motion carried.

Mayor Hanson said the substitute motion to deny the appeal is now before the Council. Voice vote resulted as follows: Ayes 9; Nays 0; Absent 0.

COMMUNICATIONS:

Communication from Russell C. Buehler, Planning Director, regarding waiver of filing fee for the street vacation at the Bryant Elementary School.

Mr. Howlands explained that this is the normal procedure where the Schools are involved.

Mr. Bott moved that the \$100 filing fee for the street vacation at the Bryant Elementary School be waived. Seconded by Mr. Steele. Voice vote resulted as follows: Ayes 9; Nays 0; Absent 0.

RESOLUTIONS:

Resolution No. 16309:

L I D 2319

Fixing Monday, November 14, 1960 at 4:00 P.M. as the date for hearing on L I D 2319 for the grading and oil mat surface on 49th N E to 53rd Avenue N.E. and also on Beeler Plat.

It was moved by Mr. Steele that the Resolution be adopted. Seconded by Mr. Murtland.

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. 16310:

L I D 4670

Fixing Monday, November 14, 1960 at 4:00 P.M. as the date for hearing on L I D 4670 for paving on So. 57th & G; A Street; So. 48th to So. 50th & D Street; So. 64th to So. 70th Street.

It was moved by Mr. Bott that the Resolution be adopted. Seconded by Mrs. Price.

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. 16311:

Fixing Wednesday, November 9, 1960 at 7:00 P.M. for the vacation of property, the 40 foot alley known as Court "A" lying between Pacific Avenue and "A" Street from the present south line of So. 21st to the present north line of So. 22nd Street.

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

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. 16312:

Awarding contract to Coast Contractors for Improvement No. 1980 in the amount of \$204,440.80, which was determined to be the lowest and best bid.

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

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. 16313:

Authorizing and directing the proper officers of the City to execute and deliver to Alvin L. and Jean Morris a local improvement assessment deed upon payment of the sum of \$10.00 for property located on the east side of So. Woodlawn between So. 18th and So. 19th Streets.

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

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. 16314:

Appointing Dr. M. M. Dodge as a member of the Board of Adjustment for the term commencing October 1960 and expiring September 30, 1961, replacing J. Elmer Alskog.

It was moved by Mr. Steele that the Resolution be adopted. Seconded by Mr. Murtland.

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.

Mr. Easterday said at this time he would like to move that a letter be sent commending Mr. Alskog for his service on the Board of Adjustment. Seconded by Mr. Cvitanich. Voice vote resulted as follows: Ayes 9; Nays 0; Absent 0.

Resolution No. 16315:

Authorizing the proper officers of the City to execute an agreement retaining the services of Worthen, Wing, Seifert & Forbes as engineering consultants in the construction of a municipal airport to be built at the Peninsula site.

It was moved by Mr. Steele to amend the Resolution on page 1, 2, 6 and 15 to conform to the City Attorney's recommendation in the Interdepartmental Communication dated October 11, 1960 and which is on file. Seconded by Mr. Porter.

Voice vote was taken on the motion resulting as follows: Ayes 9; Nays 0; Absent 0.

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

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

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Resolution No. 16316:

Authorizing the proper officers of the City to execute a contract with the Tacoma Title co. for title services concerning the Center Street Urban Renewal Project No. Wash. R-1.

It was moved by Mrs. Olson that the Resolution be adopted. Seconded by Mr. Steele.

Mr. Rowlands said there are two substituted pages to be inserted in the contract - page 4 of the contract and also the listing of properties to be acquired.

Mr. McCormick explained that these substitutions are being made at the request of the Seattle office of the title insurance company, who did not review the contract until this past weekend. He said this is all pointed out in the Interdepartmental Communication dated October 10, 1960 from his office.

Mr. Porter then moved to amend the Resolution to conform to the City Attorney's recommendation as pointed out in the Interdepartmental Communication dated October 10, 1960 and which is on file. Seconded by Mr. Steele. Voice vote on the motion resulted as follows: Ayes 9; Nays 0; Absent 0.

It was also requested that the blanks on page 5 be filled in with the exact figures, which are \$25.00 in the item 6 and \$9000 in item c.

Mrs. Price then moved that the sum of \$25.00 be inserted in item 6 and the sum of \$9000 be inserted in item c. Seconded by Mr. Easterday. Voice vote resulted as follows: Ayes 9; Nays 0; Absent 0.

Mr. Bott also moved that the date of October 11th be inserted on page 1 of the agreement as the date the agreement was entered into. Seconded by Mr. Murtland. Voice vote resulted as follows: Ayes 9; Nays 0; Absent 0.

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

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

FINAL READING OF ORDINANCES:

Mr. Rowlands explained that the next three Ordinances, No. 16640, No. 16642 and No. 16643 pertaining to rezoning property to various C-F categories will have to be postponed until the Council takes action of Ordinance No. 16636 which creates the C-F District. As the Council recalls Ordinance No. 16636 was postponed previously to October 25, 1960. Next week there is a scheduled meeting with the Planning Commission to discuss this zoning further. Therefore he suggested that Ordinance No. 16640, 16642 and 16643 also be postponed to October 25, 1960.

Mr. Cvitanich then moved that Ordinances No. 16640, 16642 and 16643 be postponed to October 25, 1960. Seconded by Mrs. Olson. Voice vote resulted as follows:

Ayes 9; Nays 0; Absent 0.

Ordinance No. 16650:

Amending the Official Code of the City relating to Parking Meter stalls and Parking Meter control by amending Sec. 11.24 and 11.28 and repealing Sec. 11.28.200 and adding a new section 11.24.180. Read by title.

Mr. Rowlands said there are a few changes to be made in this Ordinance and he would like to submit a list for the Council members to study. Therefore he

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requested that the Ordinance be postponed for two weeks.

Mr. Steele moved that the Ordinance be postponed for two weeks to October 25, 1960. Seconded by Mr. Cvitanich. Voice vote resulted as follows:

Ayes 9; Nays 0; Absent 0.

Ordinance No. 16651:

Adopting by reference a Uniform Building Code, as amended and repealing Ordinance No. 14734. Read by title.

Mr. Rowlands said a number of copies of this Ordinance was sent to the Labor Council as requested by Mr. Cvitanich.

Mr. Rowlands said there has been one minor change in the Ordinance on page 6 in the third line. Instead of reading "Groups A to H", it should read "Groups A to I".

Mr. Easterday moved that the Ordinance be amended to read "Groups A to I" in place of "Groups A to H". Seconded by Mr. Steele. Voice vote on the motion resulted as follows: Ayes 9; Nays 0; Absent 0.

Mr. Cvitanich asked if the Ordinance could be postponed for one week in order to give all interested persons ample time to thoroughly study the Ordinance and appear before the Council if they so desire.

Mr. Cvitanich then moved that Ordinance No. 16651 be postponed for one week to October 17, 1960. Seconded by Mr. Porter. Voice vote resulted as follows: Ayes 8; Nays 1, Murtland. Absent 0.

Ordinance No. 16652:

Adopting the Final Budget for the year 1961. Read by title.

Mr. Rowlands said these totals reflect action taken last Friday during the Budget hearing.

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

Ayes 9; Nays 0; Absent 0.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16653:

Fixing the amount of tax levies necessary to raise the amount of estimated expenditures, less the estimated revenues from sources other than taxation, for the General Fund. Read by title.

Mr. Rowlands said the particular levies on page 1 indicate the millage levy for a total of 23.84. The breakdown is 1.00 mill for the Fireman's Relief & Pension, 13.50 for General Fund and .50 for General Obligation Bonds for 1959, making a total of 15.00 mills plus General Bond Redemption for 4.55, General Bond Interest for 1.98 and Special Levy (Fire) for 2.31 making a grand total of 23.84. He said this represents the maximum levy available for the property tax plus the excess.

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

Ayes 9; Nays 0; Absent 0.

The Ordinance was then declared passed by the Chairman.

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Ordinance No. 16654:

Providing for the improvement of L I D 2278 for grading and oil mat surface in the vicinity of 49th Street NE from Brown's Point Blvd. to Harbor View Drive. Read by title.

It was explained that at the L I D Committee meeting held on this improvement, September 26, 1960, the L I D Committee recommended that of the original streets scheduled for the improvement only 49th Street N.E. from Browns Point Blvd. to Harbor View Drive be included in the Ordinance creating the district. Several property owners had protested the inclusion of the other streets on the basis that the property was undeveloped. They claimed that the L I D was premature and was requested by promoters who own certain properties in the area.

However, at the same time the Committee also recommended that an initial resolution be prepared creating an L I D for grading and oilmat on the deleted portion, omitting the proposed grading of 33rd Street N. E. The Council acted on Resolution No. 16309 which fixes the date of hearing for November 14, 1960 on this portion.

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

Ayes 9; Nays 0; Absent 0.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16655:

Approving and confirming assessment roll for L I D 2255 for sidewalks on So. and East 56th Street between Pacific and East L Streets. Read by title.

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

Ayes 9; Nays 0; Absent 0.

The Ordinance was then declared passed by the Chairman.

UNFINISHED BUSINESS:

The Director of Utilities presents the assessment roll for L I D 5303 for water mains and fire hydrants in area bounded by So. D; East I; East 64th and East 72nd Streets.

Mr. Bott moved that November 14, 1960 be fixed as the date for hearing on the assessment roll for L I D 5303. Seconded by Mr. Easterday. Voice vote resulted as follows: Ayes 9; Nays 0; Absent 0.

COMMENTS:

Mr. Rowlands said next Monday evening the Legislative District meeting is scheduled in Sumner and it is requested that as many as possible attend the meeting.

Mayor Hanson requested that the Council members meet with him in the Conference Room after the regular meeting to discuss some appointments that will have to be made soon.

Mrs. Price said she definitely felt the Council should set a policy that protests could not be filed over the telephone - that they must be made in writing or in person.

Mayor Hanson asked if there was any objection to setting that policy.

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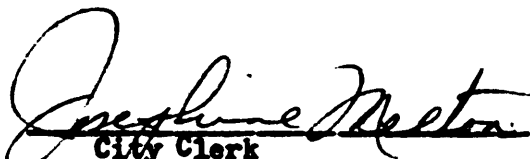
There being none, Mrs. Price then moved that the policy be set that all protests must be made either in writing or in person. Seconded by Mr. Steele.

Voice vote on the motion resulted as follows: Ayes 9; Nays 0; Absent 0.

There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 9:15 P.M.


Mayor of the City Council

Attest:


City Clerk